



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

SCRUTINY COMMISSION

18 December 2025

WARDS AFFECTED:

ALL WARDS

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### Planning Appeals

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Report of the Assistant Director Planning and Regeneration

#### **1. Purpose of report**

- 1.1 To update members on planning appeals for 2024/25

#### **2. Recommendation**

- 2.1 That the report be noted.
- 2.2 That the financial implications of planning appeals and the impact of planning appeals performance be acknowledged.

#### **3. Background to the report**

- 3.1 The Planning Service forms part of the Community Services Directorate. It includes the work areas development management, planning enforcement, regeneration/economic development, conservation/heritage and planning policy. This report sets out an update on planning appeals.
- 3.2 Planning appeals include where a planning application has been refused or where an applicant has appealed against non-determination of a planning application or appealed against a planning enforcement notice served. Planning appeals are processed by the Planning Inspectorate, with Planning Inspectors appointed by the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) to determine appeals.
- 3.3 The format for processing a planning appeal can include through written representations, a hearing or a public inquiry. The majority of planning appeals are considered via a written representations procedure, with larger

scale appeals or those with complex matters to consider heard by way of either a hearing or an inquiry. A hearing will typically last for one to two days and is a structured discussion led by the Inspector whereas an inquiry may last several days and will include an element of cross examination of professional witnesses by legal advocates.

- 3.4 In all three appeal procedures public participation is allowed, through either written responses or addressing an Inspector at a hearing or an inquiry.
- 3.5 An update on progress with planning appeals is presented to Planning Committee as a standing item on the monthly agenda.

#### **4. Appeals**

##### Appeals update

- 4.1 A list of planning appeals from 2024/25 is set out in Appendix A to this report.
- 4.2 Appendix A shows that 29 appeal decisions were received in 2024/245 (down from 34 in 2023/24). Of these 29 appeal decisions, five were for major proposals (proposals above 10 dwellings or above 1000sqm) with the remaining 24 for minor proposals or enforcement appeals. The list of appeals does not include any non-determination appeals, with all decisions made by the Council in determining the application.
- 4.3 Of the 29 appeals in 2024/25, eight of these (28%) were allowed (granted permission) with the other 21 dismissed. Of these 8 allowed decisions, this includes two appeals that were for major proposals and allowed at appeal. These two are highlighted in orange in Appendix A.
- 4.4 At the time of writing, 22 appeals have been determined thus far in 2025/26. Of these, none are major appeals with the appeal decisions split between minor appeals and enforcement appeals. Of the 22 appeals, two have been allowed, and the rest dismissed. None of these decisions received thus far in 2025/26 have been for non-determination appeals.
- 4.5 Of the total appeal decisions received in 2024/25, two of these relate not to planning applications but instead relate to planning enforcement cases, with an appeal received against an enforcement notice served. Of the two planning enforcement appeals, both relate to the same site (Fenn Lanes, Fenny Drayton), with one allowed and one dismissed. These also relate to two planning application appeals at the same site, with both dismissed.
- 4.6 In addition to the appeals listed in Appendix A, Members should be aware that the Council has major appeals outstanding. These include:
  - Land at York Close, Market Bosworth – 100 dwellings – appeal decision awaited;
  - Land north of Station Road, Market Bosworth – 120 dwellings – appeal submitted, start date awaited;

- Land north of Barlestone Road, Newbold Verdon – 240 dwellings – appeal submission awaited;
- Land at Newbold Road, Barlestone – 58 dwellings – appeal submission awaited; and
- Kyngs Golf Club, Market Bosworth – holiday lodges – appeal submission awaited

#### Appeals allowed

- 4.7 Of the appeals allowed in 2024/25 (eight decisions), none of these were against non-determined applications, two were against decisions taken by Planning Committee against the recommendation of Planning Officers (Brascote Lane, Newbold Verdon and Houghton House, Sibson) and six were against either delegated Officer decisions or decisions taken by Planning Committee in line with a recommendation for refusal. Of the outstanding appeals in para 4.6 above, two of these were delegated decisions to refuse, with three decisions taken by Planning Committee contrary to Officer recommendation.
- 4.8 Of the two appeals allowed in 2024/25 for decisions taken by Planning Committee against Officer recommendation, one was a major residential appeal and one was a minor residential appeal. Of the six appeals allowed against delegated Officer decisions, one was a major appeal (The Common, Barwell), with all others minor appeals.
- 4.9 Of the allowed appeals across 2024/25 the key reasons given by Inspectors in allowing planning appeals are:
- Lack of a national policy requirement of a 5 year housing land supply (at the time);
  - Relevant housing target policies of the Local Plan being out of date;
  - Limited or localised only landscape harm;
  - Limited impact on highway safety; and
  - Planning balance giving greater weight to delivery of housing over any identified harm.
- 4.10 In all allowed appeals for major developments, the above factors have been balanced against the benefits of the proposed developments, namely the delivery of housing and affordable housing against an identified shortfall of both in the Borough. As the Council was unable to demonstrate a 5 year housing land supply (currently 3.89yrs) and the relevant policies with regards to housing supply of the Core Strategy are out of date, all recommendations and decisions make reference to paragraph 11 of the National Planning Policy Framework and the presumption in favour of development. This states that planning applications for development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.11 This test of paragraph 11 of The Framework sets a very high bar for the Council to refuse an application. This high bar has been met with appeals in 2024/25 for:

- Barrow Hill Quarry, Earl Shilton (holiday lodges)
- Dawsons Lane, Barwell (change of use)
- Kyngs Golf Club, Market Bosworth (holiday lodges)
- Numerous single dwelling applications in the countryside

In determining these appeals, the Inspectors considered that the harm to the landscape (all) and other material considerations significantly and demonstrably outweighed the benefits of the proposals of the delivery of market and affordable dwellings.

#### Appeal Performance

4.12 Planning appeal performance remains a key requirement of government. Under-performance can lead to government intervention by removing decision-making powers from local planning authorities. The government measures performance at appeal against all decisions over a rolling 2 year period. No more than 10% of all decisions should be overturned at appeal. It should be noted that at the end of the 2 year period there is a further 9 months to take account of an applications still in the appeal system.

Application Type	National Indicator	Performance
Major Applications	10%	10.0%
Non Major Applications	10%	0.8%

**Table 1: Quality of decision making (1 October 2022 to 30 September 2024)**

4.13 Performance on Majors of 10.0% (down from 12.7%) was on the basis that of the 90 major applications determined between October 2022 and September 2024, 11 were appealed and of these 9 were allowed on appeal. The 9 appeals allowed was the 8<sup>th</sup> highest nationally over this period. Of those with a higher number of allowed appeals, only two others are not larger unitary authorities (Cherwell and Wychavon), although both of these processed more applications within the same timeframe (115 and 114 respectively vs 90).

4.14 The performance on major planning appeals is improving, with the current 10% down from 12.7%, with a previous high of 14%. This is due to fall to c.8% in the next update, based on only two major appeals being allowed within the previous financial year. However, as set out in para 4.6, there are a number of major appeals currently awaited.

4.15 Performance on non-majors was 0.8% (up from 0.7%) on the basis that of the 1233 minor applications determined, 45 were appealed and of these only 10 were allowed. The Council is therefore significantly below the 10% which is the level at which the government would intervene in relation to minor and other applications.

- 4.16 The Council received a letter from MHCLG in March 2025 requesting information as to why performance on quality of decision making for major applications (appeals performance) was above the 10% threshold. The Council responded in April 2025, outlining the reasons for and raising queries for a number of appeals allowed to justify the performance figure being below 10%, proposing that a more accurate figure instead should be 7.6% when taking into account exceptional circumstances around three of the allowed appeals (Crabtree Farm, Barwell, Workhouse Lane, Burbage and Land east of Stoke Road and north of Normandy Way, Hinckley). The Council was not designated at the time.
- 4.17 Given the reduction to 10.0%, and with this expected to fall, the Council is not currently anticipating receiving a letter from MHCLG in early 2026. Should this be the case, this will be the first year since 2020 when a letter from MHCLG has not been received with regards to either speed of determination of applications or quality of applications (appeals).
- 4.18 This progress is very welcome, and shows the progress made since 2020. However, it is noted that the 10% threshold equates to approximately three major appeals allowed per year. Should this rise again above this level, and rise above the 10% threshold, then the Council risks designation in the future. It is noted that para. 4.6 as above includes five major appeals either awaited or awaited to be submitted.
- 4.19 To date the Council has not been designated, with this in part to the progress demonstrated at each stage, however, should the 10% threshold be breached again in future years then MHCLG may reach a different conclusion.

## **5. Exemptions in accordance with the Access to Information procedure rules**

### **5.1 Open**

## **6. Financial implications – [CS]**

- 6.1 The current budgeted impact of appeals and historic data is summarised below:

	<b>Budget</b>	<b>Actual costs</b>	<b>Overspend/(underspend)</b>
2020/21	£43,000	£147,582	£104,582
2021/22	£43,000	£274,568	£231,568
2022/23	£43,000	£144,896	£101,896
2023/24	£93,000	£217,224	£124,224
2024/25 *	£145,790	£50,721	(£95,069)
2025/26	£145,790	£2,098 actual to date	(£75,000)

*\*Note: the budget from 2024/25 onwards was increased by £52,790*

6.2 The forecast for 2025/26 is based upon written representations appeals covered by officer time only (no additional costs) and hearings that can cost around £15,000 per hearing. There are no inquiries potentially costing around £50,000+ anticipated for 2025/26 that are not already covered from within the appeals provision. The estimated underspend for 2025/26 has been allowed for in this year's forecast outturn.

6.3 The MTFS assumes that the provision will start to decrease by £25,000 from 2026/27. If appeals costs increase, this will lead to a further pressure on the Council finances.

## **7. Legal implications**

7.1 Set out in the report.

## **8. Corporate Plan implications**

8.1 The planning service contributes to all three priorities of the Corporate Plan, helping People stay healthy and reducing crime; improving Places through improved quality of homes, affordable housing, urban design and heritage facilities; and by delivering Prosperity by supporting town centre regeneration, tourism and economic growth.

## **9. Consultation**

9.1 None

## **10. Risk implications**

10.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

10.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

10.3 The following significant risks associated with these report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
<p>DLS.19 - Recruitment &amp; retention of staff</p> <p>Failure to recruit &amp; retain staff leads to failure to maintain staffing levels within Development Services to deal with works required and increases use of agency staff with associated higher costs.</p> <p>For appeals this could lead to a greater number of non-determination appeals should resources decrease. Further, the resourcing impact of additional appeals on existing resources, financial and staff time need to be considered.</p>	<p>Appointment of recruitment consultants</p> <p>Supporting Officers Careers through training and modern apprenticeships</p> <p>Benchmarking against surrounding authorities to ensure competitiveness.</p>	Chris Brown
<p>DLS.44 - Five year housing land supply</p> <p>Failure leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process</p>	<p>The council to maintain a 5YHLS. All Members have received training and further briefing to this effect. SLT and officers are working closely with Members to plan a positive way forward to address this.</p>	Chris Brown
<p>DLS.51 Housing Delivery Test</p>	<p>DLUHC published the Housing Delivery Test results in January 2021 and the Council has delivered 86% of it's housing requirement HBBC will continue to work on delivering new homes to ensure it does not continue to fail the HDT</p>	Chris Brown

## 11. Knowing your community – equality and rural implications

- 11.1 The planning services takes account of equality and rural issues as part of all the decisions taken.

## **12. Climate implications**

- 12.1 The planning service considers the climate impact of all decisions it takes in accordance with the Council's strategy and Government Policy and Guidance.

## **13. Corporate implications**

- 13.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

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Background papers: None

Contact officer: Chris Brown, Assistant Director Planning and Regeneration  
Executive member: Cllr W Crooks

## **Appendix A – List of planning appeal decisions 2024/25**



## Appendix A – List of planning appeal decisions 2024/25

No.	Application Number	Site Address	Appeal Decision	Officer/Councillor Decision	Date of Planning Decision	Date of Appeal Decision	Type
1	22/01233/FUL	Houghton House, Sheepy Road, Sibson	Allowed	Councillor	10.05.23	10.04.24	Minor
2	22/00199/UNBLDS	Land North of Lindley Wood, Fenn Lanes, Fenny Drayton	Allowed	Officer	16.12.22	24.04.24	Enforcement
3	22/00804/CLE	Land North of Lindley Wood, Fenn Lanes, Fenny Drayton	Dismissed	Officer	22.08.22	24.04.24	Minor
4	22/00725/FUL	Land North of Lindley Wood, Fenn Lanes, Fenny Drayton	Dismissed	Officer	28.07.22	24.04.24	Minor
5	22/00194/UNBLDS	Land North of Lindley Wood, Fenn Lanes, Fenny Drayton	Dismissed	Officer	16.12.22	24.04.24	Enforcement
6	22/00277/OUT	Land East of the Windmill Inn, Brascote Lane, Newbold Verdon	Allowed	Councillor	15.03.22	17.05.24	Major
7	23/00356/FUL	Bancroft, Dadlington Lane, Stapleton	Allowed	Officer	12.04.23	10.06.24	Minor
8	23/00443/FUL	22 Oaks Drive, Newbold Verdon	Allowed	Councillor	22.09.23	13.06.24	Minor
9	22/000556/HEDGE	Sheepy Lodge, Twycross Road, Sheepy Magna,	Split	Officer	27.02.24	03.07.24	Other
10	23/00508/FUL	Kyngs Golf and Country Club, Station Road, Market Bosworth	Dismissed	Officer	17.07.23	08.07.24	Minor
11	23/00767/FUL	Barrow Hill Quarry, Mill Lane, Earl Shilton	Dismissed	Councillor	10.11.23	19.07.24	Major
12	23/00455/FUL	Dawsons Lane, Barwell	Dismissed	Officer	09.11.23	24.07.24	Major
13	24/00016/FUL	Land south of Normandy Way, adjacent 12 Newquay Close, Hinckley	Dismissed	Officer	05.08.24	18.04.24	Minor
14	23/01163/HOU	Cherry Cottage, 24 Kennel Lane, Witherley	Dismissed	Officer	22.02.24	12.08.24	Minor
15	23/01176/FUL	The Water Tower, Roe House lane, Norton Juxta, Twycross	Dismissed	Officer	30.01.24	23.08.24	Minor
16	24/00054/FUL	65A Newbold Road, Barlestone	Dismissed	Officer	17.01.24	05.09.24	Minor
17	23/00535/FUL	Inglenook Farm, Leicester Road, Barwell	Dismissed	Officer	30.11.23	20.09.24	Major
18	23/00168/FUL	Long Eaves, Pinwall Lane, Pinwall	Dismissed	Officer	19.01.24	25.09.24	Minor
19	23/00716/FUL	Land adjacent to Barwell Constitutional Club, Chapel St, Barwell	Dismissed	Officer	24.04.24	28.10.24	Minor
20	24/00338/FUL	Willow Barn, Wykin Lane, Stoke Golding,	Dismissed	Officer	09.04.24	29.10.24	Minor
21	24/00647/HOU	132 Stanlet Road, Hinckley	Dismissed	Officer	28.06.24	19.11.24	Minor
22	23/01195/FUL	Land Northeast of The Hovel, Spinney Drive, Botcheston	Dismissed	Officer	01.02.24	12.12.24	Minor
23	24/00646/HOU	Owl Barn, Brockey Farm, Kirkby Road, Barwell	Allowed	Officer	01.08.24	12.12.24	Minor

24	23/00973/HEDGE	67 Cedar Road, Earl Shilton,	Dismissed	Officer	02.02.24	21.01.25	Minor
25	23/00020/CLE	6 Kingfisher Way, Sheepy Parva	Dismissed	Officer	03.03.23	24.01.25	Minor
26	24/00021/FUL	Poplar Cottage, Little Shaw Lane, Markfield	Allowed	Officer	24.04.24	30.01.25	Minor
27	24/00118/FUL	Land adjacent 10 Wolsey Drive, Ratby	Dismissed	Officer	18.03.24	05.02.25	Minor
28	24/00476/FUL	87B & 87C High Street, Barwell	Dismissed	Councillor	30.07.24	24.02.25	Minor
29	23/01229/OUT	Land East of The Common. Barwell	Allowed	Officer	17.06.24	13.03.25	Major