



Appeal Decision

Site visit made on 16 April 2026

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 13 May 2026

Appeal Ref: 6004703

Land at 72A Newbold Road, Barlestone, CV13 0DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Maruti Developments Ltd against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 22/01048/FUL.
 - The development proposed is the erection of 58 dwellings with associated access works, landscaping, open space and drainage infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 58 dwellings with associated access works, landscaping, open space and drainage infrastructure at land at 72A Newbold Road, Barlestone, CV13 0DY in accordance with the terms of the application, Ref 22/01048/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Contrary to the advice of its professional officers, the application subject of this appeal was refused by the Council's Planning Committee in September 2025. The reason for refusal raised a single issue pertaining to the effect on the living conditions of the occupiers of 66 and 70 Newbold Road¹.
3. Following the decision, the Appellant commissioned a Noise Impact Assessment (NIA) which was carried out by Sharps Acoustics. This found that subject to the erection of an acoustic fence, there would be no significant effect on the living conditions of the occupiers of Nos. 66 and 70. The NIA was subsequently reviewed by the Council's own experts who agreed with its conclusions and recommendations.
4. Consequently, the Council now accepts that there would be no conflict with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 (SADMP), Policy H6 of the Barlestone Neighbourhood Plan (BNP) and the requirements of the National Planning Policy Framework (NPPF) and that planning permission should be granted.
5. The Council cannot demonstrate a five-year supply of deliverable housing sites. The effect of this is two-fold. Firstly, it renders the relevant policies such as 7 and 11 of the Hinckley and Bosworth Core Strategy 2009 (the CS) and SADMP DM4 out-of-date and, secondly, engages the 'tilted' balance in NPPF paragraph 11d).

¹ These properties are located on either side of the proposed access road.

This shifts the planning balance in favour of a grant of consent. Only if the adverse impacts would significantly and demonstrably outweigh the benefits, should permission be refused.

Main Issue

6. The main issue is therefore whether any adverse effects of the development would significantly and demonstrably outweigh the benefits.

Reasons

7. The appeal site comprises approximately 3.67 hectares of agricultural land which abuts the south-eastern settlement boundary of Barlestone. Access to the site is currently taken from Newbold Road via an existing agricultural access track in the north-eastern corner of the site. Given the proximity of built development adjacent to the northern, north-eastern and north-western boundary, the site is physically well related to Barlestone, identified in the Development Plan as a “Key Rural Centre”.²
8. Despite its close physical relationship to Barlestone, the appeal site is outside the settlement boundary and is therefore in the countryside where SADMP Policy DM4 seeks to restrict development to that falling within categories a)-e). Housing is not one of the stated categories. In a similar vein, BNP Policy H2 states that proposals outside the settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies. In light of the above there would be conflict with Policies DM4 and H2.
9. There is disagreement between the Appellant and Council regarding Policy DM4’s consistency with the NPPF. In my view, Policy DM4 seeks to restrict development outside settlement boundaries, as explained in the supporting text, to “*protect the intrinsic value, beauty and open character of the countryside*”. In my view that approach is markedly different to the balanced, cost/benefit approach set out in the NPPF. The balancing of harm against benefit is a defining characteristic of national planning policy embodied in the presumption in favour of sustainable development. Because of this, the inherent presumption in Policy DM4 that housing outside settlements boundaries will be ‘unsustainable’, is inconsistent with the NPPF.
10. Although CS Policy 11 stipulates a minimum provision within Barlestone of 40 new homes within the Plan Period, the parties accept this is not a maximum and does not restrict further residential development coming forward. Accordingly, there is no conflict with Policy 11.

Other Matters

11. While I have carefully considered the representations made by the occupiers of Nos 66 and 70, I must be guided by the evidence. In this case, the evidence is clear that the degree of change for these occupiers would not be unacceptable in planning terms subject to the implementation of appropriate noise mitigation (see condition 5).

² Key Rural Centres are considered the most sustainable locations able to accommodate additional development outside of the Hinckley Urban Area.

12. A range of other concerns have been raised by local residents including the effect on local infrastructure, highway safety, local ecology and the character and appearance of the area. However, I am satisfied that these matters would be addressed by the planning conditions and/or obligations set out below.

Obligations

13. Regulation 122 of the CIL Regulations and NPPF paragraph 58, set out policy tests for planning obligations which must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The s106 agreement dated 11 May 2026 would secure the following:
- Affordable Housing – 40% (24 units) comprised of 6 First Homes, 12 affordable rent and 6 shared ownership homes.
 - An Outdoor Sports contribution of £20,851.20 and maintenance contribution of £9,907.20.
 - Obligations to secure the Equipped Children's Play Space, Casual/Informal Space and Accessible Natural Green Space in accordance with the Council's requirements.
 - A healthcare facilities contribution of £56,144.00 towards the improvement of Desford Medical Centre, Newbold Verdon Medical Practice and Market Bosworth Surgery.
 - A contribution of £1,630.68 to Newbold Verdon Library.
 - Travel Packs to new residents to encourage sustainable modes of travel including 2 x six-month bus passes per dwelling.
 - A Waste Management contribution of £2,872.74
 - A Secondary Education contribution of £13,228.24 to be spent on capacity improvements at The Market Bosworth School.
 - A contribution of £6,268.74. towards construction of a timber deck footbridge over the watercourse of Footpath S38.
 - County and Borough Council monitoring and legal fees
14. In all cases the CIL Compliance Statements set out the detailed background and justification for each of the obligations. I am satisfied from the evidence before me that the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, I have taken the obligations into account in forming the recommendation set out below.

Conditions

15. The parties have suggested a number of planning conditions which I have considered against advice in the Planning Practice Guidance (PPG). In some instances, I have amended the conditions in the interests of brevity, to avoid repetition or to ensure compliance with the PPG.
16. To provide certainty, I have imposed standard conditions covering time limits and the approved plans [Conditions 1-2]. Materials and landscaping conditions are necessary to mitigate the landscape impact of the development and to ensure the

satisfactory appearance of the development [3-4]. I have imposed conditions relating to noise attenuation, construction management and working hours to safeguard the living conditions of local residents [5-8]. Contaminated land conditions are necessary to ensure the land is suitable for a residential use [9-10].

17. Environmental conditions are necessary to safeguard ecology assets on the site and to ensure the development delivers bio-diversity net-gain [11-14]. Highway conditions are necessary in the interests of highway safety and to ensure a satisfactory layout [15-18]. A condition requiring the improvement of the Public Right of Way S38 is necessary to mitigate the impact of development on this important community route [19]. Drainage conditions are necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention [20-21]. An archaeology condition is necessary to protect any archaeological assets that may be present [22]. Details of the Children's Equipped Play Space are necessary to ensure future residents have access to high quality outdoor play space [23]. A condition regarding electric vehicle charging points is necessary to assist the move to a low-carbon future [24].
18. Protection measures for trees and hedges as well as recommendations regarding removal during the nesting season are addressed by the Arboricultural Assessment and therefore captured condition 2. I have omitted these conditions accordingly. I do not consider it necessary for details of cycle parking to be provided for private dwellinghouses. Similarly, I am not aware there have ever been a case where a developer installed clear glazing to a bathroom. As a result, I consider the glazing condition to be unnecessary.

Planning Balance

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the NPPF which can override development plan policy if it is not consistent with the provisions of the NPPF.
20. There would be harm associated with the identified conflict with Policies DM4 and H2. However, for the reasons given, these conflicts carry only **limited weight**. There would be inevitable landscape and visual harm that would arise from any development on greenfield land. In this instance, that harm would be relatively localised given the site's close proximity to Barlestone. Moreover, greenfield sites will need to come forward if the Council is to meet its housing targets. For these reasons I give the landscape harm only **limited weight**. All other concerns raised including the effect on the living conditions of neighbouring occupiers and the effect on local infrastructure can be adequately addressed by conditions and/or planning obligations contained in the s106 agreement.
21. On the other side of the balance, the proposal would provide tangible benefits in the form of housing delivery (58 dwellings, 40% of which would be affordable). This must carry **very significant weight** in an area which is not delivering enough houses to meet the needs of its residents. Other notable community benefits include the delivery of publicly accessible open space in excess of local standards, improvements to footpath S38 which is well used by local residents. The economic benefits include construction employment, resident expenditure in the local

economy and Local Authority revenue benefits in the form of council tax and new homes bonus payments. Environmental enhancements include an 8.53% improvement in habitat units, 17.40% in hedgerow units, and 14.06% in river units. The economic and environmental benefits collectively carry **moderate weight**.

22. Collectively the benefits listed above clearly outweigh the identified harm. The proposed development would therefore constitute sustainable development for which there is a presumption in favour in the NPPF as well as the Development Plan (via Policy DM1).

Conclusion

23. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR

Richborough

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than general accordance with the submitted application details, as follows:
 - Site Location Plan Drawing No M103 (90) 01
 - Proposed Site Layout Plan, Drawing 003 Rev B
 - Landscape Strategy Plan Drawing No DR-L-0001 P09
 - Landscape Typologies Plan Drawing No DR-L-0002 P09
 - Arboricultural Assessment prepared by FPCR dated 07 March 2025
 - Garages - Garden Stores M103(PL)08A
 - House Types Plans F and A M103(PL)01
 - House Types B and C M103(PL)02A
 - House Types D and D1 M103(PL)03A
 - House Types E1 and E2 M103(PL)04A
 - House Types E3 (PL)09
 - Revised House Type E3 M103 (PL)09
 - Alternative Elevations F1-A1-B1-C1 H40(PL)05

Where the above plans and documents include proposed mitigation measures, these shall be implemented in accordance with the approved details, unless otherwise dealt with by conditions to follow.

- 3) No development shall commence until details of the materials to be used on the external elevations of the proposed dwellings and garages have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.
- 4) The scheme shall be carried out in accordance with the approved landscaping plan. The soft landscaping shall be maintained for a period of 5 years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 5) Prior to commencement of development a 1.8m acoustic fence as shown on Figure A2 of the Sharps Acoustics Noise Impact Assessment dated 10.03.2025 shall be implemented and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.
- 6) Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the

investigation of complaints. The agreed details shall be implemented throughout the course of the development.

- 7) No development shall commence on the site until such time as a construction traffic management plan including details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 8) Site preparation and construction shall be limited to the following hours;
 - Monday – Friday 07:30 – 18:00
 - Saturday 08:00 – 13:00
 - No working on Sundays and Bank Holidays
- 9) The remediation works outlined in the submitted Phase II Ground Investigation Report ref 82207-06C and Remediation Statement ref: 82207-07C shall be carried out prior to any development works above foundation level. Verification of the agreed works shall be submitted and agreed in writing by the Local Planning Authority prior to the site first being occupied.
- 10) If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 11) Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Biodiversity Technical Note, Document ref: 10513 Rev. A and the associated 18 June 2025 Update, prepared by FPCR shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs or product descriptions to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) Persons responsible for implementing the enhancement measures; and
 - e) Details of initial aftercare and long-term maintenance (where relevant).
 - f) A lighting strategy in accordance with Guidance Note 08/23 (Institute of Lighting Professionals).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

- 12) No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for

biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following details:

- Identification of potentially damaging construction activities
- Identification of biodiversity protection zones
- Practical measures and sensitive working practices to avoid or reduce impacts during construction
- Timing of works to avoid harm to wildlife
- Responsible persons for overseeing sensitive works
- Use of protective fencing where required

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

- 13) During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- 14) No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:
 - Description and evaluation of the features to be created/managed
 - Aims and objectives of management
 - Appropriate management options for achieving aims and objectives
 - Prescriptions for management actions
 - Work schedule
 - Species/seed mixes to be planted/sown
 - Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

- 15) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on PRP drawing number 024 rev. P4 have been implemented in full.
- 16) Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for the respective dwelling has been implemented in accordance with HUB drawing number 003. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

- 17) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 20 metres of the highway boundary, nor shall any be erected within a distance of 20 metres of the highway boundary unless hung to open away from the highway.
- 18) The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 20 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
- 19) No development shall take place until a scheme for the treatment of the Public Right of Way S38 has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, proposed temporary route(s); any proposed permanent legal diversion; and construction of the new route. Physical construction should address width, surfacing, drainage, structures, signposting, landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers (<https://tinyurl.com/devprowguide>). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.
- 20) No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details. Surface water shall not drain into the Public Highway and thereafter shall be so maintained.
- 21) No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall be maintained in accordance with these approved details in perpetuity.
- 22) No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 23) No development shall commence until a scheme for the provision of Children's Equipped Play Space (LEAP) on site is submitted to and approved in writing by the Local Planning Authority. The scheme shall include the number and type of play equipment items, their design, materials, surfaced path details to the LEAP and a timeframe for implementation. The scheme shall be implemented in accordance with the agreed details.
- 24) Prior to the commencement of development, a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number of units to be provided together with full detail of the location and fitting of the units and shall be implemented in accordance with the approved details.

Richborough