



Appeal Decision

Site visit made on 25 September 2025

by Guy Rigby LLB ACGI CEng FICE FCIHT

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/K2420/W/25/3367598

Land opposite Paddock View, Twycross Road, Sheepy Magna, CV9 3RT

- 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 Mr and Mrs G Pratt against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 25/00081/FUL.
 - The development proposed is Proposed change of use of agricultural land to domestic garden.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has also been made in this case which is the subject of a separate decision.

Preliminary Matters

3. I note that various documents in this case make reference to “Land opposite Paddock View” whereas the appeal site is in fact adjacent to Paddock View, and I have arrived at my decision on this basis.
4. The application documents and the plans before me appear to reflect the extent of the land, although the boundary treatment is not indicated. I have determined the appeal based on the submitted plans and on my observations during my site visit.

Main Issue

5. The main issue is whether the proposed development is supported by local and national policy and its subsequent effect on the character and appearance of the area, in particular the effect of the proposed development on the rural character of the surrounding area and the landscape character of the designated countryside.

Reasons

6. Paddock View is the end property in a row of domestic dwellings adjoining the northern boundary of the Sheepy Magna settlement, on a quiet road in a predominantly rural setting and adjacent to flat to gently rolling arable farmland.
7. The appeal site is a trapezoidal shaped area of land, located immediately north of and adjacent to the side of Paddock View, thereby extending beyond the settlement boundary into designated countryside. During my site visit, I observed that a timber post and rail fence has been erected along the field boundary so the land has been

absorbed into the garden of the appeal property and has to all intents and purposes been domesticated as garden amenity land serving the property.

8. The appeal relates to the change of use of the land from agricultural use to garden to serve Paddock View. The site is bounded to the south by Paddock View itself and a mature hedge running to Twycross Road, and to the east by a mature hedge separating it from Twycross Road, within which there is a field gate. At the time of my visit, the field gate was fenced with wire mesh and not in use, access to the appeal site was through the property and via a gate in the rear garden, and a timber post and rail fence had been erected along the northern and western boundaries in order to enclose the land, which was grassed and no longer in agricultural use.
9. The parties agree that the appeal site lies outside the settlement boundary and is therefore in an area of open countryside, and thus Policy DM4 of the Site Allocations and Development Management Policies DPD, which was adopted in July 2016 (SADMP) applies. Policy DM4 states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. Both parties agree that the appeal scheme conflicts with the policy. I concur.
10. The appeal turns on the appellant's reference to an appeal decision in respect of a nearby property, No. 12 Rodney Gardens, in which a similar scheme for a change of use of agricultural land to domestic garden was allowed by the Inspector (PINS reference APP/K2420/W/23/3317828). While I am not aware of the precise circumstances of that case, it seems to me that a distinction can be made between that site and the proposal currently before me. The current appeal site is in a more visible and exposed location and moreover is less clearly delineated from the wider countryside. While the inspector in the previous case found no actual planning harm from the change of use to domestic garden, it is my view in this case that the encroachment of residential use into undeveloped countryside and consequent potential urbanising effects is contrary to Local Plan Policies DM4 and DM10 and is thus, in itself, harmful.
11. I further note the appellant's citing of an appeal decision dating from 2023 relating to the nearby settlement of Barwell, where the Inspector cited an absence of a five-year housing land supply and deemed the Local Plan policies to be out of date for the purposes of the appeal. However, as the Council correctly points out, this does not of itself render the Local Plan as out of date, and I consider the Council's policies to accord with the National Planning Policy Framework (the Framework). Consequently, its policies are protected by s38(6) of the Planning and Compulsory Purchase Act. Furthermore, the Barwell appeal related to a housing scheme, so in that particular instance the Inspector was applying the tilted balance in accordance with paragraph 11 of the Framework. This appeal does not relate to a housing scheme and I therefore consider that the Barwell appeal has little significant bearing on this case.
12. I therefore conclude that the change of use of the land as domestic garden is in clear conflict with Policy DM4 of the SADMP and I find no material consideration which justifies a decision other than in accordance with it. It would also conflict with Policy DM10 of the SADMP and Parts A, B and C of Policy S8 of the Sheepy Parish Neighbourhood Plan (2022).

13. Policy DM10 says that developments will be permitted where they complement or enhance the character of the surrounding area and Policy S8 says that a development proposal should be designed with evident care so as to respond positively to the character of the area and the features of its setting.
14. In reaching this decision, I have considered whether a suitably worded condition could be imposed which would mitigate any harm. However, from the information before me, I am satisfied in this particular case that such a condition would not be enforceable and would therefore not meet the statutory tests; nor would it address the Council's concerns in respect of the rural setting of the surrounding area.

Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. In my view there is clear conflict with the development plan in that the appeal site lies outside the settlement boundary for Sheepy Magna and I find no material consideration which would justify a decision other than in accordance with the development plan.
16. For the reasons given above the appeal should be dismissed.

Guy Rigby

INSPECTOR

