



Appeal Decision

Site visit made on 22 October 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/T2405/W/25/3366095

Land fronting Hinckley Road, Sapcote, Leicestershire LE9 4LG

- 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 Paul Richardson against the decision of Blaby District Council.
 - The application Ref is 24/0856/FUL.
 - The development proposed is described as “proposed detached dwelling all as detailed on attached drawings.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in a Local Green Space having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Local Green Space;
 - the effect of the proposal on the provision of open space;
 - whether the appeal site would be an appropriate location for the proposal with regards to the Council’s spatial strategy for the area;
 - whether the proposal would make appropriate provision for biodiversity net gain; and
 - on the basis that the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. Policy FV5 of the Fosse Villages Neighbourhood Plan: Update (Made Version) (NP) designates the appeal site as part of a Local Green Space. The allocation, LGS SA10, covers a wider area referred to as Allotments, Hinckley Road, Sapcote.
4. Paragraph 108 of the Framework states that policies and decisions for managing development within a Local Green Space should be consistent with national policy

for Green Belts, excluding provisions relating to grey belt and previously developed land.

5. The appellant considers the appeal site not to perform the five purposes of the Green Belt set out at paragraph 143 of the Framework. Nonetheless, the purposes of the Green Belt are not the criteria used to identify Local Green Space. This is set out at paragraphs 106 and 107 of the Framework. The evidence supporting the designation of LGS SA10 has been tested at examination. The NP has passed a local referendum and was made by the Council in 2021. This designation therefore forms part of the development plan for the area.
6. Paragraph 153 of the Framework sets out that inappropriate development in the Green Belt is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. The same therefore applies to Local Green Space. Paragraph 154 of the Framework goes on to state that development in the Green Belt is inappropriate unless one of a closed list of stated exceptions apply. Again, this policy requirement would extend to Local Green Space.
7. Policy FV5 of the NP is broadly consistent with this approach. It states that development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be supported unless there are very special circumstances which outweigh the harm to the Local Green Space.
8. Except for Hinckley Road, the appeal site is mostly surrounded by the land forming the wider Local Green Space, which abuts housing on Lime Avenue and Rookery Close, as well as land at Strawberry Cottage that benefits from outline planning permission for eight service plots to deliver self-build and custom dwellings. Opposite the appeal site on the other side of Hinckley Road is a large open field and some land with storage containers on, which appeared to be associated with Sapcote Garden Centre.
9. Although the wider Local Green Space contains some urbanising features, such as fencing and some modest buildings and storage containers, it is largely open land. There are appreciable gaps between the appeal site and the adjacent houses that front Hinckley Road, and large lengths of roadside planting mean that there is not a continuous built frontage in this location. Given this, despite the appeal site benefitting from an existing access onto Hinckley Road, I am of the view that the proposal would not constitute infilling. Thus, whether or not it is located within the village of Sapcote for the purposes of paragraph 154 of the Framework, the proposal would not meet exception (e).
10. With regards to exception (g) of paragraph 154 of the Framework, footnote 45 of the Framework is clear that the provisions relating to previously developed land do not apply to decisions for managing development within a Local Green Space.
11. Accordingly, for the reasons above, the proposal would constitute inappropriate development in the Local Green Space.

Openness

12. The appeal site is currently contained by a mixture of wooden closed-board and steel mesh fencing. There are a set of wooden gates at the site entrance onto

Hinckley Road. There did not appear to be any other structures on the appeal site at the time of my visit.

13. The proposed dwelling is a moderate size and would fill a large proportion of the appeal site. This would unavoidably take up a significant amount of space, which is currently open, resulting in appreciable harm to the spatial openness of the Local Green Space.
14. Any visual harm to the openness of the wider Local Green Space would be limited by the fencing and scattered built form across it. Nonetheless, although the proposed dwelling would be set back from the highway, its upper storey and roof would be visible to motorists and pedestrians using Hinckley Road, as well as from the wider Local Green Space. This would result in some moderate and localised harm to the visual openness of the Local Green Space.
15. Accordingly, the proposal would not preserve the openness of the Local Green Space. This would conflict with Policy FV5 of the NP, which seeks to protect the openness of Local Green Spaces and the associated provisions of the Framework.

Open space

16. Policy CS15 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (Core Strategy) seeks to protect existing open space, including allotments, from development.
17. Notwithstanding this, the text supporting the policy recognises that not all facilities are of equal merit and that development on an existing facility could be considered in areas where there is a surplus of a type of facility, which is of low quality and value, with little potential for improvement and could not be used for another type of provision.
18. There is no dispute between the parties that there is an oversupply of allotments within Sapcote Parish of 2.23 hectares. On my visit it appeared that the appeal site and wider Local Green Space were no longer being used as traditional allotments and were not accessible to the public.
19. Nonetheless, there is no substantive evidence to demonstrate that the appeal site is not needed or could not be used for another type of provision. Neither would the proposal provide any alternative provision of equivalent quantity, quality and accessibility, or better, in the local area.
20. Accordingly, the proposal would conflict with Policy CS15 of the Core Strategy. Albeit, given the appeal site only forms a modest part of the open space and is not in demand for use as an allotment, any harm arising from its loss would be limited.

Location

21. Policy CS1 of the Core Strategy sets out the Council's strategy for locating new development. Policy CS5 of the Core Strategy identifies Sapcote as a Medium Central Village, a location where Policy CS1 supports lower levels of growth where the scale of development would reflect the settlement's range of available services and facilities and public transport alternatives. In addition, Development Management Policy 10 of the of the Blaby District Local Plan Delivery DPD (DPD) supports proposals for self and custom build housing in suitable locations.

22. The appeal site is located not far from the built-up area of Sapcote and within walking distance of its facilities and services. While the range of facilities and services available in Sapcote may be limited, given the modest scale of the proposal, it would accord with the strategy set out at Policies CS1 and CS5 of the Core Strategy.
23. Notwithstanding this, the appeal site is outside the limits to built development and is therefore designated as countryside for the purposes of the Council's spatial strategy. Policy CS18 of the Core Strategy and Development Management Policy 2 of the DPD permit development in the countryside only where it would not have a significant adverse effect on the appearance or character of the countryside. This approach is supported by Policy FV8 of the NP, which outside of the limits to built development supports proposals for small scale housing in the most sustainable locations, assessed against the need to retain the countryside. Policy FV8 of the NP also requires these proposals to be accompanied by a landscape and sustainability impact assessment.
24. From my observations on site, the section of Hinckley Road where the appeal site is located is largely dominated by the frequent vehicle movements along it. Notwithstanding this, it provides a transition between the built-up area of Sapcote and the open countryside experienced west of Stanton Lane. The large field opposite the appeal site provides a significant degree of openness to the street-scene. Together with the roadside planting bordering the houses on Rookery Close and Strawberry Cottage, which adds verdancy, this creates a more rural than urban character.
25. The proposed dwelling would be set back some distance from the highway and would not noticeably extend the built form of Sapcote further into the open countryside. While the proposal would erode the openness of the appeal site and urbanise this section of Hinckley Road to a degree, I am of the view that, subject to a condition requiring an appropriate landscaping scheme, the proposal could be successfully integrated with its surroundings. Part views of the proposed dwelling would appear similar to the houses on Rookery Close and Strawberry Cottage and would not be obtrusive in the street-scene. Given this, the proposal would not have a significant adverse effect on the appearance or character of the countryside.
26. Accordingly, the proposal would comply with the Council's spatial strategy set out at Policies CS1 and CS5 of the Core Strategy, as well as Policy CS18 of the Core Strategy and Development Management Policies 2 and 10 of the DPD. Although the absence of a landscape and sustainability impact assessment means that the proposal would not fully accord with Policy FV8 of the NP, it would meet the criteria set out for category B proposals. Therefore, in this case, I afford the conflict with the NP limited weight.

Biodiversity Net Gain

27. Under the statutory framework for biodiversity net gain (BNG), every grant of planning permission is deemed to have been granted, unless exempted, subject to the condition that the biodiversity gain objective is met.
28. The application form states that the proposed dwelling would be self-build. This is one of the exemptions set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 SI 2024/No.47 (the regulations). The regulations provide that "self-build or custom housebuilding" has the same meaning as in section 1(A1) of

the Self-build and Custom Housebuilding Act 2015. In order for the proposed dwelling to benefit from the exemption, it would be necessary to ensure compliance with that definition.

29. The Self-Build and Custom Housebuilding Act 2015 sets out that the primary purpose of the build must be for personal occupancy and that ownership must initially be retained by the self-builder. So as not to undermine the aims of the legislation, this is a matter that reasonably needs to be controlled.
30. I have before me a Unilateral Undertaking that limits the occupancy and ownership of the proposed dwelling to the personal occupancy of the self-builder for the three years following first occupation of the dwelling. The provisions of the Unilateral Undertaking are not disputed by the Council. I am therefore satisfied that the proposal would provide a self-build dwelling and would be exempt from meeting the biodiversity gain objective.
31. Accordingly, the proposal would not fail to accord with the statutory framework for biodiversity net gain, neither would it conflict with Policy CS2 of the Core Strategy, which seeks to ensure that new development takes account of the natural environment. It would also comply with Development Management Policies 1 and 10, which seek to provide the appropriate quantity and mix of housing to meet the needs of the District's current and future populations.
32. The Council's reason for refusal also refers to conflict with Policy CS1 of the Core Strategy. However, the spatial strategy set out in this policy does not include any provisions relating to biodiversity net gain and therefore does not appear to be relevant in this regard.

Other Considerations

33. Paragraph 153 of the Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The same therefore applies to Local Green Space.
34. The proposal would deliver a self-build dwelling within walking distance of local facilities and services. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. It has been put to me by the parties that the latest position is somewhere between 3.50 to 3.53 years. This is a significant shortfall. In addition, there is no dispute between the parties that the Council has granted insufficient permissions to meet the demand for self-build and custom homes in the district. Thus, failing to meet its statutory duty under the Self-Build and Custom Housebuilding Act 2015.
35. Given this, while the proposal is for a single dwelling, it would make a meaningful contribution to the Council's housing supply and its provision of plots for self-build and custom homes. Also, as a small site, it could be built out relatively quickly. I afford this considerable weight in favour of the proposal.
36. The proposal would also have some modest social, and economic benefits resulting from the spending associated with the construction of the new dwelling and its subsequent occupation.

37. I appreciate that the appellant wishes to return to his home village to live close to his family. Nonetheless, there is no substantive evidence before me to demonstrate that there are no means, other than the proposal, to achieve this.
38. I have found that the proposal would be an inappropriate form of development within a Local Green Space, which would harm its openness. Paragraph 153 of the Framework states I should afford substantial weight to any harm to the Green Belt, including harm to its openness. Given the provisions of paragraph 108 of the Framework, this policy requirement would extend to Local Green Space. I have also found that the proposal would harm the provision of open space, albeit this harm would be limited.
39. While the benefits of the proposal are considerable, they would not clearly outweigh this harm. Thus, there are not the very special circumstances necessary to justify the proposal. Accordingly, the proposal would conflict with the aims of the Framework with regards to Local Green Space and Policy FV5 of the NP.

Planning Balance and Conclusion

40. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. In this case, the proposal would result in the loss of a designated Local Green Space that is valued by the local community. The application of policies in the Framework that protect the Local Green Space therefore provide a strong reason for refusing the development proposed. Consequently, the proposal would not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
41. Accordingly, for the reasons above, the proposal would conflict with the development plan, read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR