
Appeal Decision

Site visit made on 27 October 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2026

Appeal Ref: APP/F2415/W/25/3372255

East of Ashby Lane, Bitteswell LE17 4SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Jeremy Street against the decision of Harborough District Council.
 - The application Ref is 25/00540/PIP.
 - The development proposed is described as the proposal is for the erection of a minimum of 5 and a maximum of 9 dwellings of which a minimum of 1 will be a serviced plot for self/custom build.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development and site address above from the application form. Although different to that given on the decision notice, no confirmation has been provided that a change was agreed.

Procedural Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue in this appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

6. Harborough Local Plan (HLP) Policy SS1 seeks to direct development to appropriate locations in accordance with the set-out settlement hierarchy. GD2

sets out criteria for development in sustainable locations and supports minor proposals for housing development where it adjoins an existing or committed site.

7. My attention has been brought to an approved application¹ on a site that adjoins the appeal site (adjoining site). There is a disagreement between the parties on whether this application remains extant.
8. The appellant has provided a range of evidence that seeks to show that the permission for the adjoining site has commenced. This includes photographs of a trench, correspondence from the adjoining site's agent and delivery and invoicing notes. Whilst this submitted information indicates that some activity may have taken place, it does not, either individually or collectively, provide sufficiently robust confirmation that the operations were undertaken in accordance with permission associated with the adjoining site such that they constituted the commencement for the purposes of Section 56 of the Town and Country Planning Act 1990 (as amended).
9. Moreover, at my site visit, there were no visible indications of groundworks or other operational development on the adjoining site. The site appeared to be predominantly grassed over with no readily visible excavation or concreting works, which is consistent with the Council's observations.
10. In the absence of on-site evidence or a certificate of lawfulness, I cannot be sure that the adjoining site permission remains extant. Accordingly, I cannot treat the adjoining site as a committed development for the purposes of this appeal. As such, the appeal site is considered to be located within the countryside for the purposes of the development plan.
11. HLP Policy SS1 identifies that development in the countryside will be strictly controlled. HLP Policy GD4 sets out that new residential development in the countryside will be permitted only where it is in accordance with Policy GD2 or meets the listed criteria. There is no compelling evidence before me which indicates that the scheme would meet any of the exceptions listed. Therefore, the proposal would not be supported under HLP Policy GD4 and would not be in an appropriate location or land use.
12. The appeal site comprises an area of open field which forms part of a broader agricultural field to the east of Ashby Lane. The prevailing pattern of development is of singular linear ribbon development fronting the western side of Ashby Lane. The eastern side of the lane, including the appeal site, given its verdant open appearance, makes a positive contribution to the countryside setting, which is largely free of built form.
13. Detailed design matters would be considered at the second stage. Nonetheless, a development of up to nine dwellings would appear as a detached, isolated incursion of urban form, unrelated to any nearby existing settlements. The proposal would significantly erode the contribution the appeal site makes to the countryside setting and harm the rural character of the area.
14. In view of my findings in relation to the adjoining site permission not being extant, the effect of this proposal on landscape character is not equally applicable, nor would the appeal scheme appear as backland development.

¹ Application numbers: 17/02152/OUT, 21/00654/REM and 24/00648/VAC

15. Moreover, the site also lies within a designated Area of Separation (AoS) as defined by HLP Policy GD6. A development of up to nine dwellings and associated features, including domestic paraphernalia, would harmfully diminish the openness and lack of built form that underpins the function of designation and would reduce the gap between the nearby settlements. This function of the land is also cited when the potential for delivering the wider site for housing was explored as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA). This is likely to be one of the reasons the site was not formally designated for future residential development. Consequently, the proposed amount of development would be inappropriate.
16. In light of the above, the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. The appeal scheme would therefore conflict with HLP Policies SS1, GD4, GD6 and GD8. Amongst other things, these policies seek to restrict development outside settlement boundaries and to promote development that protects, conserves, and enhances landscape character.

Other Matters

17. The site lies within Flood Zone 1, and the appellant suggests that no harm to heritage assets would arise from the proposal. However, both local and national planning policies seek to direct new development to areas least likely to flood and, at a minimum, conserve heritage assets. As such, these matters attract little weight in favour of the appeal.
18. No mechanism to secure a self-build dwelling has been provided, and as such, no weight can be attributed to the provision of a single self-build dwelling.
19. The appellant notes that delivering additional housing in Bitteswell is limited because of the Conservation Area, which contains much of the village. However, there is no substantive evidence before me that this site is the only realistic alternative for delivering housing in the area.
20. Several appeal examples² for permission in principle have been brought to my attention. However, these are not located near the appeal site, and many are for a different number of dwellings. They are therefore materially different to the appeal scheme which I have considered on its own merits.
21. I note the appellant's suggestion that the appeal proposal is dependent upon the adjoining site creating the access to the appeal site. However, I must determine the appeal proposal based on the evidence presented.

Planning Balance

22. The Council confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites, and advanced that the figure is 3.55 years, which the appellant does not dispute. In such circumstances, paragraph 11 d) ii of the National Planning Policy Framework (the Framework) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

² APP/H1840/W/24/3350993, APP/K0235/W/24/3349671, APP/A1530/W/20/3250629, APP/Z0923/W/20/3246227, APP/W1145/W/21/3269210, APP/X0360/W/18/3216234, APP/Q3305/W/21/3274855, APP/A3010/W/22/3304294

23. In terms of benefits, the appeal scheme would provide potentially nine dwellings on what the appellant states is underutilised land. The Framework supports housing delivery, and therefore this benefit weighs in favour of the proposal. As a small/medium-sized site, it could also be built out reasonably quickly. There would be associated economic benefits during the construction of the dwellings and related employment for its duration, as well as future occupiers' spending in the local economy. Future residents would also be active in the local community. Taken together, these benefits weigh heavily in favour of the proposal, albeit the limited number of dwellings proposed means that they attract only modest weight in favour of the proposed development.
24. Given the limited details before me, little weight is attached to any potential environmental benefits.
25. The proposal would be located within the countryside and would therefore be contrary to the spatial strategy for the location of housing. Given the level of housing shortfall within the borough, I ascribe moderate weight to the conflict with HLP Policies SS1 and GD4.
26. However, as I have set out, the proposal would be harmful to the character and appearance of the area, including the function of the AoS. The Framework seeks to ensure that development is sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, the conflict between the proposal and HLP Policies GD6 and GD8 should be given significant weight in this appeal.
27. Thus, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

28. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

A Hickey

INSPECTOR