
Appeal Decision

Site visit made on 15 December 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2026

Appeal Ref: APP/G2435/W/25/3372577

Land south of Leicester Road, New Packington LE65 1TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Brank against the decision of North West Leicestershire District Council.
 - The application Ref is 25/00410/OUT.
 - The development proposed is erection of two self-build detached dwellings (Outline application with all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline with all matters reserved for future approval. I have treated the submitted layout plan as illustrative.
3. Subsequent to the Council issuing its decision, the Ashby de la Zouch Neighbourhood Plan Review (January 2025) (NP) has been approved at referendum and now forms part of the development plan. During the appeal the Council also provided an update on its self and custom-build demand and supply position. The appellant was given an opportunity to provide comments, and I have had regard to these in my decision.
4. The Government is currently in the process of consulting on proposed amendments to the National Planning Policy Framework (the Framework). The draft revised Framework could be subject to significant amendments following the conclusion of the consultation and therefore it has little weight in my assessment of the current appeal. Instead, the extant version of the Framework has been considered.
5. The appellant has submitted a planning obligation to secure the development as self or custom build. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 58 of the Framework set out the relevant tests. I am satisfied that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind. I have therefore taken it into account in my determination of the appeal.

Main Issue

6. The main issue is whether the location of the development would be appropriate for housing having regard to the spatial strategy of the development plan, the effect of the proposal on the character and appearance of the area and accessibility by sustainable transport.

Reasons

7. NP Policy G1 provides that land outside the defined Limits to Development will be treated as open countryside, where development will be carefully managed in line with local and national strategic planning policies. Policy H5 of the NP states that development proposals for self-build or custom build schemes that are in conformity with the Policies of this Neighbourhood Plan and are within the Limits of Development will be viewed positively. The appeal site lies outside the defined limits and is therefore located within the open countryside for the purposes of the NP.
8. North West Leicestershire Local Plan (LP) Policy S2 sets out the settlement hierarchy for the district, with growth being directed to settlements higher up the hierarchy than those lower down. Additionally, the type of development proposed must be appropriate to the scale and character of the settlement and its place in the hierarchy.
9. The appeal site comprises a largely undeveloped field in New Packington. The appellant contends that, as the settlement of New Packington is not separately listed in Policy S2, it falls within the settlement of Ashby de la Zouch for the purposes of the policy. However, the two settlements appear physically separated by the A42 and some limited open areas. New Packington is largely a small, ribbon group of dwellings with very limited services and facilities. Having regard to its form, scale and functional characteristics, it does not read as part of Ashby de la Zouch but as a separate hamlet within the countryside for the purposes of Policy S2. New Packington is therefore considered to be in the countryside for the purposes of LP Policy S3.
10. LP Policy S3 sets out a number of specified uses (a) to (s) which are supported in the countryside. The proposal does not fall within any of these exceptions. Policy S3 also requires development that accords with a specified use to meet the six criteria to be supported in the countryside. The Council have raised concerns over the proposals accordance with criteria (i), (iii) and (vi).
11. The appeal site is an open field bounded by hedging and fencing along Leicester Road and Coleorton Lane. To the northwest lies a small ribbon of residential development forming the built edge of New Packington. The open and verdant character of the site provides a clear transition between the settlement and the wider countryside, contributing positively to the rural setting of the area.
12. Although detailed design matters are a reserved matter and the development would not occupy the entirety of the field, the introduction of two dwellings on this currently open field would extend the linear pattern of development along Leicester Road. This would erode the settlement edge and result in incremental encroachment into the countryside, urbanising the site and exacerbating ribbon development. The proposal would therefore conflict with criteria (i) and (iii) of Policy S3.

13. LP Policy S3 criterion (vi) requires the proposed development to be accessible, or to be made accessible, by a range of sustainable transport. The site lies in an area with very limited local services and facilities, with Ashby de la Zouch being the closest location for future residents to meet their everyday needs.
14. While there is a footway linking the appeal site towards Ashby de la Zouch, this is largely unlit and involves distances that would discourage regular walking, particularly during hours of darkness or adverse weather. This would also apply to access to bus services and to the use of public rights of way. Even taking into account the potential for cycling, this would constitute a single sustainable mode and would not constitute a genuine range of sustainable and accessible transport options. Future occupiers would therefore be heavily reliant on the private car, contrary to Policy S3 criterion (vi).
15. My attention has been drawn to a self-build appeal¹ in the same District. However, the Inspector in that case found that the scheme would be accessible by a range of sustainable transport options, which contrasts with my findings above. I also note the findings of the Inspector in the appeal at Whitegate Stables. Whilst I do not have the full details, the appeal was for Gypsy and Traveller accommodation and was closer to some services and facilities in Packington and is therefore materially different.
16. The scheme at 86 Leicester Road involved a change of use to offices. The Roxton Road scheme was an application for permission in principle in a different borough, where there was an inadequate supply of deliverable housing land. Similarly, the Newland Lane appeal was in Worcestershire some distance from the appeal site, making these schemes materially different. The appellant's evidence also identifies a number of self-build schemes approved by the Council. I have not been provided with sufficient details to confirm that they are comparable to the scheme before me. Notwithstanding this, each case must be determined on its individual merits and site-specific circumstances.
17. For the reasons above, the location of the development would not be appropriate for housing, having regard to the spatial strategy of the development plan. It would not be accessible by a range of sustainable transport, and it would have an adverse effect on the character and appearance of the area. It therefore conflicts with Policies S2 and S3 of the LP. There would also be a conflict with NP Policies G1 and H5, which, among other matters, seek to ensure that proposals do not impinge on the local countryside, avoid unsustainable locations, and preserve the integrity of villages and hamlets. I attach significant negative weight to these conflicts.

Other Matters

18. The site lies within the catchment area of the River Mease Special Area of Conservation and Sites of Special Scientific Interest. Given my findings above, I have not considered this matter further as I have found the scheme to be unacceptable for other reasons and in any event, this would not have amounted to a benefit but mitigated harm.
19. The Council has not identified harm in relation to a number of matters, including living conditions, highways, drainage, flooding, ecology and trees. Nevertheless, a

¹ APP/G2435/W/24/3348375

lack of harm is, by definition, neutral and so cannot weigh for or against the proposal.

20. I have also noted representations in support of self-build housing, including from the Member of Parliament, and the absence of objection from the Town Council. While these are material considerations, they do not outweigh the identified conflicts with the development plan.

Planning Balance

21. 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.
22. There is no dispute between the main parties that the Council can demonstrate a five-year supply of deliverable housing sites. However, the Council accept that there is a significant unmet demand, or shortfall, of 46 self and custom-build plots in the District. Accordingly, the proposal would help to address the provisions of the Self Build and Custom Housebuilding Act 2015 (as amended), which includes a duty on Council's to give enough permissions to meet the identified demand.
23. The Framework notes that small and medium-sized sites can be built out quickly and make an important contribution to meeting the housing requirements of an area, including on windfall sites. In light of the level of shortfall for self/custom build dwellings, I attach significant weight to the scheme. However, given that the proposal would only provide two self/custom-build dwellings against the shortfall, such a benefit only attracts modest weight in favour of the proposal.
24. Given the scale of the scheme, there would also be some modest economic benefits during the construction and occupation of the dwellings, and from potential environmental benefits. Social benefits to the community would be minimal, given the limited addition of two additional dwellings.
25. However, the proposal's location would be contrary to the spatial strategy set out in the development plan, and it would not be in a location that is accessible by a range of sustainable modes of transport. As such, it would conflict with the Framework, which seeks to promote sustainable development in rural areas and in sustainable locations.
26. It would also harm the character and appearance of the area. As such, it would fail to achieve the Framework's objectives, which seek development that is sympathetic to local character, including the landscape setting to which I attach modest weight. There would also be some very limited harm due to the loss of a small area of Grade 3 (Good to Moderate) agricultural land, which could be used for food production.
27. The appellant asserts that the level of harm needs to be considered in the overall planning balance when assessed against the policies of the Framework taken as a whole. Even if I were to agree with the appellant's suggestion, I find that the proposal's adverse impacts significantly and demonstrably outweigh its benefits. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

28. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR