

# **Dadlington Neighbourhood Development Plan**

A report to Hinckley and Bosworth Borough Council of the  
Independent Examination of the Dadlington Neighbourhood  
Development Plan

Copy to Dadlington and Sutton Cheney Parish Council

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## Summary of Main Findings

This is the report of the Independent Examination of the Dadlington Neighbourhood Development Plan. The plan has been prepared by Dadlington and Sutton Cheney Parish Council. The plan relates to the Dadlington Polling District which was designated as a Neighbourhood Area on 14 October 2019. The plan area lies within the Hinckley and Bosworth Borough Council area. The plan period runs until 2041. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for housing development. As the Neighbourhood Plan was submitted to the Borough Council before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I have undertaken this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

## **Neighbourhood Planning**

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Dadlington Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Dadlington and Sutton Cheney Parish Council (the Parish Council). Dadlington Polling District was designated by Hinckley and Bosworth Borough Council (the Borough Council) as a Neighbourhood Area on 14 October 2019. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Dadlington Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan preparation process was led by a Neighbourhood Plan Committee of the Parish Council supported by consultants Planit-X Town and Country Planning Services.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council at its meeting on 14 November 2024, and submitted to the Borough Council in January 2025. The Borough Council arranged a period of publication between 7 March 2025 and 22 April 2025. The Borough Council sent me an appointment contract on 19 August 2025, and subsequently submitted the Neighbourhood Plan and necessary other documents to me for independent examination which commenced on 22 August 2025.

## **Independent Examination**

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the Borough Council including a recommendation as to whether the Neighbourhood Plan should proceed

to a local referendum. The Borough Council will decide what action to take in response to the recommendations in this report.

6. The Borough Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the Borough Council subsequently decide the Neighbourhood Plan should not be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the Borough Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the Borough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or

- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect, and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”

13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case, and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations and the level of detail contained within the submitted Neighbourhood Plan and other documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations and comments; and an unaccompanied visit to the Neighbourhood Area.

14. This report should be read as a whole and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, including in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by the Borough Council on 14 October 2019. A map of the Neighbourhood Area is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure

projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period runs until 2041. The plan period is confirmed in paragraph 1.17 of the Neighbourhood Plan.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

## **Documents**

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:



- Dadlington Neighbourhood Plan 2020-2041 Submission Version
- Dadlington Neighbourhood Plan Basic Conditions Statement January 2025 [In this report referred to as the Basic Conditions Statement]
- Dadlington Neighbourhood Plan Consultation Statement January 2025 [In this report referred to as the Consultation Statement]
- Dadlington Neighbourhood Plan Strategic Environmental Assessment Screening Statement January 2023
- Dadlington Neighbourhood Plan SEA and HRA screening determination Notice 27 January 2023
- Information available on the Dadlington and Sutton Cheney Parish Council website including evidence base documents
- Information available on the Hinckley and Bosworth Borough Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and Hinckley and Bosworth Borough Council and the Parish Council including: the initial letter of the Independent Examiner dated 22 August 2025; the comments of the Parish Council on the Regulation 16 representations of other parties that I received on 8 September 2025
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- Hinckley and Bosworth Core Strategy (2009) and Site Allocations and Development Management Development Plan Document (2016)
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016

- Conservation of Habitats and Species and Planning Regulations 2017 (as amended)

## Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. Publicity has been achieved throughout the entire plan preparation process through a dedicated page on the Parish Council website. In January 2021 a questionnaire survey of all households in the Neighbourhood Area was undertaken to identify important issues and opinions. The 97 completed questionnaires received informed the preparation of the pre-submission draft Neighbourhood Plan.
28. In accordance with Regulation 14 the Parish Council consulted on the pre-submission draft Neighbourhood Plan between 26 February 2024 and 8 April 2024. The consultation on the pre-submission draft Plan and supporting documents was publicised on the Parish Council website and a leaflet was delivered to all premises. An email was sent to other stakeholders, including statutory consultees. A drop-in session was held in the Village Hall. The Consultation Statement includes in Appendix 3 a Table that details the 14 responses received from all parties and sets out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to the Borough Council.
29. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 7 March 2025 and 22 April 2025. Publicity was achieved through the Borough Council website and by making hard copies of the submission documents available at the Hinckley Hub (on request) and at Hinckley Library. Representations were submitted during the Regulation 16 period of publication from a total of eight different parties.
30. The Borough Council has submitted Officer comments which contained much useful information that has assisted this Independent Examination, and suggestions to update and improve the clarity of the Neighbourhood Plan. The representation includes specific comments with respect to Policies D1, D2, D3, D5, D6, D7, D8, D9, D10 and D11, as well as comments regarding elements of general text. The Borough

Council suggests references to the preparation of the new Local Plan should be updated. I refer to this matter in the Annex to my report.

31. Natural England and the Canal and Rivers Trust have confirmed no specific comments; Historic England has offered general advice; National Highways considers it is unlikely the Neighbourhood Plan will have an adverse impact on the Strategic Road Network; the Environment Agency has identified two closed landfill sites, namely Hall Farm Landfill and The Green landfill as having high probability of being contaminated where any redevelopment of those areas of land should take place in a way which does not pose a pollution risk to the water environment; and Leicestershire County Council has submitted general representations relating to a range of topics.
32. Pegasus Group has submitted a representation on behalf of a client relating to a site (approximately 1.9 hectares of agricultural land) west of Hinckley Road, south of the village of Dadlington, proposing deletion of Policy D2, and objecting to “the lack of positive planning for the village housing needs”.
33. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where suggestions in representations are necessary for the Neighbourhood Plan to meet the Basic Conditions, I have recommended modifications either in respect of individual policies or in the Annex to my report. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.
34. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council submitted comments to me on 8 September 2025 in this respect. I have taken those comments into consideration but not necessarily included them all in my report.

35. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
36. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Committee has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

37. This section of my report considers whether the Neighbourhood Plan, when considered as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

**Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

38. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. The Equalities Impact Assessment presented in Appendix 1 of the Basic Conditions Statement finds the policies of the Neighbourhood Plan will have neutral or positive impacts, and no negative impacts, on groups with protected characteristics as identified in the Equality Act 2010.
39. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
40. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Hinckley and Bosworth Borough Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
41. The Dadlington Neighbourhood Plan Strategic Environmental Assessment Screening Statement January 2023 concludes that it is unlikely there will be any significant environmental effects arising from the Neighbourhood Plan and therefore does not require a full Strategic Environmental Assessment to be undertaken. The statutory consultees did not disagree with the conclusion reached. I have examined the Strategic Environmental Assessment Screening Statement and have no reason to disagree with its conclusion which led to the Borough Council issuing a Screening

Determination on 27 January 2023. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

42. The Dadlington Neighbourhood Plan Strategic Environmental Assessment Screening Statement January 2023 considers Ensor's Pool Special Area of Conservation located approximately 9.5 km from the Neighbourhood Area, and the Rutland Water Special Protection Area located 46.5 km east of the Neighbourhood Area and concludes "It is the opinion of Hinckley & Bosworth Borough Council that a full Habitats Regulations Appropriate Assessment of the Dadlington Neighbourhood Plan is not required, as it is unlikely to have a significant effect on any designated sites". The Statutory consultee Natural England agrees that the Plan would be unlikely to result in any significant effect to European Sites, either alone or in combination, and therefore an appropriate assessment under the Habitats Regulations is not required. The Borough Council issued the Dadlington Neighbourhood Plan SEA and HRA Screening Determination Notice on 27 January 2023. I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.
43. There are other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
44. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
45. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The Borough Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
  - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

**Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development**

46. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
47. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
48. As the Neighbourhood Plan was submitted to the Borough Council before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I must undertake this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023. References to the Framework in my report refer to that version. I have considered the Planning Practice Guidance in that context.
49. Section 2 of the Basic Conditions Statement demonstrates how the Neighbourhood Plan and its policies have regard for the Framework. Subject to recommended modifications contained within my report I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
50. The Neighbourhood Plan includes in section 3 a positive vision for Dadlington in 2041 with economic, social, and environmental dimensions. The policies of the Neighbourhood Plan seek to ensure the vision is achieved. The Policies Maps for the Neighbourhood Area and for Dadlington Village illustrate the spatial application of the policies.
51. The Neighbourhood Plan includes in paragraph 1.25 a statement that non-planning issues including traffic management and improvements to services had been identified through the process of preparing the Neighbourhood Plan. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy and the

statement those community projects are being addressed by the Parish Council separately from the Neighbourhood Plan represents good practice. I am satisfied the approach to wider community aspirations than those relating to the Neighbourhood Plan is consistent with the Guidance. I can confirm the community actions have not been subject to Independent Examination.

52. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan."

53. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, "This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions."

54. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

55. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Paragraphs 3.3 and 3.4 of the Neighbourhood Plan refer to the requirement for sustainable development and state the Plan shows what sustainable development in Dadlington means in practice. The Table contained within paragraph 3.2 of the Basic Conditions Statement demonstrates ways in which the policies of the Neighbourhood Plan support the economic, social, and



environmental aspects of sustainable development by referring to relevant sections of the Framework. The statement does not highlight any negative impacts of the Neighbourhood Plan policies.

56. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Designate three Local Green Spaces;
- Identify areas of separation and establish a policy approach to development proposals within them;
- Ensure development is sensitive to open landscape and locally important views;
- Ensure development protects and enhances the Green Infrastructure Network, including its biodiversity value;
- Establish development should not harm the identified network of local ecological features and habitats and establish priorities for biodiversity enhancement;
- Identify features of local heritage interest and ensure their significance and harm to them are considered when determining development proposals;
- Establish design principles for development;
- Establish support for development within the new identified Dadlington Settlement Boundary and establish criteria for support of development outside that boundary;
- Ensure new dwellings meet local housing needs for smaller low-cost homes for sale and establish criteria for support of housing with more than three bedrooms;
- Establish criteria for support of proposals to re-use, adapt or extend rural buildings for business use; and
- Establish conditional support for development that enables home working.

57. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

58. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.
59. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Borough Council has confirmed the Development Plan applying in the Dadlington Neighbourhood Area and relevant to the Neighbourhood Plan comprises the Hinckley and Bosworth Core Strategy adopted in 2009, and the Site Allocations and Development Management Policies DPD adopted July 2016.
60. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The Borough Council has advised me that Appendix 3 of the Site Allocations and Development Management DPD identifies what are regarded by the Local Planning Authority as the strategic policies of the Local Plan (2006 - 2026). I have proceeded with my independent examination of the Neighbourhood Plan on the basis that the relevant Development Plan strategic policies are:
- Core Strategy Policies – CS Policy 1 to CS Policy 24 inclusive;
  - Site Allocations Policies – SA Policy 1 to SA Policy 5 inclusive; and
  - Development Management Policies – DM Policy 1 to DM Policy 25 inclusive.
61. The Borough Council has commenced the preparation of the new Local Plan 2024 - 2045. The Borough Council has advised me a Regulation 18 version was consulted on in Summer 2024 and that a further Regulation 18 consultation will commence in October 2025.
62. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although

a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

63. The Guidance states “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.” The approach of the Borough Council and the Parish Council has been consistent with that guidance. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the Local Plan review when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. To satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan review is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the

neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan.”

64. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the entire development plan.

65. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

66. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the Tables presented in paragraphs 4.7 and 4.8 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## The Neighbourhood Plan Policies

67. The Neighbourhood Plan includes 11 policies as follows:

- Policy D1: Local Green Space
- Policy D2: Areas of Separation
- Policy D3: Landscape and Locally Important Views
- Policy D4: Green Infrastructure
- Policy D5: Ecology and Biodiversity
- Policy D6: Features of Local Heritage Interest
- Policy D7: Design
- Policy D8: Windfall Housing Development
- Policy D9: Meeting Local Housing Need
- Policy D10: Business Conversion of Rural Buildings
- Policy D11: Working for Home

68. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

69. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

70. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding

unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

71. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
72. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.
73. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”
74. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need”. “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
75. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

## **Policy D1: Local Green Space**

76. This policy seeks to designate three specified sites as Local Green Space and establish a basis for determination of development proposals affecting them.
77. The Borough Council state “the aim of the policy is rather unclear, i.e. is it a ‘protection of public open space’ policy, or is it a ‘protection of the character and/or historic environment’ policy? The wording could be clearer on that matter, showing the policy’s intent with greater reference to the NPPF (i.e. Paras 88, 103 and 104 for Public Open Space, where applicable, or Paras 106-108 for Local Green Space (LGS)). The designation LGS is demonstrably different to Open Space, therefore the clarity of the policy is imperative. There could also be issues with multiple designations covering one area, i.e. Local Plan Open Space designations, LGS and heritage designations. For example, is the special character of the Church and its associated open space covered sufficiently by Site Allocations and DM Policies DPD (SADMP) Policy DM8, and its Grade II\* Listing? Does it require a further, more weighty, designation of LGS? Overall, HBBC feel like it would be advantageous for the intent to be clarified, as it would be good to know whether the PC feels this policy is required over and above Policy DM8 of the SADMP. The evidence supporting the designation of the LGS is brief, but can be found on the Parish Council’s website. LGS’s need to clearly demonstrate that they meet the criteria set out in NPPF paragraph 107; a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.”
78. When commenting on the Regulation 16 representations the Parish Council state “references to Site Allocations and DM Policies DPD (SADMP) Policy DM8 are largely irrelevant as the SADMP was adopted some years prior to the introduction of the Local Green Space designation in the 2012 NPPF”. I have noted the SADMP front cover states it was adopted in July 2016.
79. The Borough Council website refers interested parties to additional information regarding the Neighbourhood Plan available on the Parish Council website. The Parish Council website includes detailed information relating to each of the proposed Local Green Spaces. The information presented includes a location map; a photograph; statements relating to need for Local Green Space, planning history, size and nature of the site; and evidence relating to criteria for designation set out in the Framework.

80. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Map 2 and the Policies Maps of the Neighbourhood Plan. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the proposed Local Green Spaces. The scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.
81. The references to “special character” and “significance and value to the local community” in Policy D1 does not have sufficient regard for national policy. Decision makers must rely on paragraph 107 of the Framework that states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 152 to 156. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). I have recommended a modification in this respect.
82. Paragraph 105 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”
83. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The Neighbourhood Plan refers to the protection of identified important local services under strategic Policy DM25, and provides for investment in homes and jobs, of a type, and at a scale appropriate to the Neighbourhood Area and its role as a rural hamlet in terms of the strategic planning policies. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.



84. Paragraph 106 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.
85. The submission Neighbourhood Plan includes in paragraphs 4.2 to 4.6 information which seeks to justify the proposed designations as Local Green Space. I have also referred to the additional information on the Parish Council website that includes evidence relating to criteria for designation set out in the Framework. Relevant reasons for designation are indicated as applying in respect of each site, including matters referred to in the Framework. I have visited each of the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.
86. The Borough Council has raised the question whether Policy D1 is required over and above Policy DM8 of the SADMP, and questioned the need for multiple designations for example Local Green Space designation where heritage designations already apply. Policy DM8 serves a different purpose to Local Green Space designation. That policy seeks to safeguard total provision of open space sport and recreation facilities and provides for loss of such facilities where suitable replacement is made or it is demonstrated there is a surplus of those facilities exceeding the needs of the community. Policy DM8 also provides for development of a small part of a larger site in recreational use where that would result in enhancement of recreation facilities on the remainder of the site or nearby serving the same community. This is very different to Local Green Space designation which relates to protection of green areas that are of particular importance to a community. The regime set out in the Framework, relevant to the conservation and enhancement of heritage assets also establishes a very different approach to that arising from designation as Local Green Space which is seeking to rule out new development other than in very special circumstances. Similarly, where the proposed Local Green Spaces are subject to other existing designations these do not precisely replicate the aims of, nor preclude, a designation as Local Green Space. I find Policy D1 will perform a legitimate role that does not duplicate other policies.

87. The areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.
88. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
89. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 1:**

**Replace Policy D1 with "The following sites, identified on Map 2 and the Policies Maps of the Neighbourhood Plan, are designated as Local Green Space:**

- 1. The Church of St James the Greater Churchyard;**
- 2. The Green; and**
- 3. Ballis Hole.**

**The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt."**

**Policy D2: Areas of Separation**

90. This policy seeks to retain the open character of the Dadlington and Stoke Golding Areas of Separation identified on Map 2 and the Policies Maps of the Neighbourhood Plan. The policy seeks to establish that development which adversely affects the open character of this area or the character and setting of Dadlington or Stoke Golding will not be supported.
91. The representation of Pegasus Group on behalf of a client refers to paragraph 14 of the Framework and objects to "the lack of positive planning for the village housing needs", and recommends the Parish Council should consider allocating their client's site referred to as Land West of Hinckley Road (approximately 1.9 hectares of agricultural land) for development, in full or in part, to meet local housing needs. The representation includes an illustrative development scheme of one possible way development could be achieved. It is not within my role to consider the relative merits of any potential development proposals, nor is it within my role to balance those

merits against any inherent detriments or shortcomings that any proposals may have. I have earlier in my report explained I am not examining the tests of soundness provided for in respect of examination of Local Plans. My role is to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. To meet the Basic Conditions, there is no requirement that the Neighbourhood Plan should include a site allocation for new housing development. I consider the issue of meeting local housing needs in the context of Policy D9 later in my report.

92. The representation of Pegasus Group on behalf of a client objects to Policy D2 stating it lacks convincing justification, and is superfluous by seeking to 'double up' the countryside's existing protection, with reference to Policy DM4 of the Site Allocations and Development Management Development Plan Document. It is stated Policy DM4 refers to "significant adverse effect on open character" but Policy D2 refers to "adverse effect". The representation refers to paragraph 036 of the Guidance relating to proportionate evidence in identifying the special characteristics of landscapes that have a particular local value.
93. The Borough Council state "Although HBBC support the area of separation, as we did with Stoke Golding's Neighbourhood Plan, the Dadlington Neighbourhood Plan has not justified the reasoning for this specific policy, i.e. has it special character or landscape, or is it solely to prevent the merging of settlements? Presuming it is the latter, more explanation in the text at paras 4.7 and 4.8 would be preferable. The size of the area of separation also isn't justified in the evidence base, therefore explanatory text on how the area was chosen would have been useful. In addition, similar to comments at Reg 14, the term 'inappropriate uses' is not defined by the neighbourhood plan. Does this policy follow the criteria-based Policy DM4 for the definitions of what is appropriate/inappropriate in this area? If so, is this policy needed above and beyond DM4 if no further reasoning is given for the designation (other than it being countryside and preventing the merging of settlements)."
94. Commenting on the representations of other parties the Parish Council states "The justification for Policy D2 is set out in Draft Neighbourhood Plan paragraphs 4.7 and 4.8 which makes it clear that the communities of both Dadlington and Stoke Golding agree that the maintenance of the separation of the built-up areas is crucial to the identities of the settlements. It is clear from the Borough Council's Strategic Housing and Economic Land Availability Assessment and the representation on behalf of (the client of Pegasus Group) that the separation of the two settlements is at risk. The precise boundary of the "area of separation" has emerged through the plan-making process and has taken account of the Area of Separation designated by the Stoke Golding Neighbourhood Plan (Policy SG8). Seeking to prevent development that adversely affects the character of an area is not the same as preventing any

development in that area. Sustainable development could occur in the area identified as 'areas of separation' that does not undermine the open character of the area or the character and setting of Dadlington and Stoke Golding. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Policy D2 makes no reference to 'inappropriate uses'."

95. Policy D2 does not seek to establish valued landscapes, as referred to in paragraph 180 of the Framework, which would require a rigorous and objective justification that identifies physical attributes, beyond 'ordinary', that make the landscape valued (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC2429 (Admin)). Paragraph 135 of the Framework states planning policies should ensure developments "are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."
96. Site Allocations and Development Management Policies DPD Policy DM4 includes criteria for development in the countryside to be considered sustainable. Those criteria include "ii): It does not undermine the physical and perceived separation and open character between settlements." Policy D2 is in general conformity with the strategic policy in this respect and provides an additional level of detail to the strategic policy. The variation from "significant adverse effect" in Policy DM4 to "adverse effect" in Policy D2 as referred to in the representation of Pegasus Group has not been sufficiently justified. I have recommended a modification in this respect so that Policy D2 is in general conformity with the strategic policy.
97. Maintaining the distinctive and separate identities of Dadlington and Stoke Golding is not the same as preventing any development in the identified Areas of Separation. Sustainable development could occur in the areas to which the policy applies that does not undermine spatial and visual separation. A policy defining an area where no development is to be permitted would seek to establish a regime that is more restrictive than even that applying in designated Green Belt. Such an approach would not have sufficient regard for national policy for it to be appropriate. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy, the maintenance of distinctive and separate identities of settlements can be a legitimate objective of land use policy. The text supporting Policy D2 states "The two villages are separated by about 235m of open countryside either side of Hinckley Road." I am satisfied the supporting text provides a satisfactory justification for the policy.

98. The policy would not prevent sustainable development that is appropriately designed, sited, and landscaped; and that has regard for those elements of the Framework that specifically recognise the importance of economic growth in rural areas; and the special circumstances where isolated homes in the countryside will be acceptable. The policy would not prevent the development of essential utility infrastructure that is appropriately sited and designed. The policy has sufficient regard for paragraphs 135 and 180 of the Framework. I am satisfied the policy has regard for national policy and will not prevent sustainable development.
99. Whilst the supporting text confirms Policy D2 relates only to land within the Neighbourhood Area the reference to the character and setting of Stoke Golding in the policy introduces a degree of uncertainty. I have recommended a modification to clarify the policy relates only to land within the Neighbourhood Area and the reference to the character and setting of Dadlington and Stoke Golding refers to their characteristic as distinct and separate settlements. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
100. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan and given the limited scale of the areas of separation in relation to the Neighbourhood Area as a whole, does not seek to influence the quantity of supply of housing differently from strategic policies. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
101. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 2:**

**In Policy D2 in the second sentence**

- **replace “Development which” with “Development within the Areas of Separation which significantly”**
- **after “Golding” insert “as distinct and separate settlements”**

### **Policy D3: Landscape and Locally Important Views**

102. This policy seeks to establish new development proposals should be designed to respect open landscape with extensive vistas dominated by natural features. Proposals should enhance the landscape wherever possible and inadequately mitigated negative impacts on landscape will not be supported. The policy also requires “particular sensitivity” to be shown for identified views.
103. The Borough Council “welcomes that the map of views has been improved, showing both direction of views and extent. The policy itself reads more like guidance than a policy requirement. Would the wording of DM4 of the SADMP cover what you intend for this policy? The extent of the views and vistas on Map 3 shows that opportunities for development in Dadlington are limited, as such, it is important to know how the views and vistas were determined and what merit/benefits there are if extra requirements are in place for development in those areas. Similar to earlier comments, the duplication of designations over certain areas means there are multiple restrictions of several areas in the neighbourhood plan area, therefore all designations of whatever nature should be highly justified.”
104. The Parish Council comment “In the 2021 Questionnaire, local people were invited to identify important views of the local landscape. There were lots of suggestions for views that people valued, the most important are set out in Draft Neighbourhood Plan Policy D3 and Map 3, justified by paragraphs 5.10 to 5.15 and Appendix 1. Policy D3 is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.”
105. The indicators of direction and breadth of views on Map 3 of the Neighbourhood Plan clearly define the views concerned. The reference in the policy to Appendix 1 is important as that appendix contains an image of each identified view. Planning policy must operate in the public interest. I am satisfied the locations, identified by numbers, from which the views referred to in the policy are seen, are freely accessible to the public.
106. Paragraph 180 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond “ordinary” (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)). Policy D3 is not seeking to identify valued landscapes but is seeking to ensure development proposals are sensitive to significant aspects of the environmental and aesthetic character of the area. Policy D3 is not seeking to prevent any development within identified views. Such an approach would be more restrictive than Green Belt designation and would not have sufficient regard for national policy. I am satisfied sustainable development, through careful consideration

to siting and design, or other mitigation measures, may be shown to not result in significant harm to an identified view.

107. I am satisfied the views identified each have characteristics that justify the policy approach adopted, which is not to prevent development but to ensure proposals exhibit particular sensitivity to the views identified. It is only proposals that will have negative effects on the landscape that cannot be mitigated through design and landscaping that will not be supported. I have recommended a modification to replace “potential” which introduces uncertainty with “significant” so that the policy is not overly restrictive in respect of development that may have minor effect. I have recommended a modification in this respect so that the policy has a sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

108. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

109. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:**

**In Policy D3 replace “potential negative” with “significant negative”**

**Match the titles of views 1, 2, and 3 in Appendix 1 with the descriptions of views listed in Policy D3.**

**Policy D4: Green Infrastructure**

110. This policy identifies local green infrastructure and seeks to establish that new development should protect and enhance the network, and create new links to the network wherever possible. The policy also establishes support for the creation of a named pedestrian and cycle route.

111. As all policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified it is not normally necessary to state “in Dadlington Neighbourhood Area.” However, there is benefit in clarifying this point in Policy D4 as some named green infrastructure extends to areas outside the Neighbourhood Area.

112. Paragraph 110 states planning policies should provide for attractive and well-designed walking and cycling networks. Paragraph 180 of the Framework states planning policies should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
113. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
114. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy D5: Ecology and Biodiversity**

115. This policy seeks to establish that development should not harm the network of local ecological features and habitats which include those identified in the policy. The policy also states new development will be expected to maintain and enhance these Leicester, Leicestershire and Rutland Biodiversity Action Plan Priority Habitats and other named ecological corridors and features. The policy also states proposals should provide 10% Biodiversity Net Gain unless exempt and sets out priorities for biodiversity enhancement.
116. The Borough Council state the list of priority biodiversity enhancements has no reference as to where they were derived from or why they are important, more information would be appreciated. If there is no evidence to justify the asks of the policy then the deliverability in practice is difficult. It is appropriate to use the neighbourhood plan preparation process to identify priorities for biodiversity enhancement.
117. Paragraph 185 of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 186 of the Framework states



development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. I am satisfied the approach of Policy D5 is appropriate in this policy context.

118. I am satisfied digital expansion of Map 5 and the Policies Maps by users of the Neighbourhood Plan will allow satisfactory identification of named corridors and features. The use of the term “which include” results in the policy being imprecise and introduces uncertainty. I have recommended this term is deleted. I have also recommended the sites listed in Policy D5 should be the same as the sites identified on Map 5 and the Policies Maps. I have recommended a modification in these respects so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
119. The expectation for new development to maintain and enhance landscape features such as traditional orchards, trees woodlands, watercourses, hedgerows, and treelines does not have sufficient regard for national policy which adopts a more balanced approach. It may, for example, be necessary to allow flexibility where habitat loss is unavoidable, for example to facilitate construction of a safe access. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
120. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
121. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions

**Recommended modification 4:**

**In Policy D5**

- replace “which include” with “comprising”
- after “Habitats and” insert “where practical”

**Adjust the list of sites, and/or the sites identified on Map 5 and the Policies Maps, so that they are the same.**

## **Policy D6: Features of Local Heritage Interest**

122. This policy seeks to identify local heritage assets, and establish an approach to the determination of development proposals that would affect them.
123. The Borough Council suggests detail is added regarding the heritage value of the 6 non-designated heritage assets ideally in accordance with the HBBC selection criteria for local heritage assets. The Borough Council has also commented the wording of Policy D6 could be more aligned with DM11 and DM12 of the SADMP, and the NPPF, although appreciate the local focus of the policy.
124. The Borough Council has also commented on paragraphs 7.12-7.14 and the consistency of paragraphs 7.27 and 8.7 of the Neighbourhood Plan. I refer to these matters in the annex to my report.
125. It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify non-designated heritage assets that are locally valued. Appendix 2 of the Neighbourhood Plan refers to Historic England advice and explains potential non-designated heritage assets were identified using feedback from the 2023 household questionnaire. Potential assets were then assessed against 8 stated criteria. For each asset Appendix 2 includes a description of relevant factors with an image of the property, and a tick list indicating which criteria are met. I am satisfied the process adopted and the criteria used are satisfactory. As a Member of the Institute of Historic Building Conservation I confirm I am also satisfied the identified heritage assets are suitable to be considered for inclusion in a local list of non-designated heritage assets.
126. Paragraphs 14.43 to 14.45 of the Site Allocations and Development Management Policies DPD state “Locally Important Heritage Assets are buildings, monuments, sites, places, areas or landscapes which are valued, distinct elements of the local historic environment. These assets hold meaning to the local community and contribute to their sense of history, place and quality of life. Locally Important Heritage Assets do not benefit from statutory designation however their importance and significance is recognised by the Borough Council through their listing on the Locally Important Heritage Assets List. The List of Locally Important Heritage Assets will highlight the significance of the asset and identify the key features which should be retained through any development proposal. Development proposals should make every effort to retain the significance of locally listed heritage assets.” Policy DM12 states “Locally Important Heritage Assets - Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11.”

127. It is possible that as an administrative process separate from the Neighbourhood Plan preparation process the Parish Council may wish to nominate buildings and features of the built environment for assessment by the Borough Council as potential Non-Designated Heritage Assets to be included in a Locally Important Heritage Asset List. Any assets judged by the Borough Council to meet its published criteria may be added to that local list of Non-Designated Heritage Assets compiled and curated by the Borough Council. The clear statement of reasons for nomination of each heritage asset set out in Appendix 2 of the Neighbourhood Plan will be a critical success factor.
128. The policy wording refers to “the need for, or public benefit” benefits of a proposed development. Whilst public benefit is a matter referred to in paragraph 207 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 209 of the Framework states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” I have recommended a modification so that assessment of impact on the identified features of local heritage interest should be as though they were non-designated heritage assets to have sufficient regard for national policy and guidance in this respect. I have recommended a modification so the policy has sufficient regard for paragraph 209 of the Framework. I have recommended a modification so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
129. The policy lists known archaeological remains with reference numbers, and then states “Ridge and Furrow”. In the context of historic landscapes Paragraph 14.42 of the Site Allocations and Development Management Policies DPD refers to Ridge and Furrow as illustrating ancient farming practices and notes the agricultural origins of the area. Paragraphs 7.33 and 7.34 of the Neighbourhood Plan provide a local explanation and confirm ridge and furrow assets are identified on Map 8 of the Neighbourhood Plan.
130. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
131. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to

the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:**

**In Policy D6 replace the first sentence with “Development proposals affecting the features of Local Heritage Interest listed below, and identified on Maps 7 and 8 and on the Policies Maps of the Neighbourhood Plan, will be assessed having regard to the scale of any harm or loss to the heritage asset and the significance of the heritage asset.”**

**Policy D7: Design**

132. This policy seeks to establish design principles for development.

133. In a representation the Borough Council states “Page 51 – Although a full cross reference hasn’t been undertaken it should be ensured that the content of this section is consistent with the contextual information and area specific design guidance provided for the village of Dadlington with the HBBC Good Design Guide SPD. Criteria D7.3 states “take account of the needs of farming” – it’s not clarified what this means, and therefore may be difficult to apply in reality. Criteria D7.4 may be a replication of D7.1 and therefore not needed. We recommend that criteria D7.5 should include reference to the future occupiers of any development in accordance with Para 135(f) of the NPPF. Criteria D7.6 – is this criteria specific enough to reflect the character of the area? I.e. if an application were to come in for a simple two-storey red brick dwelling with concrete or plain clay roofs distinctive and appropriate in design terms for Dadlington? Again, reference to the Good Design Guide SPD may be helpful here. Criteria D7.9 – is this criteria overly restrictive to any development in Dadlington? Suggest that perhaps the wording be more focussed on back-land development. Similarly, the Conservation Officer provided a comment re this in our Reg 14 comments: “There are references to the term ‘development in-depth’ a number of times in this section. I think it needs to be made clear what this means (my interpretation is this refers to backland development/development of infill sites,), so either make this terminology consistent with that provided within the HBBC Good Design Guide or clearly define what development in-depth means within the document.” Criteria D7.11 – In practical terms, how do we secure this criteria prior to the detailed design stage which occurs after planning permission is granted?”

134. The Parish Council states “The Draft Neighbourhood Plan makes appropriate reference to Hinckley and Bosworth Borough Council’s Good Design Guide Supplementary Planning Document (SPD) at paragraphs 9.2 and 9.3. However,

while the Neighbourhood Plan must be in general conformity with the strategic policies contained in the development plan for the area, it is not required to be in conformity with SPD.” No modification is necessary in this respect.

135. Paragraph 132 of the Framework states “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Policies should be clear about design expectations and how these will be tested.

136. Paragraph 135 of the Framework states “Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” Paragraph 110 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks. Paragraph 96 of the Framework states planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

137. I have recommended modification of part 2 of the policy so it has sufficient regard for national policy relating to trees and hedgerows. I agree with the Borough Council that reference in part 3 of the policy to the needs of farming is imprecise; part 4 duplicates part 1; parts 5 and 6 require clarification of meaning; and part 8 of the policy is overly prescriptive and imprecise. I have recommended a modification of the policy in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by

paragraph 16d) of the Framework. In all other respects I am satisfied the approach adopted in Policy D7 has sufficient regard for national policy.

138. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan and does not seek to influence the quantity of supply of housing differently from strategic policies. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
139. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:  
In Policy D7**

- in part 2 after “walls,” insert “and wherever possible retain”
- in part 3 delete the second sentence
- delete part 4
- in part 5 replace “are” with “will” and after “pollution” insert “, and any residents of the development itself will enjoy satisfactory residential amenity”
- replace part 6 with “Through design and materials enhances the locally distinctive character of the area”
- in part 8 replace “Protect” with “Respect”; and replace “prevent development in depth” with “avoid backland development behind existing buildings”; and after “should” insert “wherever possible”

**Policy D8: Windfall Housing Development**

140. This policy seeks to establish conditional support for housing development within a newly defined Dadlington Settlement Boundary. The policy also seeks to establish that permission for housing development outside the Dadlington Settlement Boundary will be limited to defined types of proposals.
141. In a representation the Borough Council state it seems this policy is more restrictive than SADMP Policy DM4, is this justified in the supporting text/evidence? More clarity on why a more restrictive policy is required. The Borough Council comment on Map 9 Settlement Boundary “is there anywhere where the changes to the settlement boundary have been listed? And the

reasons why the changes were required? This would be helpful in understanding the context to the changes.

142. A representation of Pegasus Group submitted on behalf of a client refers to paragraphs 11 to 14 of the Framework, a planning decision outside the Neighbourhood Area, and matters relating to Local Plan preparation. The representation proposes residential development of a site (approximately 1.9 hectares of agricultural land) west of Hinckley Road south of the village of Dadlington. The representation includes an illustrative masterplan showing one way the land could be developed to accommodate 7 dwellings. I have earlier in my report explained my role is to determine whether the Neighbourhood Plan meets the basic conditions and other requirements I have identified. That role does not extend to consideration of the merits and demerits of any potential planning application proposing development of the identified site west of Hinckley Road or any other land in the Neighbourhood Area. The representation of Pegasus Group also objects to “the lack of positive planning for the village housing needs.” The representation states “although the settlement boundary for Dadlington is to be amended by the Neighbourhood Plan, it is our view that the limits are drawn too tightly and therefore the prospect of infill development is unconvincing.”

143. The Parish Council comment “the Hinckley and Bosworth Core Strategy identifies Dadlington as a Rural Hamlet and development will be limited, for example infill housing development and the conversion of agricultural buildings. The emerging Local Plan continues to identify Dadlington as a Rural Hamlet, and it is not considered to be a sustainable location for further growth. During the preparation of the Neighbourhood Plan, consideration has been given to the allocation of a housing site(s). However, the Parish Council has concluded that the allocation of a housing site is not currently appropriate for the following reasons:

- Hinckley and Bosworth Borough Council is unable to provide an indicative housing provision for the Neighbourhood Area;
- A housing allocation may not be in conformity with Dadlington’s status as a Rural Hamlet;
- Environmental constraints such as the Registered Battlefield and the community’s aspirations for an Area of Separation between Dadlington and Stoke Golding make it difficult to identify suitable sites; and
- Land ownership considerations.

144. “By not making a housing allocation, the Parish Council recognises that the Neighbourhood Area will not benefit from the limited protections offered by NPPF paragraph 14. To clarify where infill development would be acceptable, the Draft

Neighbourhood Plan defines a settlement boundary for Dadlington (Map 9). The starting point was the Settlement Boundaries defined by the SADMP, but the new boundaries have evolved through the plan-making process. To ensure consistency, the Parish Council has adopted a methodology that broadly ensures that open areas of countryside (agricultural land, paddocks, meadows, woodland, rivers and lakes, and other greenfield land) will continue to lie outside the settlement boundary:

- Where possible, the boundary should follow a defined feature that is visible on-site and on an OS plan e.g. field boundary, building, road, stream, wall or fence. Boundaries should generally follow the curtilage of properties. Occasionally the curtilage of the property is not well defined or so large that it appears to form part of the countryside surrounding the settlement. In these cases, the boundary should be defined to protect the landscape setting of the settlement.
- Isolated or sporadic development which is clearly detached from the principal built-up area should be excluded from within the boundary.
- The settlement boundary excludes agricultural buildings unless they are well related in terms of scale and positioning to the rest of the settlement, especially if the buildings have been converted to residential or non-agricultural use.
- Account has also been taken of the availability of defensible boundaries and how compatible the building is with neighbouring properties.”

145. A settlement boundary for Dadlington is defined in the Site Allocations and Development Management DPD. The settlement boundary proposed in the Neighbourhood Plan leaves almost all the settlement boundary identified in the Site Allocations and Development Management Policies DPD unaltered. This existing alignment does not need to be tested further as that plan has been subject to examination and forms part of the Development Plan. The settlement boundary defined in the Neighbourhood Plan represents a minor variation from that previously identified in the SADMP on the central eastern boundary both north-west and south-east of Sutton Lane. The Parish Council has adequately explained its approach to the review of boundaries.

146. Paragraph 70 of the Framework states small and medium sized sites can make an important contribution to meeting the housing needs of an area and states Local Planning Authorities “should support the development of windfall sites through their policies and decisions – giving greater weight to the benefits of using suitable sites within existing settlements for homes.” Core Strategy Policy 13 relating to rural hamlets applies to Dadlington. That policy supports housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Core Strategy Policies 15 and 16, and supports



development adjacent to the settlement boundary that complies with Core Strategy Policy 17 relating to local needs Paragraphs 10.1 to 10.10 of the Neighbourhood Plan set out an explanation of the adopted approach to meeting housing need. Policy D7 does not place any cap on the number of dwellings that can be developed within the settlement boundary during the plan period. Given the scale and nature of the form of the settlement of Dadlington and limited past delivery of windfall housing development, as a matter of planning judgement, I conclude there is a likelihood of only a limited supply of future windfall housing development within Dadlington during the plan period. Policy D8, places no cap on the number on the number of dwellings that can be provided outside the defined settlement boundary subject to them being of defined types of development. In total it is reasonable to assume there will only be a limited supply of new dwellings within the Neighbourhood Area during the plan period. This is consistent with the status of Dadlington as a rural hamlet as identified in strategic policies. I am satisfied the approach of Policy D8 to making provision for windfall housing development is proportionate and appropriate for a rural hamlet of the size and nature of Dadlington.

147. Policy DM4 of the Site Allocations and Development Management DPD clearly defines a policy approach for the determination of unsustainable development proposals in the countryside and sets out criteria for sustainable development in the countryside. It is confusing and unnecessary for Policy D8 to seek to establish a different definition of sustainable housing development in the countryside when that is clearly set out in Policy DM4 and in paragraphs 82 to 84 of the Framework. Whilst there is no requirement for the Neighbourhood Plan to include provision for housing allocations it is a requirement that neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. The variation from Policy DM4 in Policy D8, for example with a more restrictive approach in respect to rural exceptions sites or optimum viable use of heritage assets, has not been sufficiently justified. The more restrictive approach than national policy has also not been sufficiently justified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

148. I am satisfied the Neighbourhood Plan does not promote less development than set out in the strategic policies for the area, nor does it undermine those strategic policies, in accordance with paragraph 29 of the Framework. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood

Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

149. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 7:**

**Replace Policy D8 "Proposals for housing development will be supported within the Dadlington Settlement Boundary defined on Map 9 and the Policies Maps of the Neighbourhood Plan. Outside the defined Dadlington Settlement Boundary housing development proposals will only be supported that comply with national and Local Plan policies that state where and what type of development is acceptable in the countryside."**

**Policy D9: Meeting Local Housing Need**

150. This policy seeks to establish that development of new dwellings will need to demonstrate how proposals will meet the need for smaller, low-cost homes for sale. The policy seeks to establish criteria for support of development of housing with more than three bedrooms.
151. The Borough Council state "the justification for only allowing three-beds or less is lacking, and therefore the deliverability of this policy is questionable unfortunately. The Neighbourhood Plan could refer to the Hinckley & Bosworth's latest Housing Needs Assessment, found on the website which may provide the evidence required. Criteria D9.2 – how would an applicant be able to demonstrate criteria 9.1 in this situation. If an application was for the best use of a redundant building becoming a five- or four-bedroom dwelling, rather than a three-bedroom dwelling - how does this criteria apply in reality." With respect to this latter point I am satisfied the criteria listed in Policy D9 are separated by the word "or".
152. A representation of Pegasus Group submitted on behalf of a client refers to paragraphs 11 to 14 of the Framework, a planning decision outside the Neighbourhood Area, and matters relating to Local Plan preparation. The representation proposes residential development of a site (approximately 1.9 hectares of agricultural land) west of Hinckley Road south of the village of Dadlington. The representation includes an illustrative masterplan showing one way the land could be developed to accommodate 7 dwellings. I have earlier in

my report explained my role is to determine whether the Neighbourhood Plan meets the basic conditions and other requirements I have identified. That role does not extend to consideration of the merits and demerits of any potential planning application proposing development of the identified site west of Hinckley Road or any other land in the Neighbourhood Area. The representation of Pegasus Group also objects to “the lack of positive planning for the village housing needs.”

153. The Parish Council comment “Draft Neighbourhood Plan paragraphs 10.11 to 10.14 make it clear that the needs of younger people who want to live in Dadlington are not being met by the current housing stock. The Parish Council recognises that the opportunity for new housing will be limited but is keen to ensure that where those opportunities do arise, new homes are suitable for younger people and first-time buyers.”

154. Core Strategy Policy 13 identifies Dadlington as a rural hamlet where within the settlement boundary housing development will be supported for a mix of housing types and tenures as detailed in Core Strategy Policy 15 and Core Strategy Policy 16. Local needs development is also supported adjacent to the settlement boundary where that complies with Core Strategy Policy 17. Policy D9 is in general conformity with those strategic policies.

155. I am satisfied that in accordance with paragraph 29 of the Framework the Neighbourhood Plan does not seek to promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Rather than seek to influence the quantity of provision of housing, Policy D9 seeks to influence the type of provision should windfall development occur during the plan period. Policy D9 seeks to establish that new housing development should provide a housing mix to meet identified local needs. Paragraph 62 of the Framework (which should be read in the context of paragraph 61) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. I am satisfied the approach adopted in Policy D9 has sufficient regard for national policy in this respect. I am also satisfied the approach to the assessment of local housing needs is proportionate and appropriate for a rural hamlet of the size and nature of Dadlington. I have recommended a modification of Policy D9 to ensure, the policy remains relevant throughout the plan period if local housing needs change.

156. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan and does not seek to influence the quantity of supply of housing differently from strategic policies. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

157. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**In Policy D9 replace the final full stop with “; or 3. The latest assessment of local housing needs demonstrates a need for housing with more than three bedrooms.”**

**Policy D10: Business Conversion of Rural Buildings**

158. This policy seeks to establish conditional support for the re-use, adaptation, or extension of rural buildings for business use.
159. The Borough Council state “is criteria D10.4 necessary when wildlife is protected under other regimes such as the ODPM Circular?” I consider the fourth criterion is appropriate given protected species are often found in rural buildings particularly where they have been disused for some time. Strategic Policy DM4 states development in the countryside will be considered sustainable where it significantly contributes to economic growth, job creation, and/or diversification of rural businesses. The criteria for support of proposals in Policy D10 are in general conformity with the criteria set out in Policy DM4.
160. Paragraph 85 of the Framework states planning policies should help to create the conditions in which businesses can invest, expand, and adapt. Paragraph 88 of the Framework states planning policies should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings; and should enable the development and diversification of agricultural and other land-based businesses. Paragraph 124 of the Framework states planning policies should give substantial weight to the value of using suitable brownfield land within settlements and support the development of underutilised land and buildings. Paragraph 89 of the Framework makes reference to unacceptable impact on local roads and states the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. Policy D10 has sufficient regard for national policy in these respects.

161. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
162. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy D11: Working for Home**

163. This policy seeks to establish conditional support for proposals that enable home working.
164. The Borough Council suggests that other policies in the wider Development Plan address these matters, and therefore this may be a duplication of policy.
165. Core Strategy Policy 13 supports "development enabling home working and other small-scale employment uses within settlement boundaries" in rural hamlets. Policy D11 seeks to establish support for development that enables home working throughout the Neighbourhood Area and establish local criteria, relating to visual and residential amenity and access, for support of schemes. Paragraph 82 of the Framework states planning policies should allow for new and flexible working practices (such as live-work accommodation).
166. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
167. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

## Conclusion and Referendum

168. I have recommended 8 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**I recommend to Hinckley and Bosworth Borough Council that the Dadlington Neighbourhood Development Plan for the plan period up to 2041 should, subject to the modifications I have put forward, be submitted to referendum.**

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Hinckley and Bosworth Borough Council as a Neighbourhood Area on 14 October 2019.**

## **Annex: Minor Corrections to the Neighbourhood Plan**

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

I recommend supporting text in the Neighbourhood Plan should be adjusted where necessary to achieve consistency with the modified policies.

The Borough Council recommend that references to the new Local Plan preparation process should be updated. I recommend paragraphs 1.14 to 1.17 and paragraphs 10.3 to 10.6 are revised as necessary in accordance with latest progress and anticipated timescales for production of the new local Plan.

The Borough Council has also commented that paragraphs 7.12-7.14 of the Neighbourhood Plan should for clarity also refer to instances of less than substantial harm and non-designated heritage assets. I recommend such a modification.

The Borough Council state the consistency of paragraphs 7.27 and 8.7 of the Neighbourhood Plan should be improved. I recommend such a modification.

### **Recommended modification 9:**

**Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.**

Chris Collison  
Planning and Management Ltd  
9 October 2025  
REPORT END