

THE HOUGHTON ON THE HILL NEIGHBOURHOOD DEVELOPMENT PLAN  
2025 – 2041 (SUBMISSION VERSION)

**Report of the Examination into the Houghton on the Hill  
Neighbourhood Development Plan 2025 – 2041 Submission  
Version**

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To Harborough District Council  
And to Houghton on the Hill Parish Council

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**Report of the Examination into the Houghton on the Hill Neighbourhood Development  
Plan 2025 – 2041 (Submission Version)**

**1. Introduction**

*Neighbourhood planning*

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. A neighbourhood development plan should reflect the needs and priorities of the community concerned and should set out a positive vision for the future, setting planning policies to determine decisions on planning applications. If approved by a referendum and made by the local planning authority (as has happened here) such plans form part of the Development Plan for the neighbourhood concerned. Applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2. This report concerns a proposed modification (“the Draft Plan”) to the made Houghton on the Hill Neighbourhood Plan 2017 – 2031 (“the Made NDP”), which was approved in April 2018. On 31st July 2015 Harborough District Council (“HDC”) designated the neighbourhood area. This is now the parish of Houghton on the Hill (“the Parish”). The Planning and Compulsory Purchase Act 2004 (“PCPA”) Schedule A2 provides the statutory framework for modifications of neighbourhood plans.

*Appointment and role*

3. HDC with the consent of qualifying body, Houghton on the Hill Parish Council (“HPC”), has appointed me to undertake the independent examination of the Draft Plan in accordance with PCPA Sch A2 para 9(4). I am a planning barrister and am independent of HDC, HPC, and of those who have made representations in respect of the Draft NDP. I have been trained and approved by the Neighbourhood Planning Independent Examiner Referral Service and trained others who wish to be examiners. I have extensive experience both as a planning barrister and as a neighbourhood planning examiner. I do not have an interest in any land that is, or may be, affected by the Draft Plan.

4. My examination has involved considering written submissions and a detailed site visit on Tuesday 28<sup>th</sup> October 2025. I have read and considered all the documents with which I have been provided.

*Harborough District Council’s determinations*

5. The proposal is a modification proposal as defined in the PCPA Sch A2, paragraph 1. Before referring the matter to me, PCPA 2004 Sch A2 paragraph 8 required HDC to consider

whether the draft plan complies with the provision made by or under PCPA sections 38A and 38B and to be satisfied:

- (a) that HPC is authorised for the purposes of a neighbourhood development plan to act in relation to the neighbourhood area concerned as a result of the Town and Country Planning Act 1990 “TCPA” s 61F (as applied by PCPA s 38C(2)(a));
- (b) that the proposal complies with provision made by or under s61F;
- (c) that the proposal and the documents and information accompanying it (including the Draft Plan) comply with provision made by or under Schedule A2 paragraph 1; and
- (d) that HPC has complied with the requirements of regulations made under Sch A2 paragraph 4 of the Schedule imposed on it in relation to the proposal.

6. HDC was satisfied with these. It was right to be so satisfied. These requirements in respect of modification proposals have been met.

## **2. My preliminary determination**

7. I must first determine whether the modifications contained in the Draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the Draft Plan would replace.<sup>1</sup> I determined that the modifications would be so significant as to change the nature of the Made Plan. The reasons for this determination were that the following taken as a whole are significant: the provision of Site Allocations; the revision of the Settlement Boundary (previously ‘Limits to Development’); the Area of Separation; and extensive revision to, and discarding of, policies and the creation of new policies. Following my determination HPC stated that it wished me to proceed with the examination.

## **3. My role**

8. My role may be summarised briefly as to consider whether certain statutory requirements have been met, to consider whether the Draft NDP meets the basic conditions, to consider human rights issues, to recommend which of the three options specified in paragraph 16 below applies and, if appropriate, to consider the referendum area. I must act proportionately, recognising that Parliament has intended the neighbourhood plan process to be relatively inexpensive with costs being proportionate.

## **4. Other Preliminary Matters**

### *Public consultation*

9. Consultation and community involvement are important parts of the process of producing a neighbourhood plan. Details of consultation are contained in the draft NDP and in

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<sup>1</sup> PCPA Sch A2 para 10(1).

the Consultation Statement. I am satisfied that HPC took public consultation seriously and that consultation is accurately recorded in the Consultation Statement. Consultation has been sufficient and meets the requirements of the Neighbourhood Planning (General) Regulations 2012 (“the General Regulations”) and the human rights of occupiers of homes and of property owners.

#### *Other statutory requirements*

10. I am also satisfied of the following matters:

- (1) The neighbourhood area consists of the Parish.<sup>2</sup> HPC is authorised to act in respect of this area (Town and Country Planning Act 1990 (“TCPA”) s61F (1) as read with the Planning and Compulsory Purchase Act 2004 (“PCPA”) s38C (2)(a));
- (2) The Draft NDP does not include provision about development that is excluded development as defined in TCPA s61K (PCPA s38B (1)(b) and (6)), and does not relate to more than one neighbourhood area (PCPA s38B (1)(c);
- (3) No neighbourhood development plan has been made for the neighbourhood area other than the Made Plan;
- (4) There is no conflict with PCPA s38A and s38B (TCPA Sch 4B para 8(1)(b) and PCPA s38C (5)(b)); and
- (5) The Draft NDP specifies the period for which it is to have effect, namely 2025-2041, as required by PCPA s38B(1)(a).

11. HDC determined that a Heritage Assessment as recommended by Historic England should be carried out, but that the draft NDP did not require a full Strategic Environmental Assessment. HDC also determined that the draft NDP does not give potential for significant detrimental effects on local historic or environmental sites, Natura 2000 sites, or Habitat Regulations. I am satisfied with these determinations

### **5. The Extent and Limits of an Examiner’s Role**

12. I am required to consider whether the Draft NDP meets the basic conditions specified in PCPA Sch A2 para 11(2), namely:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;*
- (b) the making of the Plan contributes to the achievement of sustainable development;*
- (c) the making of the 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);*

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<sup>2</sup> This is shown on the Draft NDP’s Figure 1-1.

*(d) the making of the Plan does not breach, and is otherwise compatible with, assimilated obligations; and*

*(e) prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.*

13. There is one relevant prescribed basic condition:<sup>3</sup> *“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.”* Chapter 8 comprises regulations 105 to 111.

14. TCPA Sch 4B para 8(6) and para 10(3)(b) and the Human Rights Act 1998 mean that I must consider whether the Draft NDP is compatible with Convention rights. ‘Convention rights’ are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights (“the Convention”), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention. The Convention rights that are most likely to be relevant to town and country planning are those under the Convention’s Article 6(1), 8 and 14 and under its First Protocol Article 1.

15. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified above.<sup>4</sup> In particular, I may not consider whether any other test, such as the soundness test provided for in respect of independent examinations under PCPA s20, is met.<sup>5</sup> Rather, Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions. It is important to avoid unduly onerous demands on qualifying bodies. It is not my role to rewrite a neighbourhood development plan to create the plan that I would have written for the area. It is not my role to impose a different vision on the community.

16. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. I must recommend:

*(a) that the local planning authority should make the draft plan,*

*(b) that the local planning authority should make the draft plan with the modifications specified in the report, or*

*(c) that the local planning authority should not make the draft plan.<sup>6</sup>*

17. My power to recommend modifications is limited by statute in the following terms:

*The only modifications that may be recommended are—*

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<sup>3</sup> Sch 2 para 1 of the General Regulations prescribes this. PPG Reference ID: 41-079-20190509.

<sup>4</sup> PCPA Sch A2 para 11(3).

<sup>5</sup> Woodcock Holdings Ltd v. Secretary of State for Communities and Local Government [2015] EWHC 1173 (Admin), 1<sup>st</sup> May 2015, Holgate J., para 57; R. (Crownhall Estates Limited) v. Chichester District Council [2016] EWHC 73 (Admin) 21<sup>st</sup> January 2016, Holgate J., para 29; PPG Reference ID: 41-055-2018022.

<sup>6</sup> PCPA Sch A2 para 13(2).

- (a) modifications that the examiner considers need to be made to secure that the draft plan meets the basic conditions ...*
- (b) modifications that the examiner considers need to be made to secure that the draft plan is compatible with the Convention rights,*
- (c) modifications that the examiner considers need to be made to secure that the draft plan complies with the provision made by or under sections 38A and 38B, and*
- (d) modifications for the purpose of correcting errors.<sup>7</sup>*

18. The word “only” prevents me recommending any other modifications. The fact that a modification would be of benefit is not a sufficient ground in itself to recommend it. So, for example, the fact that a policy could be strengthened or added to does not justify a modification unless this is necessary for the reasons given above. I must not take an excessively restrictive view of the power to recommend modifications, but must bear in mind Lindblom LJ’s explanation of its extent in his judgment in Kebbell Developments Ltd v. Leeds City Council.<sup>8</sup> Errors include statements that were correct when written, but have become out of date. I may not recommend a modification that would put the Draft NDP in breach of a basic condition or of human rights. When I conclude that a modification is necessary, I must, in deciding its wording, bear in mind material considerations including government advice. This includes the importance of localism. Where I properly can, my recommended modifications seek to limit the extent to which the substance of the Draft NDP is changed.

19. It is not my role to consider matters that are solely for the determination of other bodies such as central government, Leicestershire County Council (“LCC”), HDC in a non-planning capacity, the Environment Agency, or Historic England. Nor is it my role to consider matters that an NDP could consider, but which are not considered in the Draft NDP, unless this is necessary for my role as explained above. It is not my role to consider aspirations that are not policies.

## **6. Consideration of Representations**

20. I have read each representation and given it careful consideration, but have not felt it necessary to respond to all of them. Rather in accordance with the statutory requirement<sup>9</sup> and bearing in mind the judgment of Lang J in R. (Bewley Homes Plc) v. Waverley Borough Council,<sup>10</sup> I have mainly concentrated on giving reasons for each of my recommendations.<sup>11</sup> Where I am required to consider the effect of the whole Draft NDP, I have borne it all in mind.

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<sup>7</sup> PCPA Sch A2 para 13(3).

<sup>8</sup> [2018] EWCA Civ 450, 14<sup>th</sup> March 2018, paras 34 and 35.

<sup>9</sup> PCPA Sch A2 para 13(5)(a).

<sup>10</sup> [2017] EWHC 1776 (Admin), Lang J, 18<sup>th</sup> July 2017.

<sup>11</sup> TCPA Sch 4B, para 10(6).

Substantial parts of the responses suggest additions to draft NDP. However, I can only recommend modifications for the reasons given in paragraph 17 above.

## **7. Public Hearing and Site Visit**

21. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations.<sup>12</sup> However, an examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that there are exceptional reasons for doing so, or in such other cases as may be prescribed.<sup>13</sup> Neither applies. I therefore did not hold a public hearing.

22. I decided that an unaccompanied site visit was necessary and held a detailed one on Tuesday 28<sup>th</sup> October 2025. The weather was fine, there were no impediments to the visit and I was able to see all that I wished to see. The site visit included, but was not limited to, viewing all specific sites mentioned in representations, all proposed non-designated heritage assets within the village and all proposed protected open spaces. The site visit helped me to gain a sufficient impression of the nature of the area for the purpose of my role.

## **8. Basic Conditions and Human Rights**

### *Regard to national policies and advice*

23. The first basic condition requires that I consider whether it is appropriate that the NDP should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but they should only be departed from if there are clear reasons, which should be explained, for doing so.<sup>14</sup>

24. The main document in which national planning policy is contained is the National Planning Policy Framework (December 2024) as amended slightly<sup>15</sup> on 7<sup>th</sup> February 2025 (“NPPF”) and I have borne that in mind. Other policy and advice that I have borne in mind includes national Planning Practice Guidance (“PPG”).

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<sup>12</sup> PCPA Sch A2 para 12(1); PPG Reference ID: 41-056-20180222.

<sup>13</sup> PCPA Sch A2 para 12 (2).

<sup>14</sup> R. (Lochailort Investments Limited) v. Mendip District Council [2020] EWCA Civ 1259, Lewison LJ, 2<sup>nd</sup> October 2020, paras 6, 31 and 33.

<sup>15</sup> The amendments were to correct cross-references from footnotes 7 and 8 and to amend the paragraph 155’s first sentence and were not intended to change policy.



### *Contributing to the achievement of sustainable development*

25. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot be made. This condition relates to the making of the Plan as a whole. It does not require that each policy in it must contribute to sustainable development. It does require me to consider whether constraints might prevent sustainable development and, if they might, whether the evidence justifies them. That involves consideration of site-specific constraints, both existing and those proposed in the Draft NDP. The total effect of the constraints in the Draft NDP when read with existing constraints must not prevent the achievement of sustainable development.

### *General conformity with the development plan's strategic policies*

26. The third basic condition means that I must consider whether the Draft NDP as a whole is in general conformity with the strategic policies contained in the development plan for the area of the authority. The development plan for the purpose of my examination does not include the made NDP.<sup>16</sup> It includes the Harborough Local Plan ("HLP"), which was adopted on 30<sup>th</sup> April 2019. HLP includes:

- Policy SS1 which establishes a settlement hierarchy. Houghton on the Hill is in the fourth level of six in this, "Rural Centres". The policy explains that the spatial strategy is "to... enable Fleckney, Great Glen, and The Kibworths and, to a lesser extent, Billesdon, Houghton on the Hill, Husbands Bosworth, and Ullesthorpe to operate as Rural Centres providing housing, business, retail, leisure, and community facilities to serve their needs and those of surrounding areas."
- Policy H1 which stated that, in addition to then existing commitments and completions and the allowance for windfalls, Houghton on the Hill should provide a minimum of 20 new homes.

27. HLP explains that among the rural centres Houghton on the Hill is a smaller settlement with a more limited range of services<sup>17</sup> and that the Rural centres all have at least four of the six key services (general practitioner, library, public house, primary school, food shop, post office) and a minimum of 400 households, with the village's relationship with larger settlements higher upon the hierarchy also been taken into account.<sup>18</sup> Rural Centres are a sustainable location for rural housing and additional employment, retail and community uses to serve the settlement and the surrounding area.

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<sup>16</sup> PCPA Sch A2 para 16.

<sup>17</sup> Paragraph 3.1.11.

<sup>18</sup> Page 230 and page 249 Table D.21. Houghton on the Hill does not have a general practitioner or a library.

28. The development plan also includes the Leicestershire Minerals and Waste Local Plan (adopted 2019). Most of the village together with some countryside close to the village is within the Minerals Safeguarding Area (MSA) for Sand & Gravel. Policy M11 (Safeguarding of Mineral Resources) of this Plan provides, among other things:

“Sand and gravel... resources within the Minerals Safeguarding Areas shown on the figures contained within the Mineral and Waste Safeguarding documents, will be protected from permanent sterilisation by other development.

Planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if:

- (i) the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or
- (ii) the mineral can be extracted satisfactorily prior to the incompatible development taking place; or
- (iii) the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- (iv) there is an overriding need for the incompatible development; or
- (v) the development comprises one of the types of development listed in Table 4.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it. ...”

29. The adjective ‘*general*’ in the basic condition allows a degree of (but by no means unlimited) flexibility and requires the exercise of planning judgement. The Draft NDP “*need not slavishly adopt every detail*”.<sup>19</sup> This basic condition only applies to strategic policies - there is no conformity requirement under it in respect of non-strategic policies in the development plan, or in respect of other local authority documents that do not form part of the adopted development plan, although such documents may be relevant to other matters. In assessing general conformity and whether a policy is strategic, I have borne in mind helpful PPG advice.<sup>20</sup> I have also borne in mind the relevant part of the judgment in R. (Swan Quay LLP) v. Swale District Council.<sup>21</sup>

#### *Assimilated obligations*

30. The fourth basic condition requires me to consider whether the Draft NDP breaches, or is otherwise incompatible with, assimilated obligations (formerly retained EU obligations). I

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<sup>19</sup> Wiltshire Council v. Cooper Estates Strategic Land Ltd [2019] EWCA Civ 840, para 3, 16<sup>th</sup> May 2019.

<sup>20</sup> PPG Reference IDs: 41-074-20140306; 41-075-20190509; 41-076-20190509; and 41-077-20190509.

<sup>21</sup> [2017] EWHC 420 (Admin), para 29, Dove J, 27<sup>th</sup> January 2017.

have in particular considered the following, together with the UK statutory instruments implementing them in England: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); the Water Framework Directive (2000/60/EC); and the General Data Protection Regulation (2016/679/EU). I have also considered the judgment of the European Court of Justice in People Over Wind v. Coillte Teoranta.<sup>22</sup> I have borne in mind that proportionality is a concept of and underlies EU law and must be wary of requirements that would be disproportionate to the Draft NDP.

31. I am satisfied that no issue arises in respect of equality under general principles of EU law or any EU equality directive.

#### *Conservation of Habitats and Species Regulations 2017*

32. I am satisfied that the making of the NDP would not be incompatible with the prescribed basic condition and that it is not necessary to consider the matter further in this report.

#### *Human Rights*

33. The planning law of England and Wales in general complies with the Convention. This matter can be dealt with briefly in advance of further consideration of the contents of the Draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. The Convention rights that have been most relevant to town and country planning are those under the Convention's Article 6(1), 8 and 14 and under its First Protocol Article 1 and I have considered these. I have also considered last year's landmark judgment of the European Court of Human Rights' Grand Chamber in Verein KlimaSeniorinnen Schweiz and Others v. Switzerland,<sup>23</sup> which held that under article 8 a State has a positive obligation to implement sufficient measures to combat climate change. In Convention jurisprudence a State includes its emanations, including local government. First Protocol Article 1 reinforces the common-law principle that private property rights should not be removed without proper justification, and I have borne that in mind. Apart from those, nothing in my examination of the Draft NDP has required further consideration of human rights.

### **9. The Emerging Local Plan**

34. HLP is under review. Consultation on the proposed Submission Draft Harborough Local Plan 2020-2041 finished earlier this year. In the emerging Local Plan Houghton on the

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<sup>22</sup> Case C-323/17, 12<sup>th</sup> April 2018.

<sup>23</sup> Application no. 53600/20, (2024) 79 EHRR 1, 9<sup>th</sup> April 2024.

Hill is identified as a Medium Village in the settlement hierarchy. This submission draft is not relevant to basic condition (c), but evidence in respect of it may be relevant to other matters.

## **10. The Nature of the Neighbourhood Area**

35. In considering the Draft NDP I must consider the nature of the neighbourhood area. Its gist is well described in the Draft NDP. The Parish includes the whole of the village of Houghton on the Hill, no other settlements, and open countryside. The population of about 1,900 lives in just under 800 dwellings. It is rural.

36. Houghton has a range of community facilities, including a primary school, a food shop, a post office and newsagents, two public houses, a petrol station with a Londis store, a small pharmacy, two places of worship (an Anglican church and a Methodist church), an MOT and tyre centre, a vehicle hand wash and valeting centre, a hairdressers, and two beauty salons.<sup>24</sup>

37. The parish lies within the Natural England's High Leicestershire National Character Area, whose description includes: "Characteristic small historic villages, usually located on high ground, such as Kings Norton and Houghton on the Hill, comprise buildings clustered around prominent spired churches of limestone or ironstone...". It also lies within the Harborough District Landscape Character Assessment (September 2007) 'High Leicestershire' Landscape Character Area.<sup>25</sup>

38. The parish contains 23 listed buildings, 20 of which are in the Houghton on the Hill Conservation Area on or close to Main Street, the other 3 being milestones on the A47. St Catherine's Church is grade II\* and so within the top 6% of all listed buildings.

39. The village and all land immediately adjoining it is in Flood Zone 1. The Government Flood Map for Planning shows some land in and near the village as at risk of surface water flooding.

40. The parish includes one classified road, the busy A47, which separates the northern part of the village from its centre and south.

41. There is a six days a week bus service<sup>26</sup> along the A47 and through the village which does not operate in late evenings or on Sundays. There is no railway station in or close to the parish.

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<sup>24</sup> A fish and chip shop appears to have closed.

<sup>25</sup> HLP Figure A4.

<sup>26</sup> Centre Bus LC7 which provides 7 buses a day in each direction Mondays to Fridays and 6 buses a day in each direction on Saturdays. There is also a FoxConnect on-demand bus service.

## **11. The contents of the Draft NDP**

### **Housing**

42. HDC is currently unable to demonstrate a 5YS of deliverable sites for housing (as at 7<sup>th</sup> November HDC's deliverable housing supply figure is 3.1 years). HPC requested an indicative housing requirement figure in accordance with NPPF paragraph 70 and was given the figure of about 100. How meeting housing need will be distributed across the district will be a matter for the Local Plan examination, which will have the advantage of being able to consider the relative merits of new housing throughout the district and may or may not reach a different conclusion. On the basis of the necessarily more limited information in my possession, I can see nothing wrong in the indicative figure in the case of this small historic village that has seen substantial growth recently and where housing is intended to serve its needs and those of surrounding areas rather than, for example, overspill from the City of Leicester and commuters to Leicester. In my examination I have proceeded on the basis that the draft NDP should provide for a minimum of 100 dwellings. If, when the matter is fully investigated with consideration of the material evidence across the district as a whole, a higher figure emerges, PCPA s38(5) will apply and may render the relevant parts of the NDP out of date.

43. There has been substantial development in the recent past with 160 new dwellings built since the Made NDP was made. At present no housing is under construction in the village.

44. Almost all of the dwellings will have to be built on greenfield sites. I agree with the draft NDP that the two best substantial sites are those immediately to the north of Uppingham Road (the A47) immediately to the west and the east of the village.<sup>27</sup> These are shown on the Draft NDP's Figure 6-3 ("the Western Site") and Figure 6-4 ("the Eastern Site"). I was able to see each of these clearly on my site visit, viewing the western site from Bridleway D47/1 and from the play area on John Glover Drive and the Eastern site from the A47 verge and, with the consent of a sign at its entrance gate, inside its southeastern corner. Each of these would be a natural extension of the village within walking distance of facilities (although at present the walk can be impeded by the need to cross the A47, a matter that could be significantly improved by new signalised pedestrian crossings). Each would maintain a similar tight envelope to the built form of the village. Neither would cause harm to a heritage asset. Neither is subject to any nature conservation or landscape designation.

45. In considering the two substantial sites I must have regard to national policies and advice contained in guidance issued by the Secretary of State. This includes in the need for deliverable housing sites and for plans to be deliverable. To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

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<sup>27</sup> Site D 21/8206 and part of site F 21/8195. I deal with two small sites in paragraph 55 below.

46. Development of the eastern site is being actively pursued by its owners, who have reached agreement with the local highway authority as to its access. The Government Flood Map for Planning does not show any part of this land as at risk of surface water flooding. It has capacity for up to 90 dwellings. A planning appeal which covers the whole of the site together with a much larger area of land is being pursued.<sup>28</sup> The planning application was refused on one ground, “The proposal by virtue of its large scale does not reflect the size of Houghton on the Hill and shall intrude in the countryside, not reflecting or integrating to its form and character. The proposal conflicts with Harborough Local Plan policies GD2 and GD8. This adverse impact significantly and demonstrably outweighs the proposal benefits including contribution to housing land supply and provision of self and custom build housing.” No part of the refusal relates to highway access, flooding or the MSA, each of which must therefore have been resolved to the satisfaction of HDC. I am satisfied that there are none of these three matters would prevent development of the much smaller Eastern Site.

47. With regard to the Western Site, an application for planning permission has been made but is at a relatively early stage. There has been no agreement with the local highway authority as to its access, a localised high pressure gas mains crosses the site in a NNE-SSW direction from just east of Redvers Farm to just west of the electricity substation at the western end of the village, and the Government Flood Map for Planning shows this site as at risk of surface water flooding, including a substantial area of land at the southern end of the site close to the A47. On my site visit, I noticed that the grass in this area was much richer in colour than the grass in the rest of the site and have no doubt that this is a significant issue that must be addressed before development of the site.

48. The Eastern Site is deliverable now and there is no sufficiently strong reason why it should not be allocated as a residential site allocation. The Western Site is not deliverable now, but in my opinion should be deliverable within the plan period. Given the nature of the frontage and the width of the A47 and its verges, it should be possible to resolve the highway access with the local highway authority, but such things take time and housing is needed now. An acceptable access might well involve diversion of Bridleway D47/1, given its current route, something that should be capable of resolution, but which also takes time. The gas mains will prevent development on part of the site. The surface water flooding may or may not be capable of being fully resolved, but, if it is, this is likely to take time. If LCC is right that the site lies within an MSA, a full Mineral Assessment will need to be considered. Development cannot take place until the slowest of these matters has been resolved. There remains uncertainty as to whether and when development can commence and how much of the site is developable. This means that it is not a developable site within the NPPF definition and that in itself is a good reason for not allocating it as the main residential site. The fact that no housing is being built

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<sup>28</sup> Application Ref 23/01499/OUT Appeal Ref APP/F2415/W/25/3369369

in the parish at present means that the delay that allocating this site as the residential site allocation increases my concern at the delay this would cause. It is suitable for allocation as a reserve site, but not as a deliverable residential allocation.

49. I recommend changing the status of the two substantial sites, so that the Eastern Site is the residential site allocation and the Western Site the reserve site. Although not a basis for my recommendation, I note that this would bring the NDP into line with the outcome of the community questionnaire. I deal with details below.

#### Executive Summary

*Page 1, paragraph 1*

50. This needs to be brought up to date.

#### Recommended modification 1

*Page 1, paragraph 1*

**Replace the whole paragraph with:**

**“This version of the Neighbourhood Development Plan (NDP) applies to the Designated Area (DA) (Figure 1-1) approved by Harborough District Council (HDC) as the Local Planning Authority (LPA) for this area. It has been examined by an examiner, who is independent of all involved.”**

*Page 3, paragraph 10*

51. There are 7 buses a day in each direction Mondays to Fridays and 6 buses a day in each direction on Saturdays. This paragraph states that the bus service does not operate in evenings. Since there are buses after 6.00 pm which many would consider as evening, this could mislead. I recommend modification to say that there are no buses after 7.00 p.m.. The same point applies to the same statement in paragraphs 50 and 56.

#### Recommended modification 2

*Page 3 paragraph 10, page 11 paragraph 50 and page 12 paragraph 56*

**Replace “in evenings” with “after 7.00 p.m.”.**

#### The Policies of the Neighbourhood Development Plan

*Pages 15 -17 Settlement boundary*

52. These pages consider a settlement boundary. With a considerable national and local need for new housing, it is particularly important to ensure that it does not prevent the draft NDP contributing the achievement of sustainable development.

53. There is an error in policy L1. HDC does not now have a Core Strategy.

Recommended modification 3

*Page 15, policy L1*

**Delete “and the Harborough District Council Core Strategy (Policy CS11)”.**

54. Tightening of boundary in the case of a relatively sustainable settlement and in the light of current housing need requires robust justification. Such justification is not present in the case of the land shown in figure 6-4 forming the reserve site in the draft NDP and which with my recommended modification would be the preferred site. This site should be within the settlement boundary.

55. I have considered two small sites to the rear of properties on Main Street, namely sites J (land off Main Street, by the church) and L (and east of Main Street, by Willowsic, 34 Main Street) in the Site Options and Assessment report. Each contains a permanent structure or structures and each is either previously developed land within the NPPF definition or excluded from that definition because it is or was last occupied by agricultural buildings. In any event, they can provide a small amount of housing without taking any green field and, having seen the existing buildings, I am satisfied that this can be designed so as to enhance the Conservation Area. Each site is available for development, which will be subject to policy L4. The settlement boundary should be extended to include these.

Recommended modification 4

*Page 16, Figure 6-1*

**Amend the settlement boundary so that the following are included within it:**

**The site north of Uppingham Road shown on figure 6-4 of the submission draft as Reserve site;**

**The site off Main Street by the church shown on figure 4.1 of Site Options and Assessment report as site J; and**

**The site east of Main Street, by Willowsic, 34 Main Street, shown on figure 4.1 of Site Options and Assessment report as site L.**

*Pages 17 and 18 Area of Separation*

56. HDC’s Area of Separation Review (2017) envisages that NDPs can establish Areas of Separation (“ASs”). I am satisfied that an area of separation to the west of the village is appropriate for this historic hilltop village to keep its distinct identity and bearing in mind that current local policy is for provision of housing, business, retail, leisure, and community facilities to serve the settlement’s needs and those of surrounding areas, not the expansion of the Leicester urban area. I have viewed the area and considered whether the boundary shown in Figure 6-2 should be altered and can see no reason to do so.



57. For the reasons given in paragraphs 42 to 44 above, I recommend reversing the allocation of the Western Site and the Eastern Site, so that the former becomes the reserved site and the latter the land allocation for residential housing. As at present, the residential site allocation should precede the reserved site in the NDP. The principal reason for preferring the Eastern Site, namely deliverability should be made clear.

Recommended modification 5

*Page 19, paragraph 83*

**Add at the end:**

**“The Residential Land Allocation (land north of the A47 immediately east of the Houghton village) is deliverable. Further work is required in respect of the Reserve Site (land north of the A47 immediately east of the Houghton village), including agreeing a suitable access to the A47 which may involve a diversion of the bridleway through the site.”**

58. In some respects, the criteria are too demanding. I can see no basis for a total exclusion 1-bedroom dwellings, which may be suitable for one- and two- person households who do not wish to accommodate visitors. Indeed, the Draft NDP’s paragraph 274 indicates a need for them. The requirements to be closer to the A47 are too demanding and better left to development management. Proximity to the village facilities is not simply a matter of proximity to the A47: the west of the Eastern Site and the east of the Western Site are also closer to village facilities. Consideration of visual impacts should not be limited to views from the A47 Uppingham Road.

59. Preventing development of the reserve site until January 2032 is not justified and would be contrary to NPPF policy for housing supply. Whether the required housing numbers can be met without the reserve site should be clear by the end of 2026.

60. The Eastern Site has the potential for up to 90 dwellings. The Western Site might have the same potential if the problems caused by the constraints mentioned above can be resolved sufficiently, but up to 70 dwellings seems more realistic.

61. Including the Area of Separation with its strong policy protection in the Western Site serves no purpose and could confuse.

62. The Neighbourhood Plan Working Party conclusion in respect of the Eastern Site was reached before the removal of the proposal for an access to Ingarsby Lane and the closure of the existing Ingarsby Lane/Main Street junction. This should be mentioned, since not doing so might mislead.

Recommended modification 6

*Page 20, policy L3A*

***Replace “west” with “east”***

**Delete the second, “Development will be supported subject to the provisions of this Neighbourhood Development Plan, the Village Design Guide and Codes and all of the following specific criteria:”.**

**Replace criteria (b) with, “Dwellings will have 1, 2 or 3 bedrooms, apart from up to 10% which may have 4-bedrooms.”.**

**In criterion (c), delete “and be located closer to the A47 to minimise distances travelled by residents”.**

**In criterion (d), delete “and will be closer to the A47 to soften the visual impact when entering the settlement from the west”.**

**Delete the whole of criterion (e) and re-letter subsequent criteria.**

**In criterion (g) replace “and the bridleway through the site” with “, as well as a safe means for crossing the A47”.**

**Replace the existing Figure 6-3 with the existing Figure 6-4.**

**In the description of the Figure, replace “west” with “east”**

Recommended modification 7

*Page 23, policy L3B*

***Replace “east” with “west”***

**In criteria (b) replace “2032” with “2027”.**

**Replace criteria (c) with, “Dwellings will have 1, 2 or 3 bedrooms, apart from up to 10% which may have 4-bedrooms.”.**

**In criterion (e), delete “and will be adjacent to the A47 to lessen the visual impact when entering the settlement from the east”.**

**Delete the whole of criterion (e).**

**In criterion (f) add after village facilities “and the bridleway through the site”.**

**Replace the existing Figure 6-4 with the existing Figure 6-3 altered so that the Area of Separation is excluded from the Site.**

Recommended modification 8

*Page 25, NPWP Conclusion*

**Add at the end:**

**“This conclusion was reached before the removal of the proposal for an access to Ingarsby Lane and the closure of the existing Ingarsby Lane/Main Street junction.”**

*Page 26, policy L4*

63. To save possible uncertainty about the meaning of the word “infill housing”, I recommend modifying this policy to make it clear that it applies to the two small sites mentioned in paragraph 58 above: the site off Main Street by the church shown on figure 4.1 of Site Options and Assessment report as site J; and the site east of Main Street, by Willowsic, 34 Main Street, shown on figure 4.1 of Site Options and Assessment report as site L.

Recommended modification 9

*Page 26, policy L4*

**The locations to which this policy applies include, but are not limited to, the site off Main Street by the church shown on figure 4.1 of Site Options and Assessment report as site J; and the site east of Main Street, by Willowsic, 34 Main Street, shown on figure 4.1 of Site Options and Assessment report as site L.**

*Pages 28 and 29, policy L6*

64. Policy L6 protects open spaces. It should be limited to open spaces and not include buildings that are not ancillary to them: St Catherine’s church and the village hall.

65. It is important that open space policies are not used to prevent sustainable development. Having viewed the verges next to and opposite the residential allocation and the reserve site, I do not consider that these are of high value and am concerned that their protection might create problems for achieving appropriate accesses to the sites.

66. Preventing schools from expanding can on some occasions lead to their loss. Also, in the light of past experience recorded in the draft NDP’s paragraph 178, I can see no basis for a policy that would weigh against expansion whether permanent or temporary of the school. There is a special procedure in respect to a proposed loss of school playing fields outside the planning system which is more appropriate for them than open space designation.

67. The inclusion of all footpaths within a parish in an open spaces policy is unique in my experience and not justified by the evidence. Nor has the inclusion of any specific footpath been justified. (To extent that a footpath is within an open space covered by the policy, it would also be covered by it.)

Recommended modification 10

*Page 28, policy L6*

**Delete locations 14 and 18 and renumber accordingly.**

*Page 29, Figure 6-5*

**Exclude the Church from Location 2.**

**Alter Location 10 so that it excludes any land adjoining or facing the residential allocation or the reserve site.**

**Exclude the Village Hall from Location 13.**

**Delete location 14 and renumber accordingly.**

*Pages 34 and 35,*

68. Policy H3 is more demanding than the LCC's standards, the Leicestershire Highway Design Guide and HDC's Development Management SPD, each of which was produced by people with relevant expertise after considering technical evidence and subject to consultation. Paragraph 11.3.9 of the latter states, "Leicestershire County Council's Leicestershire Highway Design Guide covers advice on highway design, including car parking, transport assessments and transport plans. These documents are the starting point for detailed agreement on development proposals and include car parking standards to be applied in new developments, and will inform criteria 2 a., b. and c. of the policy", *i.e.* policy IN2. A departure from these documents should be properly justified.

69. Local conditions do not justify a departure from them. I have not seen anything that shows the village to be greatly different from many other Leicestershire villages. Impressions of parking on a single site visit are a brief snapshot in time and must be treated with caution. Having said that, parking provision above Leicestershire Highway Design Guide standards in the areas where most development is likely to take place would not improve the impact of the parking that I saw. That does not mean that the encouragement of greater parking provision is objectionable<sup>29</sup> provided this does not reduce site capacity of sites, increasing pressure on greenfield sites. The matter should be left to the local planning authority.

Recommended modification 11

*Page 34, policy H3*

**Replace criteria (c) and (d) with: "c) provision for safe parking having regard to highways authority guidance and standards"**

**Replace "e)" with "d)".**

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<sup>29</sup> Village Design Guide & Codes 2025, paragraph 64.

*Page 47, paragraphs 144 and 147*

70. There is an error in these paragraphs. HDC does not now have a Core strategy

**Recommended modification 12**

*Page 47, paragraph 144*

**Delete the whole paragraph.**

*Page 47, paragraph 147*

**Delete indent (a) and re-letter the following indents.**

*Page 49, policy EV3*

71. While understanding that the community will value the small tree and modern plaque described as “Platinum Jubilee plaque and specimen tree”, it is not a heritage asset.

72. The Village Hall (built 1921 and considerably adapted) is rightly identified as a key facility in policy S1, but it is not a heritage asset. Designating it as such could impede future adaptations and redevelopment

73. Eaton House is a Listed Building and therefore a designated Heritage Asset. As such, it cannot be identified as a non-designated heritage asset.

**Recommended modification 13**

*Page 49, policy EV3, Buildings and Structures*

**Delete the rows beginning with the numbers 5, 8 and 14 and renumber appropriately.**

*Page 50, paragraph 153*

74. The first sentence of this paragraph requires alteration. The designated heritage assets in the parish are all listed buildings.

**Recommended modification 14**

*Page 49, paragraph 153*

**Replace the first sentence with:**

**“Current designated Heritage Assets comprise listed buildings mainly in the Conservation Area. Figure 6-9 shows these apart from two milestones on the A47 outside the area covered by the figure.”**

*Page 51, Figure 6-9*

75. This omits a listed building within the area covered by the figure, namely Milestone Uppingham Rd, close to Ash Tree Close (list entry number 1180102).

76. In view of the great importance of Grade II\* Listed Buildings, St Catherine’s Church should be shown in a different colour.

Recommended modification 15

*Page 51, figure 6-9*

**Add Milestone Uppingham Rd (list entry number 1180102) to the figure.**

**Colour the diamond for St Catherine’s Church differently.**

**Alter the key so that it distinguishes between Grade II\* and Grade II Listed Buildings.**

*Page 51, table*

**Add in a final row of the table “1074814 Eaton House, 57 Main St. II”**

*Page 52, Figure 6-10*

77. For the reasons given above 5, 8 and 14 should be removed from the figure. 13 is not shown on the list on page 49 (or in the Heritage Assets ancillary) and should also be removed. 7 should be added. Figure 3-1 of the Village Design Guide & Codes 2025 should be consistent with this.

Recommended modification 16

*Page 49, 52, Figure 6-10*

**Remove the red circles for 5, 8, 13 and 14 and those numbers and add 7. Renumber so that the numbers correspond with the table on page 49.**

*Village Design Guide & Codes 2025 Page 28, Figure 3-1*

**Remove the same red circles.**

78. Apart from the above I am satisfied with the draft NDP (including the Village Design Guide & Codes 2025).

## **12. Updating**

79. It may be that parts of the draft NDP will need updating. Nothing in this report should deter or delay appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact.

## **13. The Referendum Area**

80. I have considered whether the referendum area should be extended beyond the designated plan area.<sup>30</sup> However, I can see no reason to extend the area and therefore

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<sup>30</sup> PPG Reference ID: 41-059-20140306.

recommend that the referendum area be limited to the neighbourhood area, the parish of Houghton on the Hill.

### **13. Summary of Main Findings**

81. I commend the Draft Plan for being clear and for the thought and effort by unpaid volunteers devoting their own free time that has gone into its creation. It has struck the right balance between intelligibility to a lay person and the use of technical words that ensure precision.

82. I recommend that the Draft Plan be modified in the terms specified in Appendix A to this report to meet basic conditions and to correct errors. I am satisfied with all parts of the Draft Plan to which I am not recommending modifications.

83. With those modifications, the Draft Plan will meet all the basic conditions and human rights obligations. Specifically:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it will be appropriate to make the Plan;
- The making of the Plan will contribute to the achievement of sustainable development;
- The making of the Plan will be in general conformity with the strategic policies contained in the development plan for the neighbourhood area;
- The making of the Plan will not breach, and will not otherwise be incompatible with, assimilated obligations;
- The making of the Plan will not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- The Plan will be compatible with Convention rights contained in the Human Rights Act 1998.

84. I recommend that, subject to a favourable referendum, HDC should make the Draft Plan with the modifications specified in Appendix A to this report.

Timothy Jones, Barrister, FCI Arb,  
Independent Examiner,  
No 5 Chambers  
10<sup>th</sup> November 2025.

## **Appendix A: Recommended Modifications**

### **Recommended modification 1**

*Page 1, paragraph 1*

**Replace the whole paragraph with:**

**“This version of the Neighbourhood Development Plan (NDP) applies to the Designated Area (DA) (Figure 1-1) approved by Harborough District Council (HDC) as the Local Planning Authority (LPA) for this area. It has been examined by an examiner, who is independent of all involved.”**

### **Recommended modification 2**

*Page 3 paragraph 10, page 11 paragraph 50 and page 56 paragraph 56*

**Replace “in evenings” with “after 7.00 p.m.”.**

### **Recommended modification 3**

*Page 15, policy L1*

**Delete “and the Harborough District Council Core Strategy (Policy CS11)”.**

### **Recommended modification 4**

*Page 16, figure 6-1*

**Amend the settlement boundary so that the following are included within it:**

**The site north of Uppingham Road shown on figure 6-4 of the submission draft as Reserve site;**

**The site off Main Street by the church shown on figure 4.1 of Site Options and Assessment report as site J; and**

**The site east of Main Street, by Willowsic, 34 Main Street, shown on figure 4.1 of Site Options and Assessment report as site L.**

### **Recommended modification 5**

*Page 19, paragraph 83*

**Add at the end: “The Residential Land Allocation (land north of the A47 immediately east of the Houghton village) is deliverable. Further work is required in respect of the Reserve Site (land north of the A47 immediately east of the Houghton village), including agreeing a suitable access to the A47 which may involve a diversion of the bridleway through the site.”**



***Replace “west” with “east”***

**Delete the paragraph, “Development will be supported subject to the provisions of this Neighbourhood Development Plan, the Village Design Guide and Codes and all of the following specific criteria:”.**

**Replace criteria (b) with, “Dwellings will have 1, 2 or 3 bedrooms, apart from up to 10% which may have 4-bedrooms.”.**

**In criterion (c), delete “and be located closer to the A47 to minimise distances travelled by residents”.**

**In criterion (d), delete “and will be closer to the A47 to soften the visual impact when entering the settlement from the west”.**

**Delete the whole of criterion (e) and re-letter subsequent criteria.**

**In criterion (g) replace “and the bridleway through the site” with “, as well as a safe means for crossing the A47”.**

**Replace the existing Figure 6-3 with the existing Figure 6-4.**

**In the description of the Figure, replace “west” with “east”**

**Recommended modification 7**

***Replace “east” with “west”***

**In criteria (b) replace “2032” with “2027”.**

**Replace criteria (c) with, “Dwellings will have 1, 2 or 3 bedrooms, apart from up to 10% which may have 4-bedrooms.”.**

**In criterion (e), delete “and will be adjacent to the A47 to lessen the visual impact when entering the settlement from the east”.**

**Delete the whole of criterion (e)**

**In criterion (f) add after village facilities “and the bridleway through the site”.**

**Replace the existing Figure 6-4 with the existing Figure 6-3 altered so that the Area of separation is excluded from the Site.**

**Recommended modification 8**

**Add at the end, “This conclusion was reached before the removal of the proposal for an access to Ingarsby Lane and the closure of the existing Ingarsby Lane/Main Street junction.”**

Recommended modification 9

*Page 26, policy L4*

**The locations to which this policy applies include, but are not limited to, the site off Main Street by the church shown on figure 4.1 of Site Options and Assessment report as site J; and the site east of Main Street, by Willowsic, 34 Main Street, shown on figure 4.1 of Site Options and Assessment report as site L.**

Recommended modification 10

*Page 28, policy L6*

**Delete locations 14 and 18 and renumber accordingly.**

*Page 29, Figure 6-5*

**Exclude the Church from Location 2.**

**Alter Location 10 so that it excludes any land adjoining or facing the residential allocation or the reserve site.**

**Exclude the Village Hall from Location 13.**

**Delete location 14 and renumber accordingly.**

Recommended modification 11

*Page 34, policy H3*

**Replace criteria (c) and (d) with: “c) provision for safe parking having regard to highways authority guidance and standards”**

**Replace “e)” with “d)”.**

Recommended modification 12

*Page 47, paragraph 144*

**Delete the whole paragraph.**

*Page 47, paragraph 147*

**Delete indent (a) and re-letter the following indents.**

Recommended modification 13

*Page 49, policy EV3, Buildings and Structures*

**Delete the rows beginning with the numbers 5, 8 and 14 and renumber appropriately.**

Recommended modification 14

*Page 49, paragraph 153*

**Replace the first sentence with:**

**“Current designated Heritage Assets comprise listed buildings mainly in the Conservation Area. Figure 6-9 shows these apart from two milestones on the A47 outside the area covered by the figure.”**

Recommended modification 15

*Page 51, figure 6-9*

**Add Milestone Uppingham Rd (list entry number 1180102) to the figure.**

**Colour the diamond for St Catherine’s Church differently.**

**Alter the key so that it distinguishes between Grade II\* and Grade II Listed Buildings.**

*Page 51, table*

**Add in a final row of the table “1074814 Eaton House, 57 Main St. II”**

Recommended modification 16

*Page 49, 52, Figure 6-10*

**Remove the red circles for 5, 8, 13 and 14 and those numbers and add 7. Renumber so that the numbers correspond with the table on page 49.**

*Village Design Guide & Codes 2025 Page 28, Figure 3-1*

**Remove the same red circles.**

## **Appendix B: Abbreviations**

The following abbreviations are used in this report:

Convention	European Convention on Human Rights
Draft NDP	Houghton on the Hill Neighbourhood Development Plan 2025-2041 (Submission Version)
EU	European Union
HDC	Harborough District Council
HLP	Harborough Local Plan
HPC	Houghton on the Hill Parish Council
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LCC	Leicestershire County Council
Made NDP	Houghton on the Hill Neighbourhood Plan 2017-2031
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework (December 2024)
para	paragraph
Parish	parish of Houghton on the Hill (current boundaries)
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	national Planning Practice Guidance
s	section
Sch	Schedule
TCPA	Town and Country Planning Act 1990 (as amended)

Where I use the verb '*include*', I am not using it to mean '*comprise*'. The words that follow are not necessarily exclusive.