

Delegated Report

Planning Ref: 24/00626/FUL

Applicant: Mr A Angrave

Ward: Markfield Stanton & Fieldhead



Hinchley & Bosworth
Borough Council

Site: Markfield Equestrian Centre, Stanton Lane, Stanton Under Bardon, Markfield

Proposal: Change of use of an equestrian building to commercial and storage and distribution use with ancillary offices (Use Class B2 and B8) and HGV storage within the existing car park

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for the change of use of part of an equestrian building to commercial, storage and distribution use (Use Classes B2 and B8) at Markfield Equestrian Centre, Markfield. This development creates approximately 1,100sqm of internal floorspace for commercial uses by separating and sectioning the building internally, but no external alterations are made to the two agricultural structures within this application.

2.2. The application includes the proposed parking and storage of HGVs within the existing parking areas. There would be no physical alterations to the building itself, the application is purely to change the lawful use of the building as part of the repurposing of a former equestrian site.

3. Description of the Site and the Surrounding Area

3.1. The application site is located within the open countryside between Markfield and Bardon Hill. To the north of the site runs the A511, and the M1 to the east. The site is accessed via an existing access on Stanton Lane. The site is bound by agricultural land immediately to the north, south and east, with mature vegetation to the east on the opposing side of the access track and sporadically in the wider landscape. To the south and north of the site are clusters of neighbouring residential properties (situated some distance from the application site). To the east sits an operational large open cast quarry.

3.2. The building and area of hardstanding which is the subject of this application was formerly used as an equestrian centre, which ceased operations in December 2023 according to the submitted Design and Access Statement.

4. Relevant Planning History

N/A.

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 One objection has been received, making the following comments:

- Many neighbours unaware of the proposal
- Significant intensification of use, leading to unacceptable noise and disturbance

6. Consultation

6.1 There have been no objections from the following consultants:

- HBBC Environmental Services Pollution (subject to conditions)
- HBBC Waste Management
- LCC Ecology
- Local Highway Authority (LHA) (subject to conditions)
- National Forest Company
- LCC Minerals
- Markfield Parish Council

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

7.3 Markfield Neighbourhood Plan (2021)

- Policy M1: Countryside
- Policy M10: Design
- Policy M22: Brownfield Land
- Policy M23: Business Conversion of Rural Buildings
- Policy M24: Business Expansion

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Leicestershire Waste and Minerals Local Plan

- Policy M11: Safeguarding of Mineral Resources

7.6 Other Relevant Guidance:

- Good Design Guide (2020)
- Hinckley and Bosworth Borough Council's Employment Land and Premises Study (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1 The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area

- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Other matters

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document, and the Markfield Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Paragraph 88 of the NPPF requires planning decisions to enable:
- (a) The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.
 - (b) The development and diversification of agricultural and other land-based rural businesses.
 - (c) Sustainable rural tourism and leisure developments which respect the character of the countryside.

- (d) The retention of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.
- 8.9 The scheme supports the development and diversification of agricultural and land-based rural businesses through the conversion of existing buildings within a rural equestrian complex. Therefore, the scheme is in accordance with Paragraph 88 of the NPPF, and significant weight should be given to the need to create conditions in which businesses can invest, expand, and adapt.
- 8.10 Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 8.11 Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.12 Policy DM20 of the SADMP supports development of new employment sites for B1, B2 and B8 uses outside of allocated employment areas where they are within settlement boundaries or on previously developed land. The site is previously developed and therefore the proposal complies with this policy.
- 8.13 Policy M1 of the Markfield Neighbourhood Plan (MNP) states that countryside development that is in accordance with national policies, strategic planning policies, or with the other policies of the Neighbourhood Plan is considered acceptable. As discussed later in this report, the proposal is considered to be in accordance with all relevant national and local policies.
- 8.14 Policy M23 of the Neighbourhood Plan supports the re-use, adaption or extension of rural buildings for business use where:
- 1. Any enlargement is proportionate to the size, scale, mass and footprint of the original building;*
 - 2. The development would not have a detrimental effect on the fabric, character and setting of historic buildings;*
 - 3. The development respects local building styles and materials;*
 - 4. The building is surveyed for protected species and mitigation measures are approved where necessary;*

5. The proposed development would not generate traffic of a type or amount harmful to local rural roads, or require improvements which would detrimentally affect the character of such roads or the area generally; and

6. The proposed development would not materially harm the character of the surrounding rural area.

8.15 Furthermore, Policy M24 of the Neighbourhood Plan supports the expansion of existing business and enterprise where the development will:

1. Deliver local employment opportunities or support and diversify the rural economy;

2. Where possible, re-use existing buildings or re-develop existing and former employment sites and commercial premises;

3. Comprise well designed new buildings of a size and quality to cater for the identified needs of the existing business; and

4. Help meet modern business requirements.

8.16 The proposal does not involve any enlargement or extension to the building and would therefore not have a detrimental effect on the fabric, character and setting of historic buildings or the character of the surrounding rural area. The highway impacts are discussed later in this report. The evidence submitted with this report also demonstrates that the proposal would meet all the requirements of Policy M24.

8.17 The scheme involves the change of use of existing buildings, which is in accordance with Policy DM4(b) of the SADMP and Policy M23 of the Neighbourhood Plan. The assessment of whether the scheme results in an enhancement to the immediate setting is discussed further later within this report.

8.18 Given the above, the Council considers that the proposal is compliant with Policies DM4 and DM20 of the SADMP, Policies M1, M23 and M24 of the MNP, and Paragraph 88 of the NPPF, and is therefore acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

8.19 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

8.20 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.21 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable specifically to this case where:

b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; and

- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.22 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.23 The development proposal does not involve any external alterations to the existing building and the outdoor parking and storage areas do not extend into the open countryside further than the existing built form/hardstanding areas of the site.
- 8.24 Considering the above, whilst the scheme is utilised for commercial uses rather than the existing equestrian use of the site, the scheme and its associated parking area is experienced from public footpaths and public highways from long distances in the context of the existing equestrian use. Whilst the presence of larger vehicles may have some degree of harm when compared to the existing use, these would be viewed in the context of the wider site, and it is not considered that the level of harm would be significant.
- 8.25 However, Policy DM4 does require this type of development to lead to an enhancement of the immediate setting. A pre-commencement condition has therefore been included for soft landscaping to soften the visual impact of the development through hedgerow and tree planting.
- 8.26 By virtue of the location of the site and the scale and type of the development, the proposal respects the character of the application site, and the surrounding area in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.27 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.28 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.29 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.

- 8.30 The proposal makes no external alterations to the building and therefore the scheme does not exacerbate any loss of light or overbearing impacts to neighbouring residential amenity.
- 8.31 There is an existing residential dwelling within the complex, however it is acknowledged that the Applicant owns the property.
- 8.32 The next closest residential dwellings are over 150m away to the south west, situated on the eastern side of Stanton Lane. Due to the distance separation between the site and these dwellings, it is not considered that there would be unacceptable levels of noise and disturbance as a result of the proposal.
- 8.33 The objection comment received stated that neighbours were not made aware of the proposal and the LPA would therefore not receive a representative number of objections. A site notice was posted on Stanton Lane, and the adjoining neighbours were consulted as part of the application in line with the Development Management Procedure Order.
- 8.34 The Council's Pollution Officer has no objections to the scheme, stating that neighbours will not be significantly disturbed; particularly given the high noise environment in this area and that the vehicles are unlikely to pass from the south and will go towards the A511 generally. However, a precautionary hours of operation restriction has been recommended as a condition.
- 8.35 In summary, it is considered that the scheme does not result in any significant adverse impacts to residential amenity of neighbouring dwellings. As a result, the application is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.36 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.37 Ultimately, development should not be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.38 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.39 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

- 8.40 Policy M23 of the Neighbourhood Plan states that the proposed development would not generate traffic of a type or amount harmful to local rural roads, or require improvements which would detrimentally affect the character of such roads or the area generally
- 8.41 The LHA previously advised that a visibility splay of at least 130m would be required to the north of the site access. The Applicant has now advised that their visibility calculations were based on weekday speeds only, whereas the LHA had calculated visibility based on the seven-day speeds. Nevertheless, the Applicant has provided drawing number 210944-0 Rev A which shows a 2.4 x 160m visibility splay could be achieved in both directions within the highway or land under the Applicant's control.
- 8.42 The LHA has also visited the site and accepts that appropriate visibility could be achieved at the access, however this will require the existing vegetation to be cut back in the immediate vicinity of the site access. Whilst the swept path analysis previously provided by the Applicant shows HGVs taking up the full width of the access, the LHA accepts that this is more than 7.3m wide and the junction radii appear to be greater on-site than what is shown on the swept path analysis drawings. Given the site-specific circumstances, the LHA advise it has no objection to the site access arrangements.
- 8.43 Regarding trip generation, the Applicant has undertaken an assessment of B8 trip rates using the TRICS database as previously requested. Under a worst-case scenario, the proposals could generate up to 22 two-way HGV trips under B8 use. The Applicant has previously provided details in respect of how many trips the equestrian centre could generate. This has not been backed up with any form of traffic count at the access, or a breakdown of how many trips could be generated solely by the buildings subject to this change of use application in comparison to the proposals. However, the LHA considers the total number of daily trips generated by either B2 or B8 use, and the eight HGV parking spaces would not be significant on the basis of the evidence provided.
- 8.44 Regarding the internal layout, the LHA previously requested clarity in respect of the car and HGV parking spaces within the site. The Applicant has subsequently stated that there would be the following level of parking at the site for both B2/ B8 use:
- 23 car parking spaces
 - 5 HGV parking spaces
 - Three cycle spaces
 - 8 HGV parking spaces (storage)
- Whilst the proposals would represent a shortfall of one HGV parking space under B2 use, the LHA considers the level of parking proposed to be acceptable. It should however be noted that the parking spaces for the site have not been fully detailed on a plan, the LHA do however consider the parking details could be conditioned.
- 8.45 In summary, the impacts of the development are not considered to be unacceptable, and, when considered cumulatively with other developments, its impacts on the road network are not likely to be severe. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, Policy M23 of the MNP and the LHDG.

Other matters

- 8.46 LCC Ecology confirmed that the Preliminary Bat Roost Assessment and Bird Survey report dated May 2024 is satisfactory as a preliminary appraisal. This identified that under the current proposals, no further surveys for roosting bats are required. There was however bird nests observed within the structures and therefore consideration for nesting birds should be given during the breeding season (March - August inclusive).
- 8.47 Furthermore, the proposal is exempt from BNG as it does not impact a priority habitat and impacts less than 25sqm of on-site habitat, as there is no physical development taking place.
- 8.48 Policy M11 of the Leicestershire Minerals and Waste Local Plan states that 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.
- 8.49 The development site is located within a minerals safeguarding area for igneous. However, given the nature and scale of the proposal it does not raise significant mineral safeguarding concern. Thus, the Minerals and Waste Planning Authority did not require a Minerals Assessment for this application and have no objections. Furthermore, there are no concerns from a waste safeguarding perspective and the proposal complies with policy M11 of the Leicestershire Minerals and Waste Local Plan.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 The proposal is acceptable in principle and would not result in any unacceptable harm to the character and appearance of the area. There would be no unacceptable harm to the amenities of neighbouring residents, and there would be no unacceptable harm to highway safety.

- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the following conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Site Location Plan
 - Existing and proposed elevations – Drawing No. MT/1561/2 Rev A
 - Existing and proposed floor plans - Drawing No. MT/1561/1 Rev A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The hereby approved change of use to Class B2 and B8 shall only serve the area outlined in red on the Site Location Plan (submitted 25/06/2024).

Reason: For the avoidance of doubt, and to ensure that the site is safeguarded from future change of use within Class B in the interests of visual and neighbouring amenity, in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The commercial and storage uses (B2 and B8 use classes) hereby permitted shall not take place other than between the hours as follows:

Monday to Friday: 0800 – 1800

Saturday: 0900 – 1300

No operation on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 by metres by 160 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (December 2023).

6. The development hereby permitted shall not be first used until such time as details of off-street car and HGV parking provision (with turning facilities) has been submitted to the Local Planning Authority and agreed in writing. The approved scheme shall then be provided, hard surfaced (and demarcated) prior to first use of the development. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (December 2023).

7. Prior to first occupation/use of the building for the uses hereby permitted, a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority. The scheme of soft landscaping shall include a planting plan, specification (including cultivation and other operations associated with plant, tree and grass establishment), schedule of plants noting their species, planting sizes and proposed number/density and implementation schedule. All soft landscaping works shall be carried out in accordance with the approved details prior to the first use of the development hereby approved or in accordance with a timetable approved in writing by the Local Planning Authority and retained in accordance with the approved details thereafter. Any tree, shrub or plant shown as proposed or retained on the approved scheme of soft landscaping that is removed or dies or becomes seriously diseased/damaged, within 5 years of planting, shall be replaced in the next planting season in accordance with the approved species, size and quantity.

Reason: In the interests of good design and visual amenity and to protect and enhance the rural character of the area in accordance with SADMP policy DM4 and DM9; Neighbourhood Plan policy M10 and the advice contained in the NPPF.

Notes to Applicant:

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.