

Delegated Report

Planning Ref: 25/00170/FUL
Applicant: Miss Felicity Curley
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 29 Lindridge Lane, Desford

Proposal: Equestrian manege

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 establishment of an equestrian manege for personal use at 29 Lindridge Lane, Desford.
- 2.2. The proposed equestrian manege has dimensions of 50 metres by 20 metres and a total resulting footprint of 1,000 square metres.
- 2.3. The proposal would be enclosed by wooden post-and-rail fencing to a maximum height of 1.22 metres with a 3 metre wide timber gate to a maximum height of 1.3 metres.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located on the northern edge of the settlement of Desford. The dwelling and its immediate surrounds are located within the settlement boundary, while the remainder of the site, comprised of fenced paddocks, is located within the designated open countryside.
- 3.2. The application site contains a two-storey semi-detached dwelling with side conservatory, a detached double garage, various small timber outbuildings, a stable building and a field fenced into smaller paddocks to the south-west of the dwelling.
- 3.3. The application site shares driveway access with a group of three clustered dwellings. The shared driveway is accessed from Lindridge Lane to the south-east. Lindridge Lane is an adopted and classified 'C' road.
- 3.4. Public Right of Way (PRoW) Footpath R75 passes through adjoining land directly adjacent the application site to the south-west, to the rear of the paddocks. There is an existing line of trees planted between the PRoW and the boundary of the application site.
- 3.5. The character of the surrounding area is varied in character as it is located on the northern edge of the settlement of Desford. To the south of the site beyond the paddock are large rear gardens belonging to dwellings within the settlement boundary, and beyond that further dwellings and shops within the core built areas of Desford.

- 3.6. To the east of the site are dwellings with access from Lindridge Lane, some located within and some located outside of the Desford settlement boundary. To the north and west of the site are fields within the designated open countryside.

4. Relevant Planning History

4.1 22/00616/HOU

- Two storey side extension, first floor balcony and other alterations
- Planning Permission
- 23.08.2022

4.2 19/00296/DISCON

- Application to discharge conditions 3, 4 and 7 attached to planning permission 18/00195/FUL
- Discharged
- 09.05.2019

4.3 18/00195/FUL

- Erection of new dwelling and three carport structures and associated landscaping
- Planning Permission
- 18.04.2018

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 No responses have been received.

6. Consultation

- 6.1 Leicestershire County Council (LCC) Ecology have advised that they have no objection to the application.

No information was provided with relation to impacts on designated site, protected and priority species and habitats and identification of mitigation. LCC Ecology performed a desktop study to assess this and noted as the proposal did not involve any lighting it was unlikely to cause disturbance to bats. An informative for general good practice mitigation was recommended to mitigate residual risk to protected and priority species within the wider landscape.

LCC Ecology noted that they supported the BNG information submitted at the application stage. The mandatory Biodiversity Net Gain Condition will apply.

- 6.2 Hinckley & Bosworth Borough Council (HBBC) Environmental Services – Pollution advised that they had no objection as the application did not suggest the manege would be lit.
- 6.3 No response was received from The Forestry Commission or Desford Parish Council.

7. Policy

- 7.1 Core Strategy (2009)

- N/A

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

7.3 Desford Neighbourhood Plan (2021)

- Policy H1: Settlement Boundary
- Policy H3: Biodiversity General

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

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
- Ecology and biodiversity

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 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Paragraph 11 of the NPPF and Policy DM1 of the SADMP set out a presumption in favour of sustainable development. Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.

8.5 Section 15 of the NPPF requires planning decisions to conserve and enhance the natural environment. Paragraph 187 states that one of the ways this should be

achieved is through recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 8.6 This is reinforced by 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 only considers development in the countryside to be 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".
- 8.7 The proposed development does not meet any of the criteria (a) through (e) of Policy DM4 of the SADMP. However, this does not mean the development is not sustainable. It is noted that Policy DM4 also requires that development meet five further requirements to be considered sustainable. These are discussed in further detail later in this report.
- 8.8 The proposed equestrian manege is for personal use purposes associated with the domestic residence of the wider property and the keeping and stabling of horses on the site. The site of the equestrian manege is located outside of the settlement boundary, within the designated open countryside.
- 8.9 As noted, the proposal is offered no support by Policy DM4 of the SADMP. The development is therefore considered to be unacceptable in principle, subject to the assessment of all other material considerations. These material considerations are set out in the subsequent sections of this report.

Design and impact upon the character of the area

- 8.10 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.
- 8.11 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.
- 8.12 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:

- 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; and
 - 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.
- 8.13 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.
- 8.14 The proposed equestrian manege is located within an existing paddock used for the keeping of horses. It is located in proximity to the existing stable building on the site, which has been in-situ on the land prior to the construction of the now-associated dwelling.
- 8.15 The proposed equestrian manege has dimensions of 50 metres by 20 metres and a resulting total floor area of 1,000 square metres. The only elements of the proposed manege that will be above the ground surfacing will be the wooden post-and-rail fencing at 1.22 metres high and the associated timber gate at a maximum of 1.3 metres high.
- 8.16 The materials to be used for the fencing and gates maintain the rural character of the surrounding area and complement that of the nearby timber stable building.
- 8.17 As the development is related to the existing keeping of horses on the site for personal purposes, the proposal would not result in any intensification of use. The ongoing limitation to personal use only of the facility is to be secured by condition.
- 8.18 The wider site is surrounded by hedgerows and or existing tree lines that screen the development site from wider view, including from the public footpath. The proposed equestrian manege is located over 65 metres from Lindridge Lane. It is therefore considered that there would be no views to the development from the public highway and only intermittent, interrupted views from the public footpath.
- 8.19 Given the above, it is considered that the proposal would not result in significant harm to the intrinsic value, beauty, landscape character and open character of the countryside, and would complement the character of the surrounding area. The proposal is therefore consistent with Policies DM4(i) and DM10 of the SADMP.

Impact upon residential amenity

- 8.20 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.

- 8.21 Policy DM10 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.
- 8.22 The Good Design Guide outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.23 The size and scale of the proposed development are considered acceptable for the site-specific context. The fencing and gate are of a modest scale, typical of rural boundary treatments, and are not considered to give rise to any amenity concerns.
- 8.24 The Applicant has confirmed that the proposal does not involve any lighting.
- 8.25 To protect neighbouring amenity, a condition will be applied restricting use of the facility to the private use of the site owner.
- 8.26 Given the above, it is considered that the proposal would not result in any significant adverse impacts to neighbouring residential amenity. The proposal is therefore in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon parking provision and highway safety

- 8.27 Paragraph 115 of the NPPF states that when considering applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.28 Ultimately, development should only 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 116 of the NPPF.
- 8.29 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. 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. This is currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.30 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.31 The development utilises the existing shared driveway access from Lindridge Lane which provides access to the front of the associated dwelling and the agricultural gate proximate to the existing stable building.
- 8.32 The Applicant has noted that the existing use of this access and the internal driveway area to park and manoeuvre horse boxes is existing and historic. The intensity of vehicle movements would not increase through this proposal, as the horses are

already kept and stabled on site and the equestrian manege is to be for personal use only.

- 8.33 The wider site provides garaging and other on-site areas for car parking associated with the dwelling that are separate to the areas already used for the parking of the horse box.
- 8.34 It is therefore considered that the proposal would not result in an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, or the LHDG.

Ecology and biodiversity

- 8.35 Paragraph 193 of the NPPF confirms that where significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.36 Policy DM6 of the SADMP states that developments must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.37 The application is subject to statutory Biodiversity Net Gain (BNG) requirements. The BNG statutory framework has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Notwithstanding this, the Planning Practice Guidance (PPG) is clear that BNG is a material consideration and that when determining a planning application LPA's need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- 8.38 The Applicant has submitted sufficient BNG information to demonstrate that a 10% biodiversity gain is likely achievable on site. LCC Ecology are satisfied that where this 10% gain cannot be achieved entirely on-site at Biodiversity Net Gain Condition stage, it can otherwise be achieved through off-site credits.
- 8.39 The development will be subject to the mandatory Biodiversity Gain Plan condition.
- 8.40 It is therefore considered that the proposal has demonstrated sufficient compliance with Policy DM6 of the SADMP.

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 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 imposition of appropriate 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 relates to the submitted application details received by the Local Planning Authority as follows:

- Site Location Plan (submitted: 24.02.2025)
- Floor Plan (submitted: 02.06.2025)
- Front Elevation Plan (submitted: 14.07.2025)

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

3. The equestrian manege shall be used only in connection with the Applicant's own horses and for private use. The site shall not be used for any events or any commercial or industrial purposes, including the use of the site for livery/riding school purposes.

Reason: To ensure that the amenity and character of the area are sufficiently maintained in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. A Biodiversity Enhancement Layout for biodiversity enhancements shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected, priority and threatened species and allow the Local Planning Authority to discharge its duties under Paragraph 187(d) of the National Planning Policy Framework (2024) and Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

Notes to Applicant

1. To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:
 - a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
 - b) Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
 - c) Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
 - d) Should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.
2. Your attention is drawn to the Biodiversity Net Gain note within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions