

Delegated Report

Planning Ref: 24/00104/FUL
Applicant: Mr Peter Blood
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Poplar Farm Sheepy Road Sibson

Proposal: Proposed steel-framed agricultural building.

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 provision of a new steel-framed agricultural building at Poplar Farm, Sheepy Road, Sibson. The structure is constructed in the location of an existing, uncovered, walled forage storage area.
- 2.2. The new building externally measures 14.2m in width by 24.4m in depth. The building is open on all sides for a height of 2m above ground level and then the structure features vertical cladding for a further 4m in height that consists of 0.55mm thick box profile plastisol coated steel sheeting in green.
- 2.3. The proposal features a 15-degree pitched roof that has a ridge height of 8m, and an eaves height of 6m. The roof is cladded in 0.7mm Goose Wing Grey Box Profile Plastisol Coated Steel Sheets.
- 2.4. The aim of the development is to prevent rainfall increasing the volume of contaminated water that requires management within slurry or silage storages in accordance with Item RP28 of the Countryside Stewardship Agreement document, which is part of the Department for Environment, Food, and Rural Affairs (DEFRA)'s 25-year plan to improve the environment.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the west of Sibson, which is classified as a rural hamlet within the adopted Core Strategy (2009). The site itself is utilised as an operating farm, known as Poplar Farm, that farms 750ha of land, 450ha of which make up the holding at Poplars Farm. Poplar Farm also features 120 head of beef cattle.
- 3.2. Poplar Farm comprises a courtyard of structures, including a residential farmhouse, to the southeast of the site, and eight further agricultural structures to the north. The four adjacent buildings to the north of the site were approved over the last ten years via planning permissions 17/00106/FUL, 17/00144/FUL, 18/003379/FUL, and 19/00239/FUL for the handling and facilitation of livestock. A further agricultural building to the east of the application site was granted prior approval in 2010 via application 10/00682/GDO. The central structure within the site, adjacent to and to the east of the currently proposed development, benefits from prior approval for its conversion into a storage shed for storing animal feeds for dogs and cats with allergies via application 22/00944/P3CR. Based on aerial imagery, the existing forage storage area is 11.5m in width by 22m in depth and is delineated by 2m high concrete walls.

3.3. It is noted that the courtyard of buildings is within the identified settlement boundary of Sibson, whereas the wider Poplar Farm site, including the residential dwelling, is not. Poplar Farm is surrounded by open agricultural fields to the north, northeast, south, and west, but the wider built form of Sibson is to the east and southeast.

3.4. The application site has two vehicular accesses onto via Sheepy Road. Sheepy Road is an adopted, but unclassified, road that is subject to a 30mph speed limit when adjacent to Poplar Farm.

4. Relevant Planning History

4.1 22/00944/P3CR

- Prior approval for converting an existing concrete portal framed cattle yard into a storage shed for storing animal feeds for dogs and cats with allergies.
- Prior Approval Given
- 17.11.2022

4.2 19/00239/FUL

- Agricultural building
- Permitted
- 16.05.2019

4.3 18/00379/FUL

- Erection of agricultural building
- Permitted
- 22.05.2018

4.4 17/00144/FUL

- Erection of new agricultural building to feed cattle
- Permitted
- 10.04.2017

4.5 17/00106/FUL

- Erection of new agricultural building to house cattle
- Permitted
- 22.03.2017

4.6 10/00682/GDO

- Erection of an agricultural building
- Permitted
- 01.10.2010

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 Sheepy Parish Council have made comments in support of the planning application as it appears to be in line with the policies within the Sheepy Parish Neighbourhood Plan (SPNP (2022)).

- 6.2 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets

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 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S1: Countryside
- Policy S8: Design
- Policy S17: Rural Economy

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (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

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 and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the 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 In accordance with Section 6 of the NPPF, planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.9 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.
- 8.10 Furthermore, Policy S17 of the SPNP supports small-scale business and enterprise development through the conversion of existing buildings and well-designed new buildings where it meets the requirements of Policies DM5 and DM20 of the SADMP and other policies in the Neighbourhood Plan.

- 8.11 The Applicant has not stated that the scheme results in the growth, development, diversification, nor expansion of the existing rural business. Therefore Paragraph 88 of the NPPF is not applicable in these site-specific circumstances. In addition, Policies DM5 and DM20 of the SADMP, relating to the provision of rural worker accommodation and the provision of new employment sites for Use Class B1, B2, and B8 uses respectively, are not applicable to this development.
- 8.12 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.13 This is supported by Policy DM4 of the SADMP 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 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”.
- 8.14 Notably, the Applicant’s submitted Planning Statement does not refer to the SADMP, nor has the Applicant demonstrated that the scheme is likely to comply with any of the criteria above. However, this does not mean that the development is not sustainable.
- 8.15 Importantly, 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.
- 8.16 For example, Paragraph 180(e) of the NPPF requires planning decisions to prevent new and existing development from contributing to, being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, or noise pollution, or land instability. Development should, wherever possible, help to improve the local environment conditions such as air and water quality.
- 8.17 DEFRA’s Countryside Stewardship project is a financial incentive for farmers, foresters, and land managers to look after and improve the environment to support the wider aims of DEFRA’s 25-Year Environment Plan (2018). Item RP28 is one such financial incentive that can be sought where proposed roofing is over silage stores where the floor is already impermeable. However, this is only subject to confirmation from the Environment Agency confirming that the structure is compliant with the Silage Slurry and Agricultural Fuel Oil (SSAFO) regulations, or where an applicant is prepared to follow EA guidance to make it SSAFO compliant by the time the grant is claimed.

- 8.18 The Applicant has not provided any details as to whether they seek to apply for this financial funding, whether they meet the requirements of the SSAFO, or to what extent the existing development contributes to unacceptable water pollution.
- 8.19 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP, nor is it applicable to Paragraph 88 of the NPPF. As such, the application does not accord with Development Plan Policy and is unacceptable 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

- 8.20 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.
- 8.21 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.
- 8.22 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.
 - 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.
- 8.23 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.
- 8.24 Policy S8 of the SNP requires development proposals to respond positively to character of the area, demonstrably respond to the features of its setting, and work with the scale, form, and character of the location to make a positive contribution to the street scene.
- 8.25 The development is 68.8m north of the public highway. Whilst the scheme might be experienced along Sheepy Road from the west, the proposal is viewed in the context of an existing operational farm. It is also noted that the size, scale, height of the development is less than the existing structures that are to the north of the site and immediately adjacent to the proposal. Furthermore, the scheme replaces an existing, hard surfaced, but uncovered, storage area and does not extend any further into the open countryside.

- 8.26 By virtue of these factors, whilst the scheme is unlikely to be acceptable in principle, the proposal is not considered to result in a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. As a result, it is considered that the development in accordance with Policy S8 of the SNP, Policies DM4 and Policy 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 There are no neighbouring residential properties to the north, south, or west of the application site, and the closest neighbouring dwelling is 66.4m to the south of the development beyond two further agricultural buildings. Ultimately, the proposal is for the storage of silage within an existing and operating farm.
- 8.31 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any harm to the residential amenity of neighbouring properties therefore is considered to be in accordance with Policy S8 of the SNP, Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.32 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.
- 8.33 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.
- 8.34 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)).

- 8.35 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.36 The development utilises, and makes no amendments to, the existing access arrangements into the site. Furthermore, the provision of a new storage structure is not considered to significantly intensify the use of the access into the site. Give the existing use of the site as an operational farm, the development is not considered to an unacceptable impact on highway safety or the road network. Moreover, it is considered that there is sufficient existing off-street parking provision to accommodate the existing use.
- 8.37 In light of the above, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Block Plan (submitted: 31.01.2024)
 - Proposed Elevations Plan – Drg No. (2) BA.02.24 (submitted: 05.03.2024)
 - Site Location Plan (submitted: 31.01.2024)

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 premises shall be used for the purposes of agriculture and for no other purpose (including any other purpose in Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To ensure that the proposed development is compatible with existing development in the locality in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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.