Delegated Report

Planning Ref: 26/00308/FUL
Applicant: Mr Andy Hobbins
Ward: Newbold Verdon With Desford & Peckleton

Hinckley & Bosworth Borough Council

Site: Land Adjacent To 33 Merrylees Road Newbold Heath

Proposal: Installation of a ground mounted panel solar PV array

1. Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

2.1. The application seeks full planning permission for the installation of a ground mounted panel solar PV array at land adjacent to 33 Merryless Road, Newbold Heath.

2.2. The proposed panels would be situated to the far south of the site upon an existing unused dry paddock and would measure 36.20 metres x 1.88 metres. Each panel would individually measure 1.88 x 1.13 metre and would be elevated on a gradient from ground level by 0.51 metres.

2.3. The panels would be mounted on a steel frame with rubber feet.

3. Description of the site and surrounding area

3.1. The application site is located along Merrylees Road, and forms part of the dwellings known as Newbold Heath. Newbold Heath is outside of any identified settlement boundary in the open countryside. The site is bordered by residential properties to the north and west, but beyond these dwellings and to the east and south of the site, there is agricultural land and open countryside. There is a cattery located in the 9,968.9sqm agricultural piece of land to the rear of 33 Merrylees Road, which also features a redundant ménage, chicken coops and kennels for dog breeding.

4. Relevant planning history

81/00529/4

- Formation of garden centre
- Refused
- 25.08.1981

91/00258/4

- Erection of garages and parking facilities
- Refused
- 23.04.1991

97/00019/OUT

- Erection of two dwellings
- Outline Planning Approval
- 05.02.1997

97/00814/OUT

- Erection of bungalow and garage
- Refused
- 15.10.1997

01/01237/FUL

- Erection of one dwelling
- Refused
- 31.01.2002

08/01079/FUL

- Erection of dog kennels
- Planning Permission
- 17.12.2008

16/01128/CLUE

- Use of land for parking of vehicles
- Certificate of Lawful Existing Use Refused
- 08.05.2017

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. Following the publications no representations have been received.

6. Consultation

6.1. HBBC Environmental Health (Pollution):

- No objections.

6.2. LCC Ecology:

- No objections, subject to informatives.

6.3. Newbold Verdon Parish Council:

- No representations have been received.

7. Policy

7.1. Core Strategy (CS) (2009)

- None relevant

7.2. Site Allocations and Development Management Policies (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (GDG) (2020)

- National Design Guide (NDG) (2019)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon ecology

Principle of development

8.2 Paragraph 3 of the National Planning Policy Framework ('NPPF') confirms that the national decision-making policies within the Framework are a material consideration in making these decisions and should be read alongside the policies in the Development Plan. Planning decisions must also reflect relevant international obligations and statutory requirements. Paragraph 7 of the NPPF confirms that the national decision-making policies should be read as a whole.

8.3 Policy S3 (1) of the NPPF confirms that decisions on development proposals should apply a presumption in favour of sustainable development.

8.4 Paragraph 15 of the NPPF identifies the purpose of the planning system, which is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed at Paragraph 17 of the NPPF. However, Paragraph 18 of the NPPF confirms that these objectives are not criteria against which every development proposal can or should be judged. Development decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

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 In accordance with Annex A (2) of the NPPF, development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework. Therefore, this report sets out the relevant adopted Core Strategy and SADMP polices and refers to the NPPF and notes any inconsistencies between them.

8.7 The proposal is situated outside of the settlement boundary and therefore Policy S5 of the NPPF is triggered. Policy S5 seeks to ensure that only certain forms of development are approved outside settlements, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. In this case the application is supported by S5(a) as it is for the installation of a ground mounted panel solar PV array.

8.8 Policy N1 of the NPPF requires planning policies and decisions to safeguard and enhance the natural environment. Section 4 of the NPPF specifically highlights that

this should be achieved by 'limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.'

8.9 These policies are supported by Policy DM4 of the adopted SADMP. Policy DM4 states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Development in the countryside is only considered 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 diversification of rural businesses; or
c. It significantly contributes to economic growth, job creation and/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.

8.10 In this case the proposal complies with Policy DM4 (d), but it is important to note that Policy DM4 also requires that development meets five further requirements to be considered as sustainable development.

8.11 In addition to the above, the proposal is supported by Policy DM2 of the adopted SADMP and Policy CC2 of the NPPF.

8.12 Policy DM2 states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. Planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where:

a) All reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts; and
b) The proposed development accords with other policies of this plan, with specific regard to DM11 and DM12.

8.13 Policy CC2 states that substantial weight should be given to the benefits of improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights) where this would be achieved through proposals for development.

8.14 Overall, there is a strong presumption in favour of sustainable development. Matters of design and the impact on the countryside are assessed below.

<u>Design and impact upon the character of the area and the open countryside</u>

8.15 Policy DP3 (1) of the NPPF confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where

an increased scale or density of development is justified in accordance with Policies L2 and L3 of the NPPF.

8.3 To create well-designed places, Policy DP3 (2(c) of the NPPF states that development proposals should also create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

8.4 Policy DP3 (3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with NPPF Policy DP3(1) or relevant aspects of the principles in Policy DP3 (2) of the NPPF, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

8.5 Policy DP3 (4) of the NPPF highlights that the principles set out in the Design and Placemaking Planning Practice Guidance should be used to inform how this policy is applied in the absence of locally produced design policies, guides, codes or masterplans.

8.6 Policy N2(1) of the NPPF states that to contribute positively to the natural environment, and support nature's recovery, development proposals should consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced.

8.16 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. It further states that development should lead to the enhancement of the immediate setting.

8.17 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.

8.18 The proposal is for the installation of a 30 panel ground solar photovoltaic array within an unused dry paddock. The panels would be situated to the far south of the site in excess of 98.00 metres from the nearest highway and in excess of 24.00 metres from the Public Right of Way (PRoW) (R60) to the south-east.

8.19 The panels would be low level by way of their design with a maximum height of 0.51 metres which when taking into consideration the set-back distances from the nearest highway and PRoW and the fields, vegetation and existing built form bounding the site would not be an overly prominent addition.

8.20 Overall, it is considered that the introduction of solar panels in this location would not give rise to significant detrimental impacts to the character of the area as such the proposal would accord with Policies DM4 and DM10 of the adopted SADMP and Policies DP3 and N2 of the NPPF.

Impact upon neighbouring residential amenity

8.21 Policy P3 (1) of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or

the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

8.7 In accordance with Policy P3(2)(a) and (b) of the NPPF, development proposals should therefore:

(a) Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;

(b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);

8.22 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

8.23 The proposed development would be situated a minimum of 95.00 metres from the nearest neighbouring dwelling, whilst being of a minor scale. It is therefore considered that the proposed development would not cause any significant harm to the amenity of any surrounding residential dwellings.

8.24 The application is not accompanied by any glint or glare study, however due to the relative remoteness of the application site in relation to any residential properties, the proposed ground mounted solar array is not considered to cause any significant adverse impact from glare.

8.25 By virtue of the above, the proposal is considered in accordance with Policy DM10 of the SADMP and Policy P3 of the NPPF.

Impact upon highway safety

8.26 Section 15 of the NPPF promotes sustainable transport. Policy TR2 of the NPFF states that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

8.27 Ultimately, development should on be prevented or refused on highways grounds if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement in accordance with Policy TR6 (4) of the NPPF.

8.28 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.

8.29 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) (2024).

8.30 The proposal would utilise the sites existing access to the south of Merryless Road, which is located to the east of no.33. Whilst County Highways have not been consulted, as the proposal is of an acceptable scale, situated a safe distance from the adjacent public highway, and when taking into consideration that the vehicular access would only be required for maintence purposes it is not foreseen that the panels would give rise to an unacceptable level of pedestrian or vehicular safety.

8.31 In light of the above, the proposal would satisfy Policy DM17 of the adopted SADMP and Policies TR2 and TR6 of the NPPF.

Impact upon ecology

8.32 Policy N2(1)(c) of the NPPF states that development proposals should take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site, drawing on the measures proposed by Local Nature Recovery Strategies, National Forest Strategies and Community Forest Plans, where present, and other relevant assessments.

8.33 Policy N2(1)(f) of the NPPF requires development to minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective,

8.34 Policy N2(2) of the NPPF confirms that if 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 the development should be refused.

8.35 Policy DM6 of the adopted SADMP states that proposals 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. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

e) The need and benefits of the development in that location clearly

f) It has been adequately demonstrated that the irreplaceable habitat

g) Appropriate compensation measures are provided on site wherever possible and off site where this is not feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

8.36 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and

impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.

8.37 The site already consists primarily of hardstanding, with the new cable route proposed under hardstanding with no vegetation removal proposed. The development therefore does not impact a priority habitat and impacts less than 25m2 and as such it is exempt from BNG requirements.

8.38 By virtue of the above, the development would accord with Policy DM6 of the adopted SADMP and Policy N2 of the NPPF.

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.

10. Conclusion

10.1. It is considered that the proposed development would be in accordance with Policies DM2, DM4, DM6, DM10 and DM17 of the adopted SADMP, and Policies S5, P3, DP3, CC2, N1, N2, TR2 and TR4 of the NPPF. The proposal is therefore recommended approval subject to the below conditions and informatives.

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, as follows:

   - Site Location Plan, Site, Block, Parking Plan, Elevations, Plans, Drg No. MS1-26-A3 as received by the Local Planning Authority on the 20th July 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM6, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies S5, P3, DP3, CC2, N1, N2, TR2 and TR4 of the National Planning Policy Framework (2026).

3. Written confirmation of the date of the first export of electricity to the National Grid from the proposal hereby approved shall be provided to the local planning authority within one month of the date of this taking place.

   Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016) and Policies S5 and N1 of the National Planning Policy Framework (2026).

4. The planning permission hereby granted is temporary for a period of 30 years from the date of the first export of electricity to the National Grid from the proposal hereby approved. After such time the use shall cease and the associated equipment shall be removed from site and the land returned to its existing condition unless otherwise agreed in writing by the Local Planning Authority.

   Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016) and Policies S5 and N1 of the National Planning Policy Framework (2026).

5. Should the solar equipment hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, the use shall cease and the associated equipment shall be removed from site and the land returned to its existing condition

   Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016) and Policies S5 and N1 of the National Planning Policy Framework (2026).

11.3 **Notes to applicant**

a. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.

b. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK.

c. Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, should a great crested newt be found, works should stop and an ecologist should be contacted for further advice.

d. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified ecologist.