

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

WRITTEN STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

PLANNING APPEAL BY SARAH FLAMSON

ERECTION OF STORAGE BUILDING (B8)

AT

NEW FARM, HINCKLEY ROAD, CADEBY, LEICESTERSHIRE

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

25/00298/FUL

THE PLANNING INSPECTORATE REFERENCE

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1. INTRODUCTION

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers and Delegated Officer Report ('Delegated Report'), in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the provision for a new 23.8m wide by 36.6m deep by 8.3m high Use Class B8 storage building at New Farm, Hinckley Road, Cadeby.

2. DESCRIPTION OF THE APPEAL SITE AND THE PROPOSAL

- 2.1. The description of the appeal proposal and the appeal site are detailed at Sections 2 and 3 of the Delegated Report respectively.

3. SITE HISTORY

- 3.1. The relevant planning history for the appeal site is detailed at Section 4 of the Delegated Report.

4. POLICIES

- 4.1 The relevant local and national planning policies and legislation in the determination of this appeal proposal are detailed at Section 7 of the Delegated Report.

5. THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 5.1 The planning application was refused on 07 July 2025 under delegated powers for the following reasons:

1. The development represents speculative and unjustified commercial development in the designated open countryside, which does not meet the needs of a local business and represents the unsustainable growth and expansion of built development on the site. The scheme infills the separation gap between the existing buildings within the site and creates a significant cumulative unbroken built form that is not sensitive to its surroundings. By virtue of its size, scale, height, volume, and bulk, the proposal results in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside.

Given the above, the development is considered to be contrary to, and in conflict with, Chapters 6, 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135 and Paragraphs 88 and 89, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the National Design Guide (2019), and the Good Design Guide (2020). As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design. In accordance with

Key Policy Paragraph 139 of the National Planning Policy Framework, the development is refused.

- 5.2 The Council's full case can be reviewed within the Delegated Report. In the interests of brevity this Appeal Statement does not repeat the contents of the Delegated Report (where possible) and instead comments upon the Appellant's Statement.

Determination of the Appeal Proposal

- 5.3 Paragraph 3 of the Appellant's Statement suggests that the 'tilted' balance of Paragraph 11(d) of the National Planning Policy Framework ('NPPF') is engaged within the determination of this appeal.
- 5.4 This is strongly refuted by the Local Planning Authority. The 'tilted' balance was not referred to within the Delegated Report because it is not applicable to this appeal proposal.
- 5.5 For clarity, the 'tilted' balance of Paragraph 11(d) of the NPPF is only triggered where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date.
- 5.6 Policies DM4, DM10, DM17, DM18, DM19, and DM20 of the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP') are Development Plan Policies that are relevant to commercial developments in the designated open countryside or on new or existing employment sites, such as this appeal proposal. These relevant policies are all included within the Delegated Report and Policies DM4 and DM10 of the SADMP form part of the reason for the refusal of planning application 25/00298/FUL.
- 5.7 Footnote 8 of the NPPF confirms that policies which are out of date includes applications for housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Footnote 8 of the NPPF also refers to the requirements of Paragraph 232 of the NPPF.
- 5.8 Paragraph 232 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the NPPF, and the closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.
- 5.9 Notably, neither Footnote 8 nor Paragraph 232 of the NPPF refer to commercial development.
- 5.10 Whilst Paragraphs 12 and 13 and Appendix 3 of the Appellant's Statement refer to the Inspector's comments on the Council's adopted Core Strategy within the appeal decision at the Land east of The Common, Barwell, it is highlighted that none of the

policies within the adopted Core Strategy form part of the reason for refusal for 25/00298/FUL.

- 5.11 Furthermore, the appeal at the Land east of The Common, Barwell was an outline planning application for a major residential development of up to 95 dwellings. For the avoidance of doubt, this current appeal is not for a major development, nor a scheme for a residential use.
- 5.12 Therefore, there are significant and material differences between the two appeals, including the type and scale of the developments, the associated benefits with the developments, the material considerations associated with each site, and the local and national planning policies relevant to the determination of each proposal.
- 5.13 The Appellant has also not sought to provide any information within their Statement to demonstrate that the policies referred to within the reason for refusing 25/00298/FUL are out-of-date. In addition, the Appellant has not sought to demonstrate that these policies are inconsistent with the NPPF. Notably, the Appellant has not sought to refer to Policies DM4 or DM10 of the SADMP within their Statement, which are the Development Plan Policies that are included within the reason for refusal of 25/00298/FUL.
- 5.14 The position of the Local Planning Authority is that Policies DM4 and DM10 of the SADMP are consistent with the NPPF and therefore full weight should be given to these policies in the determination of this appeal. This is a position that has been supported by a number of Planning Inspectors within recent appeal decisions.
- 5.15 As the Appellant has not sought to refute this at this stage, the Local Planning Authority has not included these recent decisions within this Appeal Statement in the interests of brevity. However, should this position be refuted by the Appellant, or should the Inspector require further information to demonstrate this, the Local Planning Authority are more than happy to provide further details in relation to this in the interests of supporting the progression of this appeal.
- 5.16 In summary, the 'tilted' balance of Paragraph 11(d) of the NPPF is not engaged within the determination of this appeal and in accordance with Paragraph 232 of the NPPF full weight should be given to Policies DM4 and DM10 of the SADMP due to their strong consistency with the Framework.

The Appellant's Response to the Council's Delegated Officer Report

- 5.17 As per Paragraph 9 of the Appellant's Statement, the Appellant has sought to justify their development based on the principle of the development. Paragraph 15 of the Appellant's Statement then suggests that:

"The principle of the appeal proposal can only be considered wholly appropriate when the material considerations are correctly and impartially weighed within the planning balance."

- 5.18 This suggestion is made on the penultimate page of the Appellant's Statement. Importantly, the Appellant has not referred to any local or national planning policies, nor any of those policies included within the reason for the refusal of 25/00298/FUL, by this stage of their Statement with the exception of Paragraph 11(d) of the NPPF, which has been addressed within the previous section of this Statement.
- 5.19 As highlighted at Paragraphs 8.11 and 8.14 of the Delegated Report, the scheme does not comply with, and is therefore contrary to, the requirements of Policies DM4 and DM20 of the SADMP. This has not been refuted by the Appellant.
- 5.20 Paragraph 14 of the Appellant's Statement suggests that the site's allocation as a designated employment is a material consideration within the determination of this appeal.
- 5.21 Whilst this would be a material consideration if this statement was accurate, the Appellant has misguided themselves because the appeal site has been not allocated as a designated employment site by the Local Planning Authority.
- 5.22 Importantly, if the site was considered to represent an existing employment site, Policy DM19 of the SADMP would apply and the Appellant has failed to refer to Policy DM19 of the SADMP within this appeal, nor within the determination of 25/00298/FUL.
- 5.23 Policy DM19 of the SADMP confirms that proposals for the development of 'B' uses (including ancillary areas) within designated employment sites will be supported where they accord with other policies of the plan. Policy DM19 of the SADMP confirms that the existing designated employment sites within the Borough of Hinckley and Bosworth are identified within the most up-to-date Employment Land and Premises Review.
- 5.24 As confirmed at Paragraph 8.13 of the Delegated Report, the appeal site was not classified as a designated employment site within the Council's latest Employment Land Review ('ELR') (2024). Whilst Table 31 of the ELR recommended that the wider appeal site could be considered for allocation as an employment site, this does not mean that the site has been formally allocated, nor that the appeal development would now comply with the requirements of Policy DM19 of the SADMP. This is an important difference that the Appellant has failed to recognise within their Statement.
- 5.25 However, Paragraph 14 of the Appellant's Statement suggests that the appeal site featured within the 2020 edition of the ELR. Crucially, the Appellant has failed to identify where the appeal site is mentioned within the 2020 edition of the ELR. This is because this statement is inaccurate.
- 5.26 Page 31 of the 2020 edition of the ELR confirms that there are only two existing employment sites within Cadeby, and Pages 202 and 215 of this ELR confirm that these sites are the FP McCaan industrial site at Brascote Lane and the Saunders of

Stapleton (near Greenacres) site on Ashby Road. For the avoidance of doubt, neither of these sites are the appeal site.

- 5.27 In light of the latest ELR, Paragraphs 4 and 14 of the Appellant's Statement refer to the Council's Regulation 18 Draft Local Plan. Whilst the intention of this reference is unclear, the Council assume the Appellant is suggesting that the latest ELR cannot be taken into consideration within the determination of this appeal because the Draft Local Plan does not attract any weight at this stage.
- 5.28 Whilst it is agreed that the Draft Local Plan does not attract any weight at this stage, the Local Planning Authority has not relied on the policies within the Draft Local Plan to determine 25/00298/FUL.
- 5.29 For clarity, Policy DM19 of the SADMP confirms that existing designated employment sites within the Borough of Hinckley and Bosworth are identified within the most up-to-date Employment Land and Premises Review.
- 5.30 Given the above, whilst the Appellant may be, "*Bewildered*," as to why the Council do not consider the appeal site to be a designated employment site, in accordance with the Council's most up-to-date Employment Land and Premises Review, the appeal site is not a designated employment site. Therefore, Policy DM19 of the SADMP is not applicable to the determination of this appeal in these site-specific circumstances.
- 5.31 As per Paragraph 8.13 of the Delegated Report, the Appellant has failed to even refer to Policy DM19 of the SADMP within this appeal, and as such the Appellant has not sought to refute the Council's position on this matter.
- 5.32 The Local Planning Authority has never sought to refute that the wider appeal site has been utilised in association with a commercial use since at least 1994. This is clear at Section 3 of the Delegated Report. However, there is a significant difference between a site being utilised for a commercial use and its allocation as a designated employment site.
- 5.33 Paragraph 14 of the Appellant's Statement refers to the previous recommendations of the 2020 edition of the ELR. Importantly, Recommendation 8 of this previous ELR suggests that expanding established industrial sites could represent a viable option to meet both local needs and contribute to wider requirements.
- 5.34 Firstly, this recommendation is from a superseded ELR and therefore should attract no weight in justifying this appeal. Secondly, this recommendation states that demand and need is geared to the provision of conversion opportunities rather than allocating new sites, such as this appeal proposal, as designated employment land.
- 5.35 In addition, the recommendation to expand existing established industrial sites clearly refers to those that are already designated within the ELR. This recommendation does not suggest that the expansion of non-designated employment sites such as the appeal site should be supported in principle.

- 5.36 Importantly, this recommendation suggests that this, “*Could,*” be a viable option and is with the aim of meeting local business needs. The aim of meeting local business needs is in accordance with the national planning policy requirements, which were taken into consideration within the determination of 25/00298/FUL and detailed at Paragraphs 8.17 to 8.21 of the Delegated Report.
- 5.37 As per Paragraph 8.21 of the Delegated Report, the significant weight to support economic growth and productivity within Chapter 6 of the NPPF refers to local business needs. Importantly, the presence of the existing business, Cadeby Tree Trust, does not in itself demonstrate that new development is required within the site to meet local business need in accordance with Chapter 6 of the NPPF, nor that new development associated with this business in the designated open countryside is acceptable to local or national planning policies in principle.
- 5.38 The Application Form states that the development is for Sarah Flamson and Cadeby Tree Trust. Page 3 of the Design and Access, Planning Statement also confirms that the development is related to the Appellant’s business in growing and wholesaling Christmas trees.
- 5.39 Paragraph 8.35 of the Delegated Report confirms that the Local Planning Authority are not of the opinion that the appeal development is reasonably necessary to meet the demands of existing business, Cadeby Tree Trust, and the proposal does not support the sustainable growth or expansion of this existing business.
- 5.40 Without appropriate justification for the proposed development, the appeal proposal represents the unsustainable growth and expansion of commercial development in the designated open countryside via speculative and unjustified development. This results in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside
- 5.41 Although Paragraph 20 of the Appellant’s Statement suggests that covered storage is, “*More preferable,*” than open storage, this wording confirms that this development is not a requirement for the selling of Christmas Trees, which are produced outside on undeveloped agricultural land. Therefore, this is statement does not represent sufficient justification for the development of a new 871sqm commercial structure within this appeal site in the designated open countryside.
- 5.42 Notably, the Appellant has failed to refer to the Local Planning Authority’s assessment of the Appellant’s local business need for this appeal development in these site-specific circumstances between Paragraphs 8.22 and 8.37 of the Delegated Report.
- 5.43 Whilst Paragraph 21 of the Appellant’s Statement suggests that the appeal development, “*Is simply not speculative,*” this is in direct contradiction to their own justification for the development to the Local Planning Authority on 02 June 2025.

- 5.44 For the avoidance of doubt, and as per Paragraph 8.30 of the Delegated Officer Report, the Appellant confirmed that the proposal was, “*Speculative*,” and, “*Had no specific end user in mind*.” The comments of the Appellant are included at Appendix A of this Statement.
- 5.45 To justify their development, Paragraphs 5 and 6 and Appendix 1 of the Appellant’s Statement refer to the determination of planning application 22/00625/FUL for the erection of an agricultural storage building at the appeal site.
- 5.46 It is the Local Planning Authority’s position that this previous planning permission for the same Appellant and the same appeal site is just one example that demonstrates that the Appellant has failed to provide suitable justification for a new structure within this site to meet local business needs.
- 5.47 Firstly, it is noted that this previous permission was for an agricultural building and not for an industrial building, which the Appellant is currently seeking permission for.
- 5.48 Secondly, the justification for the current appeal development in relation to the increasing tree production within the site at Paragraph 14 of the Appellant’s Statement and Page 3 of the Design and Access, Planning Statement is identical to the justification submitted as part of this previous 2022 planning application.
- 5.49 Furthermore, the Appellant fails to refer to their justification for the appeal development within their Appeal Statement, which was provided to the Council on 06 May 2025, which is detailed at Paragraph 8.25 of the Delegated Officer Report and included within Appendix B of this Statement.
- 5.50 In light of this, the Appellant has failed to provide any new information to suggest that the operations of the site have increased, and the Appellant has not sought to provide any new justification that indicates that there is the local business need for a new 871sqm commercial structure within this appeal site.
- 5.51 This failure to provide any suitable justification for the appeal proposal is heightened by the fact that the appeal site currently benefits from several existing buildings and hard surfacing that were approved in association with the Appellant’s business for the production of Christmas Trees via applications 92/00300/COU, 93/00024/COU, 96/00548/FUL, 97/0037/FUL, 98/00854/OUT and 99/00309/REM, 01/00705/COU 21/00289/FGDO, and 22/00625/FUL.
- 5.52 In addition to this, an employee of Cadeby Tree Trust confirmed on site on 22 May 2025 that none of these previously approved structures were being utilised by the business, nor the Appellant. This is highlighted at Paragraph 8.29 of the Delegated Officer Report.
- 5.53 Therefore, the existing approved development within the site is not being utilised in association with what it was granted planning permission for and this reinforces the Local Planning Authority’s position that the development of a new 36.6m deep commercial structure within this site is unjustified in these site-specific

circumstances and as such the appeal proposal does not benefit from the significant weight afforded to developments that meet local business needs by Chapter 6 of the NPPF in these site-specific circumstances. The Appellant has not sought to refute this.

- 5.54 On the contrary, Paragraph 20 of the Appellant's Statement confirms that the appeal development will be utilised by, "*Other related businesses.*" Paragraph 21 of the Appellant's Statement also refers to the structure being required for the success of, "*Associated businesses.*" These comments are in direct conflict with the submitted Application Form and the Design and Access, Planning Statement.
- 5.55 Therefore, the Appellant has confirmed within their Appeal Statement that the proposed development is not intended to be utilised by Cadeby Tree Trust, and the scheme does not meet the local business needs of the Appellant, nor Cadeby Tree Trust.
- 5.56 Whilst the structure could support other businesses within the site, the Appellant has failed to identify which businesses these are, nor why they require a structure of this size, height, and scale in this location in the designated open countryside to meet their local business needs.
- 5.57 As detailed at Paragraph 8.27 of the Delegated Report, the Local Planning Authority sought clarification for the justification of the development on numerous occasions before 25/00298/FUL was determined. In spite of this, and even within the Appellant's submitted details as part of this appeal, no accurate or consistent information has been provided that demonstrates that the development of a new commercial unit of this size, height and scale in this location in the designated open countryside is required to meet local business needs in these site-specific circumstances.
- 5.58 Notwithstanding the above factors, the Appellant has failed to comment on the Council's full reason for the refusal of the 25/00298/FUL, nor the Council's assessment of the impact of the development of the character of the site and the surrounding area between Paragraphs 8.50 and 8.53 of the Delegated Report.
- 5.59 For the avoidance of doubt, the infill nature of this development creates an unbroken form of 8.3m to 9.1m high development that has a cumulative width of 69.8m and a footprint of 2,527.1sqm. This creates a considerable cumulative size, scale, massing, and bulk of development within the site, which is not sensitive to its surroundings.
- 5.60 Therefore, the scheme results in significant and permanent harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside. This significant harm is heightened due to the proposal's visual prominence from public views along Sutton Lane. As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design. In these instances, Paragraph 139 of the NPPF confirms that development should be refused.

6. CONCLUSION

- 6.1 To summarise, Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.
- 6.2 The ‘tilted’ balance of Paragraph 11(d) of the NPPF is not engaged within the determination of this appeal and in accordance with Paragraph 232 of the NPPF full weight should be given to Policies DM4 and DM10 of the SADMP due to their strong consistency with the Framework.
- 6.3 In accordance with the Council’s most up-to-date Employment Land and Premises Review, the appeal site is not a designated employment site. Therefore, Policy DM19 of the SADMP is not applicable to the determination of this appeal in these site-specific circumstances.
- 6.4 As such, there is a significant difference between the appeal site being utilised for a commercial use and its allocation as a designated employment site. Importantly, the presence of the existing business, Cadeby Tree Trust, within the appeal site does not suggest that new development associated with this business in the designated open countryside is acceptable to local or national planning policies in principle.
- 6.5 The only potential benefit of this appeal proposal highlighted by the Appellant is that the development could help to support the economic growth of the Appellant’s business, Cadeby Tree Trust.
- 6.6 The presence of this existing business does not in itself demonstrate that new development is required within this appeal site to meet local business need in accordance with Chapter 6 of the NPPF. Crucially, the Appellant has failed to demonstrate that a new commercial unit of this size, height and scale in this location in the designated open countryside is required to meet local business needs in these site-specific circumstances.
- 6.7 This can be seen by the fact that there are multiple and substantial inconsistencies within the Appellant’s justification for the appeal proposal. Within their Appeal Statement alone, the Appellant has contradicted themselves by suggesting that the development was required to meet the local business needs of Cadeby Tree Trust at Paragraph 14, but by Paragraph 20 the Appellant has stated that the structure will be utilised by other businesses rather than Cadeby Tree Trust. For emphasis, the Appellant confirmed in writing on 02 June 2025 that the development was, “*Speculative,*” and, “*Had no specific end user in mind.*”
- 6.8 Therefore, the development represents speculative and unjustified commercial development in the designated open countryside, which does not meet the needs of a local business and represents the unsustainable growth and expansion of built development on the site.

- 6.9 The Appellant has failed to acknowledge the Local Planning Authority's assessment of the appeal proposal within the Delegated Report, nor taken into consideration the concerns raised by the Council in relation to the justification for the appeal development or its impact on the character of the surrounding area.
- 6.10 Ultimately, the scheme infills the separation gap between the existing buildings within the site and creates a significant cumulative unbroken built form that is not sensitive to its surroundings. By virtue of its size, scale, height, volume, and bulk, the proposal results in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside. This significant harm is heightened due to the proposal's visual prominence from public views along Sutton Lane.
- 6.11 As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design. In these instances, Paragraph 139 of the NPPF confirms that development should be refused. The Appellant has not sought to refute this assessment.
- 6.12 In conclusion, and in light of all these factors, including the Council's assessment of the appeal proposal within the Delegated Report, the scheme does not comply with, and is therefore contrary to and in conflict with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraphs 88, 89, 129 and 135 and Chapters 6, 12, and 15 of the National Planning Policy Framework (2024), the National Design Guide (2019) and the Council's Good Design Guide (2020). As a result, Paragraph 139 of the NPPF confirms that the appeal development should be refused.
- 6.13 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement, the Delegated Report and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions and reasons suggested below.

7. CONDITIONS

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: 21.03.2025)
- Proposed Elevations, Section, Floor Plan, Drg No. 1 (submitted: 21.03.2025)
- Site Location Plan (submitted: 21.03.2025)

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. Prior to the commencement of any works above foundation level, a Biodiversity Enhancement Strategy for protected, priority and threatened species shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The Biodiversity Enhancement Strategy shall be prepared by a suitably qualified ecologist and include, but shall not be limited to, the following details:
 - (a) Purpose and conservation objectives for the proposed enhancement measures; and
 - (b) detailed designs or product descriptions to achieve stated objectives; and
 - (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); and
 - (d) persons responsible for implementing the enhancement measures; and
 - (e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

4. Prior to the commencement of any works above foundation level, a Vehicular Parking Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Vehicular Parking Plan shall include details of the location and dimensions of nine off-street vehicular parking spaces and two off-street HGV parking spaces within the site. The on-site parking provision shall be implemented in accordance with the approved details prior to the first use of the development hereby permitted and be kept available for such uses 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 DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024), and Figures 44 and 45 of the Leicestershire Highway Design Guide (2024).

5. Prior to the first use of the development hereby permitted, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall only be used in association with the Appellant's business, Cadeby Tree Trust. The site shall not be used for any other commercial or industrial purposes. Should the development become redundant, the building shall be demolished, and the site restored to grassland within 12 months of the building last being used in association with Cadeby Tree Trust, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has been granted on the basis that the building is required to meet the local business needs of the Appellant's Christmas Tree business, Cadeby Tree Trust. Should that use no longer be required then alternative uses are unacceptable and/or are unlikely to be supported in the interests of the amenity and character of the area in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Chapters 12 and 15 of the National Planning Policy Framework (2024).

9. APPENDICES

- 9.1 (See separate documents)

- 9.2 **Appendix A:** The Appellant's Confirmation of Speculative Development
 (02 June 2025)
- 9.3 **Appendix B:** The Appellant's Justification for the Development
 (06 May 2025)