



MAIR

LAND & PLANNING CONSULTANTS LTD

PLANNING APPEAL STATEMENT

BARNHILLS FARM, MERRYLEES ROAD, THORNTON,
COALVILLE, LEICESTERSHIRE

March 2025

Ref.: MLP-25-J012



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Prepared on behalf of Mr and Mrs Gary and Amy Knight

Project Ref.: MLP-25-J012

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1. Introduction

1.1. Mair Land & Planning Consultants Ltd has been instructed by the appellants, Mr and Mrs Gary and Amy Knight, to prepare and submit a planning appeal against the decision of Hinckley and Bosworth Borough Council to refuse planning consent for the development consisting of *'Erection of a two storey childcare facility with ancillary services and associated external play and interaction areas'* at Barnhills Farm, Merrylees Road, Thornton, Leicestershire.

1.2. The planning application (LPA Ref: 24/00657/FUL) was determined under delegated powers and refused for the following reasons :

1. The development results in significant adverse impacts to the rural character of the site, Charnwood Forest, the National Forest, and the designated open countryside. This harm is exacerbated by the significant intensification of the use of the site and the visual prominence of the development from the public highway and Public Footpath R77, as well as the works required to provide an appropriate vehicular site access.

Therefore, the proposal is contrary to, and in conflict with, Policies DM4(i) and (v) and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 21 and 22 of the adopted Core Strategy (2009), Chapters 2, 12, and 15 (including Paragraphs 89 and 135) of the National Planning Policy Framework (2024), and the Good Design Guide (2020). These adverse impacts significantly and demonstrably outweigh the benefits of the development in these site specific circumstances.

2. The development is in an unsustainable location, which is not accessible by convenient or safe walking, cycling, or public transport routes, and therefore users of the site are highly likely to be dependent on private motorised transport, which results in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 89, 115 and 161, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

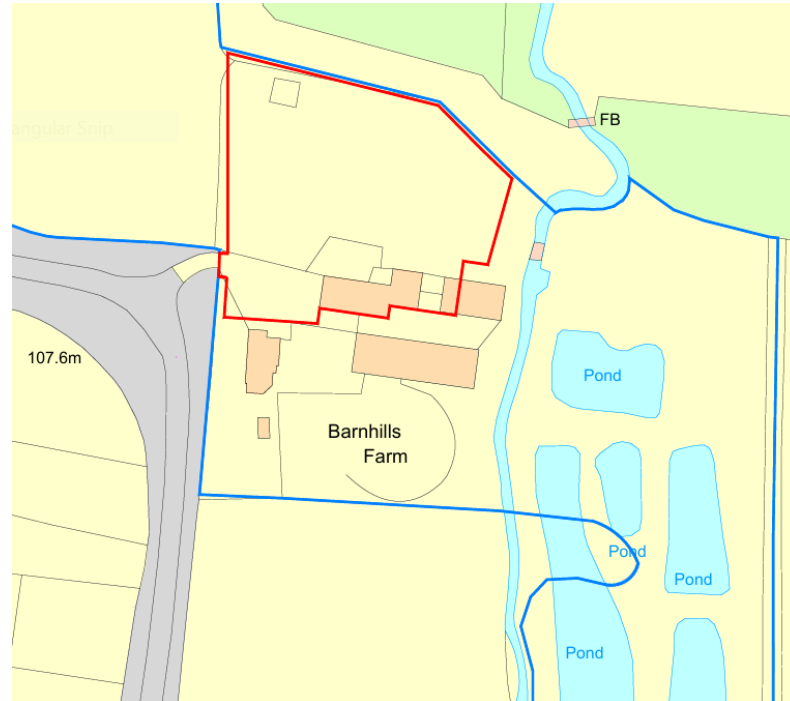
3. The Applicants have failed to demonstrate that adequate parking provision has been provided to serve the development, nor that a safe and suitable access has been provided for all users.

By virtue of these factors, the development is contrary to, and in conflict with Policies DM17 and DM18 of the of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraphs 115 and 116 of the National Planning Policy Framework (2024), and the Leicestershire Highway Design Guide (2024).

- 1.3. A copy of the Decision Notice is provided at **Appendix 1**.
- 1.4. This Statement will review the proposed development proposal as per the submitted planning application, together with an evaluation of the appeal site and its surroundings and a review of the relevant national and local planning policies, before outlining the grounds of appeal.
- 1.5. The appeal submission is supported by a Highway Appeal Statement (**Appendix 27**), prepared by Roberts Highway Consultants.

2. Site Appraisal & Context

2.1. With reference to Figures 1 below, the application site covers an area of approximately 0.46 ha (1.13 acres) and is outlined in red.



Above: Figure 1 - Location Plan

- 2.2. The appeal site comprises land and buildings associated with Barnhills Farm, which is accessed off Merrylees Road. The site is located circa 0.5 mile south from the edge of the village of Thornton, a village within Hinckley & Bosworth Borough.
- 2.3. Barnhills Farm consists of several barns and other agricultural buildings, including pig sties, calf raising areas, a cattle crush area, calving pens, a bull pen, stables, workshop and storeroom.
- 2.4. The site is located within an area where the surrounding land use is predominantly agricultural, however, within close proximity to the site there are a number of commercial and light industrial sites and residential dwellings. This will be explored further within this statement.
- 2.5. The boundaries of the site are defined by existing mature trees, hedgerows and traditional agricultural field enclosures.
- 2.6. There is an existing Public Right of Way (Footpath R77), which runs along the western boundary of the site. This will remain unaffected by the development proposals.

3. The Appeal Proposal

- 3.1. A planning application was submitted to Hinckley and Bosworth Council by Corporate Architecture and validated on 12 August 2024 under the Local Planning Authority reference number 24/00657/FUL.
- 3.2. The planning application was supported by the following planning and technical documents, including
- Application Form
 - Topographical Survey
 - Location Plan
 - Proposed Site Plan, floorplans and elevations
 - Preliminary Ecological Appraisal
 - Transport Statement and Travel Plan
- 3.3. During the determination period, further surveys and reports were submitted, including Biodiversity Net Gain calculations and highway drawings.
- 3.4. In addition, the proposed plans were amended and revisions were submitted to the Council during the determination period.
- 3.5. The documents, surveys and reports that the application was determined on have been submitted in support of this appeal.
- 3.6. The proposal is for the development consisting of the *‘Erection of a two storey childcare facility with ancillary services and associated external play areas.’*
- 3.7. The proposal involves the demolition of existing outbuildings on the property and the erection of a new two storey building to accommodate the child daycare facility with associated works, including external works comprising outdoor play areas, a recreational area, vehicle parking (staff and parent drop off/collection spaces), an animal grazing area and a further area for housing animals.
- 3.8. The proposed building is two storey in height, with external dimensions measuring 30.6 metres in length by 12 metres in depth, creating a total footprint of 367.2 sq. m. This is of a scale in keeping with the existing built form on the site.
- 3.9. It is considered that the replacement of existing buildings, that have fallen into a state of disrepair, with a bespoke building (agricultural in its appearance) will lead to an

enhancement of the site and its setting. The Council at 3.3 of **Appendix 2** confirms *'the site consists of dilapidated agricultural buildings and grassland.'*

3.10. At ground floor the proposed building will comprise three childcare rooms, a kitchen, a laundry room, a sleep room, a couple of changing rooms, a plant room and store room for deliveries. There are several doors proposed into the main corridor with further doors providing access directly into the plant room and store from the external areas. There are several windows proposed within the main rooms, which will provide natural light and ventilation. At first floor, there is a large sleep room, along with a further two childcare rooms and a staff room with toilet facilities.

3.11. The external areas include car parking for staff and parents, outdoor play areas for the children attending the facility, a recreational area, an animal grazing area where children attending the facility can interact with the animals and a further area for housing animals. The outdoor spaces will have significant benefits for the children's health, wellbeing and development, enabling them to interact with the outdoors and open countryside.

3.12. The appellants currently operate a successful childcare facility, Markfield Day Nursery, which is located circa 3.7 miles from the appeal site. Markfield Day Nursery was established in 1999 and offers places for children aged from birth to 12 years. The nursery is open from 7.30am until 6.00pm, Monday to Friday, and provides full day care. It is a valued local employer and currently employs the equivalent of 9 staff members (made up of part-time workers) and 1 ancillary staff member. Markfield Day Nursery provides childcare for pupils from a wide range of locations, as follows:

Location	Distance from Markfield Day Nursery (Google maps)
Anstey	4.2 miles
Bagworth	4.9 miles
Barleston	7.5 miles
Broughton Astley	17.2 miles
Desford	5.1 miles
Elistown	5.2 miles
Groby	3.5 miles

Hugglescote	5.3 miles
Ibstock	6.6 miles
Leicester City	7.2 miles
Markfield	0 miles
Quorn	7.3 miles
Ratby	3.2 miles
Stanton	3.3 miles
Thornton	3.5 miles

3.13. The existing facility runs an apprenticeship scheme and in-house training. There is also a training partnership which demonstrates the appellants commitment to investing in people and skills. This will be expanded at the new childcare facility with training programmes offered and staff assisted in continuing their professional development around childcare. The appellants are highly experienced, they understand the need and demand around childcare and childcare places and have demonstrated their commitment to delivering a service to meet an identified need through the preparation and submission of the refused planning application.

3.14. There is no scope for expansion at the existing facility, which has meant the appellants have had to consider their strategy for future expansion in order to accommodate increasing demand for childcare places. A demand and need that has been identified by the local authority. The appellants have reviewed other potential sites that are available, however, these have not been fit for purpose or in suitable locations to accommodate a childcare facility. Nor do they offer the outdoor space that the appeal site does. In addition, this would have required significant investment in order to purchase a site or land, when the appeal site is already owned by the appellants, requiring no initial investment to secure land or a property.

3.15. A recent RightMove search confirms that there are no commercial properties (of any sector) available to purchase within Markfield. Within three miles of Markfield there are 20 properties, however, these are not considered suitable and do not provide the internal or external space that the childcare business requires. The properties range from 15 acres of land for sale with a guide price of £1,500,000 to light industrial premises requiring significant upgrade and renovation with a guide price of £1,100,000 to a light industrial workshop for sale at £300,000.

- 3.16. The proposal and appeal site will lead to the development of a purpose built facility, which will enable the expansion of the business to provide improved learning and educational facilities and services for local children. This is particularly relevant in light of the recently expanded offering around childcare provision and the Early Years White Paper. As of April 2024, eligible working parents of 2 year olds could access 15 hours childcare support. As of September 2024, working parents of 9 month olds are able to access 15 hours of free childcare. Furthermore, most working families with children aged between 9 months and 5 years old will, in September 2025, be entitled to 30 hours of free education and childcare support. This will continue to put increasing pressure on existing providers, particularly with regards to space and the capacity of existing premises. The appellants have noted that there is a changing attitude from parents towards returning to work in light of the increasing free childcare provision, with large numbers returning to work quicker. This is creating a demand for childcare spaces, which is projected to continue.
- 3.17. A recent study concluded that there would be a 52% increase in demand for childcare for under 2 years olds by late 2025, the equivalent of 27,800 additional full time staff. Several areas are seeing waiting lists for childcare spaces increase.
- 3.18. Statutory guidance updated 1 January 2024 *Early education and childcare (applied from 1 April 2024)* states ‘Local Authorities should aim to identify and remove barriers that prevent existing providers from expanding their provision and new providers from entering the local childcare market if needed and encourage providers to take a sustainable business approach to planning...’. This is fundamental to the determination of the appeal. To meet the increasing demand for childcare requirements, existing and new providers are going to need to build new and expanded facilities. In most cases, this is going to rely on the release of land not usually considered for development, such as locations outside of defined limits and built up areas (as per paragraph 89 of the National Planning Policy Framework).
- 3.19. With reference to **Appendix 26**, the appellants received on 4 February 2025 an email from the Free Early Education Entitlement Co-ordinator and Sufficiency Officer at Leicestershire County Council Early Years Inclusion and Childcare Service. The email correspondence confirms ‘*Below shows the data we have on sufficiency within the Markfield and Thornton area. The local authority has a duty to secure sufficient early learning and childcare places for children and families in Leicestershire. The table below highlights that with the new Early Education Entitlement there will be a shortfall of places within this area. Therefore, a new nursery providing childcare places would support the local authority in meeting their sufficiency duty.*’
- 3.20. The appellants consider that the local authority is failing in its due when there is a clear and identified need for childcare spaces within the local area. The appellants

are currently experiencing this within their existing facility where they are having to turn people away and decline requests for places. The current facility at Markfield is fully booked until April 2026 and there is no room for further expansion.

- 3.21. The proposal has been designed to deliver a purpose built and bespoke facility to accommodate babies, who require more floorspace than toddlers and older children. In addition, the proposal will include outdoor spaces, which will be beneficial to those attending the facility, in their development and growth.
- 3.22. This proposal will assist in meeting a local demand whilst creating new employment opportunities in the area.
- 3.23. The proposed expansion and development of the facility will see the recruitment of a further 12 full time staff plus 1 or 2 ancillary staff members. In addition to these figures, the appellants and owners of the business, Mr & Mrs Knight, are also regularly on site and are not included within the 'staff numbers' set out. This expansion and growth will have significant economic and social benefits to the local area. The creation of circa 14 employment positions is not an insignificant number, and should carry significant weight in the determination of the appeal.
- 3.24. The proposal, as submitted, will see the redevelopment of an existing agricultural site and provision of a new purpose built building. The objective is to create a high quality building, which meets the needs of the current child daycare centre whilst enabling the future expansion of the business, to meet the increasing demand for this service. It will deliver economic, social and environmental benefits.

4. Appeal Documents

4.1. This Appeal is supported by the following documents:

- Appendix 1 – Decision Notice
- Appendix 2 – Officer Report
- Appendix 3 – Application Form
- Appendix 4 – Location Plan
- Appendix 5 – Topographical Survey
- Appendix 6 – Proposed Site Plan
- Appendix 7 – Proposed Floorplans
- Appendix 8 – Proposed Elevations
- Appendix 9 – Proposed Visuals
- Appendix 10 – Design and Access Statement
- Appendix 11 – Planning Statement
- Appendix 12 – Preliminary Ecological Appraisal
- Appendix 13 – Badger Survey
- Appendix 14 – BNG Summary
- Appendix 15 – BNG Calculations
- Appendix 16 – Flood Risk Assessment
- Appendix 17 – Drainage Strategy
- Appendix 18 – Transport Statement
- Appendix 19 – Travel Plan
- Appendix 20 – Transport Note
- Appendix 21 – Access Design

- Appendix 22 – Swept Path Analysis (Farm Vehicle)
- Appendix 23 – Swept Path Analysis (Layout)
- Appendix 24 – Road Safety Audit (Stage 1)
- Appendix 25 – RSA Designers Response
- Appendix 26 – Email from Leicestershire County Council regarding shortfall
- Appendix 27 – Highway Appeal Statement

5. Planning Policy Framework

5.1. The National Planning Policy Framework (NPPF) was revised in December 2024 and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF replaces the previous version published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021, updated in September 2023 and December 2023.

5.2. Paragraph 7 of the NPPF states that *'the purpose of the planning system is to contribute to the achievement of sustainable development'* and Paragraph 8 confirms there are three objectives to sustainable development, these being economic, social and environmental.

5.3. Paragraph 10 confirms *'a presumption in favour of sustainable development'* at the heart of the Framework.

5.4. Paragraph 11 sets out how the presumption in favour of sustainable development should be applied:

'For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.'

5.5. Paragraph 38 states *'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

5.6. Paragraph 85 states *'Planning policies 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.'*

5.7. Paragraph 86 states *‘Planning policies should: e) be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.’*

5.8. Paragraph 88 addresses the rural economy and states:

‘Planning policies and decisions should enable:

a) The sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;

b) The development and diversification of agricultural and other land-based rural businesses;

5.9. Paragraph 89 continues with the theme of supporting the expansion of businesses within the rural context. It states *‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport links. In these circumstances it will be important to ensure that development is sensitive to its surroundings..’.*

Hinckley & Bosworth Borough Council Core Strategy (Adopted December 2009)

5.10. Within the adopted Core Strategy, Thornton is identified as a *Key Rural Centre*. The Core Strategy states that these settlements will be the Council’s focus for improvements to employment, services, facilities and public transport provision. The vision was for the settlements to become focal points for their surrounding rural communities.

5.11. Spatial Objective 1 confirms a desire to support *‘smaller scale employment in the key rural centres to support the rural areas of the borough’* and Spatial Objective 3 outlines a desire to build strong and vibrant rural communities by ensuring these communities *‘have access to a range of shops, education, community, leisure facilities and employment opportunities in the Key Rural Centres to support, enhance and improve the sustainability, vibrancy and vitality of rural areas.’*

5.12. Policy 7: Key Rural Centres states:

‘To support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will:

- Ensure there is a range of employment opportunities within the Key Rural Centres.’*

5.13. As the site is located on land which is designated as countryside, Policy DM4 of the Site Allocations and Development Management DPD (SADMP) is of most relevance. Policy DM4 Safeguarding the Countryside and Settlement Separation states:

‘To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation (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.*
- and*
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and*
 - ii) It does not undermine the physical and perceived separation and open character between settlements; and*
 - iii) It does not create or exacerbate ribbon development;*
 - iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and*
 - v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.*

5.14. The proposed development will comply with Policy DM4. The proposal will assist with the diversification of the rural economy and contribute to job retention and creation, and deliver economic growth within the borough, whilst delivering a much needed and required service within the local area. The increasing demand for childcare spaces over the course of the next 12 months is going to require the further expansion of these existing types of facilities. This will deliver new employment opportunities within this sector, which at this stage is anticipated to be several new employment positions within the next 12 months, to ensure the needs of current and future users of the facility are met.

5.15. New development on the site has been established through the approval of an application for a new barn. This application seeks to expand on this development and make best use of a site, which is currently owned by the applicant. This will enable the applicant to deliver a new child daycare centre, expanding their current service offering, without the requirement for capital investment and financial expenditure to acquire a new site.

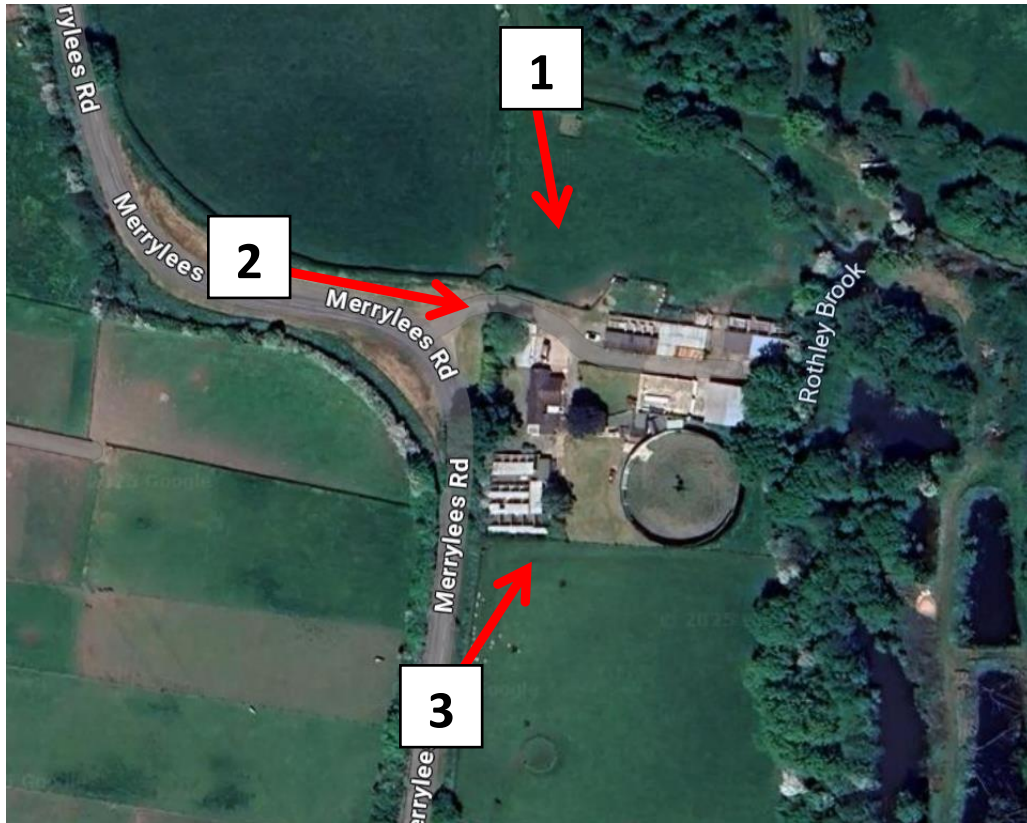
6. Grounds of Appeal

- 6.1. The appellant's case will address the reason for refusals, as set out below and in the Decision Notice (**Appendix 1**):

The development results in significant adverse impacts to the rural character of the site, Charnwood Forest, the National Forest, and the designated open countryside. This harm is exacerbated by the significant intensification of the use of the site and the visual prominence of the development from the public highway and Public Footpath R77, as well as the works required to provide an appropriate vehicular site access.

Therefore, the proposal is contrary to, and in conflict with, Policies DM4(i) and (v) and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 21 and 22 of the adopted Core Strategy (2009), Chapters 2, 12, and 15 (including Paragraphs 89 and 135) of the National Planning Policy Framework (2024), and the Good Design Guide (2020). These adverse impacts significantly and demonstrably outweigh the benefits of the development in these site specific circumstances.

- 6.2. In response to the above reason for refusal, the appellant's view is that the proposed development as submitted to the Council for determination is acceptable in respect of design, scale, massing and layout considerations. It is not considered that the proposed development will have a significant adverse impact on the site or its surroundings.
- 6.3. Policy DM10, referred to in the Reason for Refusal requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features. Policy DM4 seeks to safeguard the countryside from unsustainable development in order to protect its intrinsic value, beauty and open character.
- 6.4. The appeal site is well contained and screened from the public highway by existing mature trees and hedgerows. Views from the public highway into the appeal site are extremely limited, as demonstrated in the following photos.
- 6.5. With reference to Figure 2 below, the following photographs demonstrate how the appeal site is viewed whilst travelling on Merrylees Road and the public footpath. These photographs were taken in February 2025.



Above: Figure 2 – Site Photographs

Below: Photograph 1 – From public footpath

Comment – The existing buildings and agricultural complex are visible from the public footpath. The buildings to be demolished as part of the proposal have fallen into a state of disrepair and have a detrimental visible impact on the site and its surroundings. It is proposed that the replacement with an attractively designed and constructed building (agricultural in its appearance) will provide betterment and enhance the visual appearance of the site.

It is accepted that the proposal will introduce new areas of hardstanding for car parking spaces, which will be visible from the public footpath. However, the remainder of the external areas will remain agricultural and rural in their appearance. Barnhills Farm comprises further agricultural buildings and there are several vehicles parked in and around the property. The proposal will not lead to significant intensification of the site.



Below: Photograph 2 – From Merrylees Road (travelling from the north)

Comment – Views of the appeal site from Merrylees Road are limited. The existing mature trees and hedgerows provide screening.



Below: Photograph 3 – From Merrylees Road (travelling from the south)

Comment – Views of the appeal site from Merrylees Road are limited. Existing agricultural buildings provide screening. The construction of a new building in this location will not introduce a new form of development.



- 6.6. The proposal replaces existing agricultural buildings on the site, which have fallen into a state of disrepair and have a detrimental impact on the sites surroundings. The proposed new building will integrate with the existing form and structure of Barnhills Farm and the remaining buildings. There is another agricultural complex circa 150m to the north west of the site, which comprises agricultural barns and buildings of a much larger scale than the building proposed.
- 6.7. Regarding the wider *'rural character of the site, Charnwood Forest, the National Forest, and the designated open countryside'*, the appellant respectfully draws attention to Figure 3 below. The appeal site is outlined red and existing residential, agricultural and commercial developments are circled blue. In addition, there is a large industrial estate to the south west of the appeal site (Merrylees Industrial Estate) and large brickworks and quarry to the west.



Above: Figure 3 – Site's surroundings

- 6.8. In assessing the site and the scale of the proposed development in the context of the existing surrounding land uses and the scale of those uses, we do not consider that the proposal will have a significant impact on the character of the immediate or wider area.
- 6.9. With reference to Figure 3, and the area indicated '1', the Council deemed it appropriate to grant planning consent in March 2022 for the 'Change of use of agricultural land to caravan storage for up to 50 caravans and erection of earth bund and hard standing' under planning reference 21/01261/FUL. In the Officer's Delegated Report (**Appendix 28**), the Council confirms *'the site is not a valued landscape for the purposes of Paragraph 174 of the NPPF, does not have any national*

or local designations and is not unique or remarkable for any landscape purposes.' This site lies circa 223m directly west of the appeal site. The appellant queries the Council's assessment of the appeal site and the proposal, and the justification set out in Reason for Refusal 1, in light of the fact that in 2022 the Council deemed the area not to be *'unique or remarkable for any landscape purposes.'*

6.10. The report goes on to state that *'8.10 As such, by virtue of the proposed use, siting and scale, the proposed caravan storage would not be out of the character of the site and surrounding area...the proposal would not result in any significant adverse impacts on the character or appearance of the surrounding landscape.'* We consider the demolition of an existing agricultural building that has fallen into a state of disrepair and replacement with a well designed building and external areas associated with the childcare facility will have less of an impact on the surrounding area than a development for the storage of 50 caravans in respect of footprint and scale.

6.11. The Council confirmed in support of the application for the caravan storage site that it would provide income for the farm and provide low level of employment, and this carried significant weight in the determination of the application. We consider that the proposal to meet an identified childcare need, which will facilitate the creation of circa 14 new jobs and involves rural diversification (noted at 8.30 in **Appendix 2**), should carry significant weight in the determination of the appeal. The appellants do not agree with the Council at 8.38 of **Appendix 2** that *'the creation of 14 full-time jobs is not considered to significantly contribute to job creation within the Borough.'* Paragraph 85 of the NPPF states *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt'*. The creation of 14 jobs is considered to deliver significant economic and social benefits.

The development is in an unsustainable location, which is not accessible by convenient or safe walking, cycling, or public transport routes, and therefore users of the site are highly likely to be dependent on private motorised transport, which results in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 89, 115 and 161, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

- 6.12. In response to the above reason for refusal, the appellant's wish to draw attention to Paragraph 88 of the NPPF, which states...

Planning policies and decisions should enable:

- c) The sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- d) The development and diversification of agricultural and other land-based rural businesses;*

- 6.13. Paragraph 89 continues with the theme of supporting the expansion of businesses within rural areas. It is clear in stating '*Planning policies and decisions should recognise that sites meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport links. In these circumstances it will be important to ensure that development is sensitive to its surroundings...*'.

- 6.14. It has been demonstrated previously in this statement that there is a significant local need for childcare places, which has been confirmed in writing by Leicestershire County Council. The proposal as submitted to the Local Planning Authority will deliver a new purpose built facility to support the growth and expansion of an existing highly successful and well respected child daycare facility. There is no room to expand the existing facility and there are no suitable alternative locations within the Markfield and Thornton area where the appellants can acquire land or property without further significant financial investment.

- 6.15. The proposal comprises the sustainable growth and expansion of an existing business through the development of a well-designed new building, in an area where there is an existing mix of land uses (agricultural, residential, commercial and

industrial), all which are evident on the landscape and as you travel within the local area.

- 6.16. Regarding the location and the Local Planning Authority deeming it to be ‘unsustainable’, paragraph 89 is explicit and acknowledges that sites to meet local business and commercial needs within these areas may have to be found beyond settlement boundaries and within locations not well served by public transport links. It also confirms that in these situations development should be sensitive to its surroundings. It is considered that the design of the building and the external areas is wholly compatible with the site’s surroundings. The proposal will see the demolition and removal of existing buildings, which have fallen into a state of disrepair and replacement with an attractive agricultural looking building, reflective of the countryside location.
- 6.17. HDM Policy 1: Sustainable access for all of the Leicestershire Highway Design Guide states *‘The council will advise refusal of planning applications where the lack of sustainable travel choices results in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road or transport network, taking into account all reasonable future scenarios.’*
- 6.18. The supporting Highway Technical Note (**Appendix 20**), submitted in support of the application, sets out that Personal Injury Collision (PIC) data has been obtained from Leicestershire County Council for the latest five year period (01/01/2019 to 14/09/2024). The data confirms that there have been no recorded collisions along Merrylees Road. Therefore, as is set out in the Highway Technical Note *‘there is no available evidence to suggest an existing road safety concern which would be exacerbated by the development proposals’*.
- 6.19. In addition, the proposed childcare facility is tailored to working parents, who will drop their children off as part of their daily commute and then collect at the end of the working day (as is evidenced at 3.11 of this statement). No site movements are anticipated between 9.00am and 3.00pm. It is generally accepted within rural areas that primarily movements to and from childcare facilities will be undertaken by private car, particularly with younger children. It is not considered practical to travel to a childcare facility by bike when dropping off or collecting a baby or toddler, and with large numbers of parents and carers undertaking these trips enroute to and from work the majority of trips are undertaken by car. It is reflective of other facilities such as rural farm shops, children’s play barns or farm parks, significant numbers of trips to these locations are undertaken by car. The NPPF allows for development in these locations when appropriate. We consider that due to the exceptional circumstances around childcare places (demand and identified need) the proposed development is appropriate.

The Applicants have failed to demonstrate that adequate parking provision has been provided to serve the development, nor that a safe and suitable access has been provided for all users.

By virtue of these factors, the development is contrary to, and in conflict with Policies DM17 and DM18 of the of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraphs 115 and 116 of the National Planning Policy Framework (2024), and the Leicestershire Highway Design Guide (2024).

- 6.20. The Highway Statement of Case (**Appendix 27**) attends to the third reason for refusal.
- 6.21. The statement states *‘the development would not result in an unacceptable impact on highway safety, with suitable visibility achievable from the proposed site access’*. This conclusion is based on the results of ATC Survey Results.
- 6.22. It goes on to confirm that the site can accommodate sufficient parking based on demand, ensuring the proposal complies with local highway guidance and policies.

7. Conclusion

- 7.1. The appellant considers the proposal as submitted to the Council for determination comprised an acceptable development of a scale and design that would cause no impact on the character and appearance of the surrounding area.
- 7.2. The proposal accords with the policies of the local development plan and the National Planning Policy Framework.
- 7.3. For the reasons set out in this Appeal Statement, the Inspector is respectfully requested to allow the appeal as submitted.

