

Delegated Report

Planning Ref: 26/00491/FUL
Applicant: Mr Richard Andrews
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Elm View Farm Dadlington Lane Stapleton

Proposal: Covered yard between two existing buildings

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks full planning permission for the construction of a covered yard between two existing buildings at Elm View Farm, Dadlington Lane, Stapleton.
- 2.2. The proposed covered yard would be sited between two existing buildings at the site and would have dimensions of 32.85 metres in length and 10.50 metres in width and a total ground area of 344.92 square meters. It would have an eaves height of 5.48 metres and a ridge height of 6.70 metres with a fibre cement roof.

3. Description of the site and surrounding area

- 3.1. The application site is situated on land to the south-west of Dadlington Lane, outside of any defined settlement boundary within the open countryside.
- 3.2. The agricultural unit comprises an area of 40.00 hectares, with the land under the Applicants ownership extends over to the parcels of land to the north-west.
- 3.3. The site is predominantly surrounded by open fields and buildings used for the purposes of agriculture with residential development present immediately to the north-east of the site and to the far east of the site within Stapleton's settlement boundary.

4. Relevant planning history

26/00034/AGDO

- Notification to determine if Prior Approval is required for the erection of a covered yard between two existing buildings
- Prior Approval Refused
- 30.04.2026

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. Kirkby Mallory, Peckleton and Stapleton Parish Council:

'No objections.'

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area and open countryside
- Impact upon neighbouring residential amenity
- Other matters

Principle of development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

8.5 The current Development Plan consists of the adopted Core Strategy, and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to

assess whether they need updating at least once every five years and should then be updated as necessary.

- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.9 This is supported by Policy DM4 of the adopted SADMP which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the adopted SADMP only considers development in the countryside sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or 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 The proposal involves the extension of existing buildings complying with DM4(b). Other material considerations are assessed below.

Design and impact upon the character of the area and the open countryside

- 8.11 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.
- 8.12 Policy DM10 of the adopted SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.13 The proposal would be set-back from the adjacent public highway, Dadlington Lane by a generous 102.54 metres. It would be positioned comfortably in between two existing units not extending past their building lines and would have a pitched roof form with a replicating eaves and ridge height as to appear subordinate. The proposal would be finished in materials that match the host building as to assimilate well with the surrounding area.

- 8.14 In light of the above, the proposal would satisfy Policies DM4 and DM10 of the adopted SADMP.
- Impact upon neighbouring residential amenity
- 8.15 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.16 Policy DM7 of the adopted SADMP seeks to ensure that development does not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.17 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.18 The proposal is located 80.91 metres from the nearest residential property, 51 Dadlington Lane and as a result it is not considered that the building would have any impact on the amenities of the occupiers of the property in terms of overshadowing or loss of light.
- 8.19 The Council's Environmental Health Officer has raised no objection with regards to noise pollution.
- 8.20 The proposal is therefore considered to be in accordance with Policies DM7 and DM10 of the adopted SADMP, and Paragraph 135(f) of the NPPF.

Other matters

- 8.21 Prior approval was refused for this very scheme on the 30th April 2026 (Application Reference: 26/00034/AGDO) as whilst it was considered that part of the site has an established agricultural use, the same could not be said for the land indicated within the red line based on historic imagery and on the site inspection of the Case Officer where the area proposed to accommodate the covered yard was being used for the storage of a considerable number of building materials. Building materials were also present to the area forward of the proposal alongside a vast number of HGV's. The Applicant failed to demonstrate that the application site was to be utilised for agricultural uses in association with an established agricultural business, nor that the development would be reasonably necessary for the purposes of agriculture within this unit in these site-specific circumstances.
- 8.22 In light of the above, whilst the applicant's agent has confirmed that the site is to be used solely for agricultural purposes it is considered reasonable and necessary to impose a condition to ensure that the proposed covered yard is not utilised for any other use in the interests of protecting the character of the area, residential amenity, and highway safety.

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 DM1, DM7 and DM10 of the adopted SADMP, and the overarching principles of the NPPF. The proposal is therefore recommended approval subject to the below conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 29th May 2026.

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), and the National Planning Policy Framework (NPPF) (2024).

3. 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 Plan;
- Proposed Plans as received by the Local Planning Authority on the 29th May 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (NPPF) (2024).

4. The proposed covered yard shall not be used other than for agricultural purposes.

Reason: To ensure the proposed development is compatible with existing development in the locality, does not become a source of annoyance to nearby residents and safeguards highway safety in accordance with Policies DM4, DM7, DM10, and DM17 of the adopted Site Allocations and Development

Management Policies Development Plan Document (2016), and the National Planning Policy Framework (NPPF) (2024).

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.