

Delegated Report

Planning Ref: 23/00535/FUL
Applicant: Mr Ian Fenny
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Inglenook Farm, Leicester Road, Barwell

Proposal: Erection of 9 accommodation pods, 4 holiday lodges, management building with associate internal access roads, parking, landscaping, and surface water balancing

Recommendations:

Refuse planning permission for the reason outlined at the end of this report.

Planning application description

This application seeks full planning permission for the erection of 9 accommodation pods, 4 holiday lodges, a management building, and associated access roads, parking and landscaping. A new pond in the centre of the site and surface water balancing pond throughout the site are also proposed.

The initial application submission was for 20 accommodation pods and 10 holiday lodges but was significantly reduced in scale following concerns raised by officers regarding harm to the character and appearance of the area and impact on the role and function of the green wedge. The proposal includes reopening the existing access towards the north of the site and would focus development within the northern half of the site.

Description of the site and surrounding area

The site measures approximately 4 acres and is roughly triangular. It is located approximately 250m south of the settlement boundary of Barwell and is defined as being within a countryside location and within the Green Wedge. The site is bound by hedgerows and some mature trees on its northern and eastern boundaries, with Inglenook Farm to the south and west. The land rises gradually from south to north from the A47 towards Barwell in an area locally known as Carr's Hill.

The nearest residential property is Inglenook farm directly to the south, with The Cottage situated approximately 100m north along Leicester Road. The site has an existing access (currently unused) off Leicester Road in the northern part of the site.

Relevant planning history

- 23/00146/FUL	Proposed two storey detached dwelling	Permission – 26.07.2023
- 22/00083/FUL	New traditionally built rendered cottage	Permission - 09.06.2022
- 04/00199/OUT	New dwelling and garage	Refused – 26.05.2004

Publicity

A site notice was put up in the local vicinity and letters were sent out to neighbouring/nearby properties.

Consultation

No objection has been received from:

- HBBC Environmental Services
- HBBC Drainage
- HBBC Waste (subject to a condition)
- Local Highway Authority (standing advice)
- HBBC Conservation Officer
- Barwell Town Council

Policy

Core Strategy (2009)

- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 23: Tourism Development

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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

Earl Shilton and Barwell Area Action Plan (ESBAAP, 2014)

- Policy 22: Development and Design

National Planning Policies and Guidance

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

Other relevant documents

- Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review (2020)

Appraisal

Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology and biodiversity
- Flooding and Drainage

Assessment against strategic planning policies

Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Policy 6 of the Core Strategy states that the following land uses will be acceptable in the Green Wedge, provided the operational development associated with such uses does not damage the function of the Green Wedge: a) Agriculture, including allotments and horticulture not accompanied by retail development b) Recreation c) Forestry d) Footpaths, bridleways and cycleways e) Burial grounds f) Use for nature conservation The policy then goes on to require development within the Green Wedge to 'retain the function of the Green Wedge' and the 'visual appearance of the area'.

As the site is located in the green wedge & outside of the settlement boundary of Barwell, within open countryside, Policy DM4 of the SADMP is also relevant. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Policy DM4 states development in the countryside will be 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

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 v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

Policy DM24 of the SADMP is also applicable, stating that development of new cultural and tourism facilities will be supported across the Borough and should be accessible by a range of transport modes. This proposal is considered to comply with this Policy due to the site's proximity to Barwell and Earl Shilton which are both within walking/cycling distance.

Policy 23 of the Core Strategy also supports tourism development including holiday accommodation comprising bed and breakfast, holiday lodges and tenting fields in suitable locations where:

- The development can help to support existing local community services and facilities and

- Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the area with acceptable landscaping and
- The development adds to the Hinckley and Bosworth's local distinctiveness and
- Complements the tourism themes of the Borough and
- The development adds to the economic wellbeing of the area

In terms of the proposed use of the land for tourism/leisure, Policy DM4 (a) of the SADMP states that development in the countryside will be considered sustainable where it is for outdoor sport or recreation purposes, and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries. Recreation is also one of the types of land uses which would in principle be accepted within the Green Wedge in accordance with Policy 6 of the CS.

Officers did question the applicant and agent around the suitability of the site for the proposed use, noting that the demand for this type of tourism and leisure provision may not be popular due to the limited nearby attractions/popular walking routes etc. The attraction of this type of facility usually relies on features such as a quiet environment, proximity to nature and countryside views, and Officers question whether this site offers this due to the site's proximity to the urban area and the A47 which could impact its tranquillity. It is noted that the existing ponds would be made a feature of the site, and that footpaths U32/U100/U74 are close to the site, however they are not necessarily considered popular walking routes one might would associate with a tourism and leisure site in the countryside.

Notwithstanding this, in Policy terms the proposal is considered to meet criterion (a) of Policy DM4, in that that a recreation/tourism use of this type would not usually be located adjacent to a settlement boundary as part of its appeal relies on a countryside/rural location. However, Policy 6 of the Core Strategy identifies land uses which are acceptable within the Green Wedge provided that they do not damage the function of the Green Wedge whilst also retaining the visual appearance of the area. This matter is addressed later in this report.

In summary, whilst it is accepted that recreation/tourism use could be acceptable in this location in principle, the proposal must also meet additional criteria in terms of spatial and visual impacts in relation to Policy 6 of the Core Strategy and Policy DM4 of the SADMP. These matters are addressed later in this report.

Design and impact upon the character and appearance of the area

Policy DM4 requires that development which is considered sustainable in the countryside should not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and does not undermine the physical and perceived separation and open character between settlements.

Policy DM10 of the 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 with the intention of preventing development that is out of keeping with the surrounding area.

Policy 6 of the Core Strategy requires any land uses within the Green Wedge to retain the function of the Green Wedge and retain the visual appearance of the area.

The site would contain a total of 14 structures focused towards to northern part of the site and would include a management building towards the eastern boundary, four holiday lodges, and 9 smaller accommodation pods.

The management building would be the largest building on the site, measuring 20m in length, 6.8m in width, with a ridge height of 3.57m.

The lodges would measure 14.1m in length, 6.8m in width with a ridge height of 3.55m, whilst the smaller pods would measure 6m in length, 3.4m in width and 2.6m at the ridge.

The proposed materials include timber cladding and profiled metal sheet roofing. There is an existing access track visible on aerial photography, and this would be altered/replaced by a circular access track to serve the site, with additional tree planting, a new pond and four balancing ponds located around the site.

The site falls within Area C (East of The Common and south of Shilton Road) Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review. The document states that any significant built development would have an impact on the coalescence of Barwell and Earl Shilton with particular reference to the area close to Carr's Hill (Leicester Road) which this site lies adjacent to. It would also have a significant impact on the visual amenity of the wider green wedge area as there are open views towards Earl Shilton and into the neighbouring District of Blaby.

Due to the change in levels, quantum of development, and the openness of the surrounding landscape immediately adjoining the site, the proposed development would create a prominent addition to the area in visual terms, and the combination of 14 new structures and the associated additional access track and parking areas would detract from the rural character of the area. This is particularly the case for the largest 5 buildings, which will create an urbanising and domestic appearance which is considered to be at odds with the prevailing open and rural character of the countryside and green wedge.

In summary, it is considered that the proposed development would introduce an incongruous form of development within the open countryside which would have a significantly adverse impact on the open character of the countryside and would harm the role and function of the Green Wedge. The proposal is therefore contrary to Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 6 of the Core Strategy.

Impact upon neighbouring residential amenity

Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The proposal seeks provision of 13 detached, single storey, holiday lodges. Spacing between lodges is adequate and landscaping measures throughout the site and between lodges will help to promote the feeling of privacy. There are no residential properties close to the site that the proposal would impact upon existing levels of residential amenity.

The site is located 150m north of the A47 and it is likely that this will have an impact on the tranquillity of the site and the enjoyment of the prospective visitors. However, it is not considered that the noise impacts would be severe enough to result in unacceptable levels of amenity, whilst stays at the lodges would not be permanent in any case.

Overall, it is considered that the proposal is acceptable in residential amenity terms and in compliance with Policy DM10 of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

Policy DM17 and DM18 of the SADMP require development to accord with the adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be refused on highway grounds where the cumulative impact of the development is severe.

Paragraph 111 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access to the proposed development would be via an existing agricultural access from Leicester Road, which is a C classified road subject to a 40mph speed limit. The Applicant intends to undertake improvements to the access, including the provision of a 5.5m wide access and 6.0m junction radii. In order to ascertain the required visibility splays at the access, the Applicant has undertaken two automatic speed surveys approximately 100m either side of the site access.

The LHA considers the proposals are likely to intensify the use of the existing access and given that improvement works are proposed, the Applicant was advised to undertake an independent Stage 1 Road Safety Audit. The RSA raised one problem in respect of visibility splays when looking to the left of the access junction, which were impacted by vegetation. The LHA advise that it is satisfied the hedgerows could be cut back by the Applicant to improve visibility at the access. On this basis, the LHA is satisfied a safe and suitable access could be provided to the site.

In terms of the internal layout and parking arrangement, the LHA is satisfied that adequate parking provision is demonstrated.

It is therefore considered that the proposal is acceptable in highway terms and satisfies Policy DM17 and DM18 and the requirements of the NPPF.

Ecology and biodiversity

Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

LCC Ecology were consulted and requested that the recommendation in the submitted Preliminary Ecological Assessment should be carried out. This includes a Ground Level Tree Assessment (GLTA) for bats and the production of a Construction Environmental Management Plan (CEMP)/precautionary methods of works (PMW) document with regards to badgers and reptiles, amphibians and priority mammals (brown hare and hedgehog).

LCC Ecology have also highlighted that the BNG calculation is poorly produced and difficult to decipher and should be resubmitted.

Whilst there is no formal objection from LCC Ecology, a significant amount of further information has been requested and it has therefore not been adequately demonstrated that the proposed development would have no adverse impact upon protected species. Therefore, at present the proposal is not in accordance with Policy DM6 of the SADMP and the general principles of the NPPF.

Flooding and Drainage

Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.

Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

The 1.56 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. British Geological Survey (BGS) data suggests that infiltration would not be a suitable method of draining the site. Ground investigations should be conducted to confirm this.

LCC Drainage have also highlighted that the Drainage Strategy Sheet shows the surface water outfall to be located outside of the development boundary. Evidence demonstrating that this land is under developer control or consultation with the third-party landowner should be provided.

The proposal therefore requires the submission of further evidence before it can be determined whether the proposal complies with Policy DM7 of the SADMP in terms of drainage and flooding.

Conclusion and planning balance

The development proposed would have economic benefits and would provide some social benefit for prospective users of the site, although these are considered limited due to the scale of the proposal. Whilst it is noted that the proposal would generate some additional employment, it is not considered that the proposal would create a significant amount of economic growth.

The buildings and associated hard surfaced areas are considered to significantly cause harm to the character and appearance of the open countryside and would detract from the role and function of the Green Wedge, and is therefore contrary to Policies 6 and 23 of the Core Strategy and Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

Applying Paragraph 11 (d) (ii), there are no material considerations that would collectively or significantly outweigh the environmental harm to the countryside identified. The proposal would be contrary to Policy DM4 and DM10 of the SADMP, Policy 6 of the Core Strategy and sub paragraph 174 (b) of the Framework (2023). Collectively, and among other things, these policies seek to recognise and protect the intrinsic character and beauty of the open

countryside, only allowing development that is sympathetic to, compliments or enhances local character.

The application does not provide sufficient evidence to demonstrate that the proposal would have an acceptable impact on ecology and biodiversity or drainage and flooding.

The proposed development would significantly harm the character and appearance of the countryside by introducing an uncharacteristic form of development into an area of largely undisturbed, verdant and open countryside. As such, there is unjustified harm to the intrinsic value and beauty of this area of countryside and the visual appearance and openness of the Green Wedge, contrary to Policy DM4 and DM10 of the SADMP, Policy 6 of the Core Strategy and Paragraphs 9, 84, 130 (c) and 174 (b) of the NPPF (2023). The proposal is therefore recommended for refusal.

Equality implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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.

Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

There are no known equality implications arising directly from this development.

The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Recommendation

Grant planning permission subject to the following conditions:

Conditions and Reasons

1. The proposed development at this location within the open countryside and Green Wedge would introduce an incongruous and unsustainable form of development which would have a significant adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside and visual appearance of the Green Wedge and would be contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD, and Policies 6 and 23 of the Core Strategy.
2. Insufficient evidence has been submitted with the application to substantiate that the proposal would not harm protected species. Such a proposal would thus be contrary to Policy DM6 of the SADMP and to guidance within the NPPF.