

Delegated Report

Planning Ref: 25/01193/FUL

Applicant: Mr Rawner

Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land South Of Burroughs Road Ratby

Proposal: Retrospective change of use of agricultural land into a dog walking field with associated fencing, gate, parking area and shelter.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission for the retrospective change of use of an agricultural field to the south of Burroughs Road, Ratby, into a dog walking field with associated works (detailed in full below).
- 2.2. The site is enclosed by a 1.80 metre high open-wire fence, fixed to the ground by timber fence posts. A shelter is sited to the north-east corner of the site upon the hardstanding (which has a floor area of 91.92 sqm). It is constructed out of a timber frame with no foundations, fixed to the ground with 4 fence posts, with a corrugated roof made of onduline (bitumen, recycled paper and resin) and covered with fabric on 3 sides to act as a wind break. It measures 2.40 metres wide x 2.40 metres deep x 2.10 metres x 2.40 metres high. Two footpaths extend from the hardstanding to the south and west measuring 25.57 metres each.
- 2.3. A booking system limits the amount of dogs/handlers on the site at any one time. Slots are available from 6:00am – 22:00pm Monday-Sunday. The terms and conditions of use of the field stipulate several rules for dog walkers using the field, including: 'Do not play music, unnecessarily shout or create loud noise, allow your dogs to bark unnecessarily or do anything that might be a nuisance for others living near the field.' Dog poo bins and poo bags are provided near the entrance and customers are asked to take any personal waste home with them.
- 2.4. The purpose of the application is to create a secure dog walking environment where the public can make use of this paddock & walk their dogs in a safe and managed environment.

3. Description of the site and surrounding area

- 3.1. The application site comprises 1.25 hectares of land to the south of Burroughs Road, Ratby. The site is situated within open countryside, as well as the National Forest and Charnwood Forest. It is situated approximately 1.50 km west of the centre of Ratby.
- 3.2. The field forms part of a 31.16 hectare landholding within the larger 222.57 hectare farm estate. The land has historically been used for arable farming with the dog field becoming operational in October 2025 to bring an income to the applicant given the rising cost and difficulties the agricultural industry is facing.
- 3.3. To the north of the site is Burroughs Wood and to the west Ratby Burroughs, natural and semi-natural open spaces accessible to the public. A number of paintball facilities also sit within the vicinity of the site.

4. Relevant planning history

- None relevant.

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, 5 letters of support have been received, which are summarised below:

- The space gives somewhere for dogs to run around freely and safely;
- There are not many places where dogs can play in a safe place off lead;
- The use doesn't affect any neighbours or lead to increased noise;
- These spaces allow dogs to build trust with their owners, learn new skills- such as recall and general good behaviour which helps them to grow in confidence and live a happy life;
- Since its installation there has not been an increase in traffic or an impact on the woodland area nearby.

6. Consultation

6.1. LCC Highways:

- The comments from the Local Highway Authority have been incorporated into the body of this report.

6.2. National Forest:

- The comments from National Forest have been incorporated into the body of this report.

6.3. Ratby Parish Council:

- The comments from the Parish Council have been incorporated into the body of this report.

6.4. No objections have been received from:

- HBBC Drainage
- HBBC Environmental Health (Pollution)
- HBBC Waste
- LCC Ecology
- The Friends of Charnwood Forest

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution & Flooding
- 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)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area, the countryside and the National and Charnwood Forest
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

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. Policy DM1 of the Site Allocations and Development Management Policies (SADMP) also provides a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the 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 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 the SADMP policies and refers to the NPPF and notes any inconsistencies between them.

- 8.8 As the site is located outside of the settlement boundary of Ratby, within open countryside, Policy DM4 of the adopted SADMP is relevant. Policy DM4 of the adopted SADMP seeks that to protect the 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 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.
- 8.9 In regard to the proposed change of use of the land for dog walking, 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. Policy DM4 (b) further states that development in the countryside will be considered sustainable where it leads to diversification of rural businesses.
- 8.10 In terms of justification the applicant has stated that *'the dog walking field provides a valuable facility for the local area, promoting healthy communities and supports Ratby Parish's aspirations for outdoor recreation in the Bourroughs Road area. The site is easily accessible from Ratby and Leicester beyond, encouraging and enabling dog walking in a sustainable location. It offers an alternative place to exercise nervous or aggressive dogs away from local public footpaths and parks. This improves public safety, making local footpaths and parks more appealing to locals and visitors, which promote Ratby as a 'gateway village' to the National Forest, whilst helping to prevent the overuse of the National Forest. It also has the benefit of reducing stress on dog owners and allows dogs to run free off-lead in a safe and secure environment.'*
- 8.11 The applicant has historically used the land for arable farming, but this parcel of land is no longer required to be used in association with the agricultural use given the rising cost and difficulties the agricultural industry is facing. The dog walking facility would be a diversification away from this agricultural use in order to bring an income to the applicant.
- 8.12 In light of the above, while the applicant has not demonstrated why the use cannot be provided within or directly adjacent to the settlement as it would diversify an existing rural business the development is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and impact upon the character of the area, the countryside and the National and Charnwood Forest

Design and impact assessment

- 8.13 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.
- 8.14 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.
- 8.15 Policy 21 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.
- 8.16 Policy 21 of the Core Strategy seeks to ensure that proposals within the National Forest are supported where
- The siting and scale of the proposed development is appropriately related to its setting within the Forest
 - The development respects the character and appearance of the wider countryside and
 - The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside

Within the National Forest new developments will be required to reflect the Forest context in their accompanying landscape proposals. Developments shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines. Landscaping will generally involve woodland planting but can also include creation and management of other appropriate habitats, open space provision and the provision of new recreational facilities. The appropriate mix of landscaping features will depend upon the setting and the opportunities that the site presents.

- 8.17 Policy 22 of the Core Strategy seeks to ensure that proposals within Charnwood Forest are supported which:
- Maintain the traditional working landscape of the forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives
 - Provide new recreation facilities around the fringes of the area
 - Provide access to and from the rural areas into and within the regional park by non-vehicular means, provided that they:
 - Retain local character and complement the local landscape
 - Enhance open spaces, including the treatment of built edges
 - Enhance woodland and habitat provision and connectivity
 - Manage and enhance the cultural heritage of the area
- 8.18 The visual changes to the site are minimal, with the proposed structures being limited to 1.80 metre high fencing around the site, a small area of hardstanding, a shelter and training apparatus.
- 8.19 The fence whilst higher than typical rural fences would be of an unobtrusive open-wired design as to minimise its visual appearance. The shelter is a small, utilitarian structure and is constructed out of materials typically observed within an agrarian

site. The area of hardstanding is minor being mainly screened from view, with the number of visitors being limited at the site at any one time ensuring there is not a visual mass of vehicles. Overall, all of the structures would fit in with the rural vernacular of the area.

- 8.20 The existing access is utilised and is to also remain in use in association with the agricultural use of the site.

National Forest Delivery

- 8.21 The National Forest require commercial development over 1.00 hectare to include woodland planting and landscaping. As the development compromises 1.25 hectares, 20% or 0.25 hectare of woodland planting is required. A planting plan has been submitted proposing three trees 15.00 metres apart in a parkland arrangement to the north of the site. The National Forest Company are satisfied that the proposed planting plan meets their requirements and therefore have no objections.

Summary

- 8.22 It is not considered the proposed would have a detrimental impact on the countryside, the National Forest or Charnwood Forest and the proposal therefore complies with Policies DM4 and DM10 of the adopted SADMP, and Policies 21 and 22 of the Core Strategy subject to conditions.

Impact upon neighbouring residential amenity

- 8.23 Policy DM7 of the adopted SADMP states that development should not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity
- 8.24 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. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.25 The nearest residential property, Hollywell Farm is situated 500.00 metres from the site, with mature trees and hedgerows in between the site and the dwelling. The proposed structures would be limited to 1.80 close-wire fencing, a small shelter and training apparatus not resulting in loss of privacy or loss of light impacts, nor overlooking or overbearing impacts to neighbouring residential amenity. Acoustic fencing is not being proposed, but the applicant has outlined a booking procedure which would mean that only 1 customer would be allowed within the site for each 55 minute time slot, it is therefore judged to be a low key dog walking facility subject to this control.
- 8.26 The applicants proposed that the development will be open between the hours of 06:00 and 22:00, which due to the considerable distance to the nearest neighbouring dwelling is considered to be acceptable. Despite this, it is judged reasonable to condition these hours to avoid unnecessary disturbance outside of these hours.
- 8.27 It should be noted that the Council's Environmental Health Officer has raised no objections. Any future issues could be controlled by them separately using statutory nuisance legislation.
- 8.28 In light of the above, the development is considered to be acceptable under Policies DM7 and DM10 of the adopted SADMP, subject to planning conditions.

Impact upon highway safety

- 8.29 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.30 To support this, Policy DM17 of the adopted SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.31 Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.32 The Parish Council have raised concerns over the increased level of traffic using Burroughs Lane, the impact this will also have on parking, and the safety of drivers and pedestrians entering and exiting the site due to the fact it shares the same entrance with tankers and heavy vehicles driving and from the slurry pit day and night.
- 8.33 The site is situated on Burroughs Road, approximately 1.50 km to the west of the junction of Burroughs Road / Main Street. It should be noted that the approximately the first 1.10 km from the junction of Burroughs Road / Main Street along Burroughs Road is adopted highway. From this point to the site is classed as a restricted byway, which is technically for the use of non-motorised vehicles. From undertaking a land registry search, part of this byway is under the ownership of the Woodland Trust, a further part of the byway comes under the ownership of a further third-party unknown to the Local Highway Authority (LHA). Taking the above into consideration, given that the byway is within private land, the LHA have no comments to make in relation to access onto Burroughs Road and the internal layout given the distance from the public highway.
- 8.34 Paragraph 4.1 of the Planning, Design and Access Statement (PDAS) states that: 'The proposal is for the continued use of the site as a dog walking field, which is accessible by appointment only and the entrance gate to the dog walking field is set back approximately 40m from Burroughs Road, allowing the farmer to continue accessing the surrounding fields. The entrance gate to the dog walking field is secured with a combination padlock and monitored by a solar-powered CCTV camera. Only one customer can book the field per hour for 55 minutes (to prevent overlap of visitors). Slots are available from 6am to 10pm daily.'
- 8.35 Taking this into consideration, this equates to a maximum of two trips per hour along Burroughs Road. As such, it would be difficult for the LHA to demonstrate that the proposals would have a material impact upon the public highway in these site-specific circumstances. For the reasons set out above, the Local Highways Authority would not seek to resist the proposals.
- 8.36 The proposed development would therefore not have any adverse impacts upon parking provision or highways safety and would satisfy Policy DM17 of the adopted SADMP, and Paragraph 115(b) and 116 of the NPPF.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

10. Conclusion

10.1 The development proposes the use of an existing agricultural field in the countryside as a dog walking facility, which is diversification of an existing rural business, and would be acceptable in principle.

10.2 As a result of the nature of the development and its layout, the proposed development would not have any significant adverse impact on the character of the area, the wider countryside, the National or Charnwood Forest, residential amenity or highway safety, subject to the imposition of conditions. It is therefore considered the proposed development would be in accordance with Policies DM1, DM4, DM10, and DM17 of the adopted SADMP, Policies 21 and 22 of the Core Strategy and the overarching principles of the NPPF.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Application Form;
- Proposed Block Plan, Ref 103;
- Proposed Landscaping Details, Ref 103;
- Proposed Parking Plan, Ref 103;
- Shelter Drawing, Ref 104 as received by the Local Planning Authority on the 12th December 2025.
- Location Plan;
- Proposed Tree Planting Plan as received by the Local Planning Authority on the 28th January 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM7, DM10 and DM17 of the adopted Site Allocations and

Development Management Policies Development Plan Document (2016) and Policies 21 and 22 of the Core Strategy (2009).

3. The site shall be used as a dog walking field only and for no other use (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the proposed development is compatible with existing development in the locality and the countryside and protects highway safety in accordance with Policies DM4, DM10 and DM17 of the Site Allocations and Development Management Policies (2016).

4. There shall be no dogs on site in connection with the business hereby approved except between the hours of 6:00am - 22:00pm daily.

Reason: To ensure that the use is compatible with the surrounding countryside and to protect the amenities of neighbouring residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies (2016).

5. There shall be no more than 1 customer on site at any one time.

Reason: In the interests of protecting residential amenity and highway safety in accordance with Policies DM7, DM10 and DM17 of the Site Allocations and Development Management Policies (2016).

6. Within 6 months of this permission, the applicant shall implement the planting scheme in accordance with the Proposed Tree Planting Plan as received by the Local Planning Authority on the 28th January 2026. If any of the trees are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the proposal meets the National Forest development planting guidelines in accordance with Policy 21 of the Core Strategy (2009).

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) Whilst the byway is within third-party ownership, this would not affect the granting of planning permission. However, it may be prudent for the Applicant to ascertain the owners of the byway to ensure there are no right of access, or other issues accessing the site if not already done so.