

Delegated Report

Planning Ref: 26/00631/FUL
Applicant: Prestons Contracting
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Holywell Farm Desford Lane Ratby

Proposal: Change of use of part of building from drainage supply storage to two light industrial units (retrospective)

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 retrospective planning permission for the change of use of part of the application building from drainage supply storage (Class B8) to two light industrial units (Class E) at Holywell Farm, Desford Lane, Ratby. The remaining unit '3' would remain under Class B8.

2.2. To accommodate the use a wall has been constructed to the eastern side elevation of the building alongside associated shutters/personal doors, and two integral dividing walls have been constructed inside of the building.

3. Description of the site and surrounding area

3.1. The application site is located within the designated open countryside to the west of the settlement boundary of Ratby, within the National Forest and Charnwood Forest. Ratby is a Key Rural Centre located on the periphery of Leicester.

3.2. The application building is a historic agricultural building which has been subject to various alterations since its conversion to B8. The building is characterised by a dual-pitched form and is finished in green sheeting, with metal shutters and personal doors.

3.3. The existing access from Desford Lane, is an adopted and classified 'C' road subject to a 60mph speed limit is hard surfaced at the point of entrance with passing room for vehicles traveling in either direction. The remainder of the access is via a narrow farm track. A public bridleway (R42) follows the access drive.

3.4. The application site is immediately surrounded by land within the designated open countryside, with the main Holywell Farm complex to the west. To the east of the site is Holywell Farm Cottage, Ratby Medical Centre and the Ratby Sports Club, which mark the western entry to Ratby along Desford Lane.

4. Relevant planning history

11/01015/GDO

- General purpose agricultural building
- General Development Order
- 09.02.2012

24/00485/FUL

- Change of use of agricultural building and yard to the storage of drainage materials and associated trade counter (Class B8)
- Planning Permission

- 01.10.2024

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. No objections have been received from the below consultees:

- LCC Highways (subject to conditions and informatives);
- HBBC Environmental Health (Pollution);
- HBBC Drainage.

6.2. No representations have been received from the below consultees:

- HBBC Waste;
- Ratby Parish Council.

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 (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (GDG) (2020)
- National Design Guide (NDG) (2019)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area, the surrounding countryside and the National and Charnwood Forest
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon archaeology

Principle of development

- 8.2 Paragraph 3 of the National Planning Policy Framework ('NPPF') confirms that the national decision-making policies within the Framework are a material consideration in making these decisions and should be read alongside the policies in the Development Plan. Planning decisions must also reflect relevant international obligations and statutory requirements. Paragraph 7 of the NPPF confirms that the national decision-making policies should be read as a whole.
- 8.3 NPPF Policy S3 (1) confirms that decisions on development proposals should apply a presumption in favour of sustainable development.
- 8.4 Paragraph 15 of the NPPF identifies the purpose of the planning system, which is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed at Paragraph 17 of the NPPF. However, Paragraph 18 of the NPPF confirms that these objectives are not criteria against which every development proposal can or should be judged. Development decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 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 In accordance with Annex A (2) of the NPPF, development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 The proposal is situated outside of the settlement boundary and therefore Policy S5 of the NPPF is triggered. Policy S5 seeks to ensure that only certain forms of development are approved outside settlements, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. In this case the application is supported by S5(c) as it is for the reuse of an existing permanent and substantial construction.
- 8.8 Policy E2 and specifically E4 relate to sustainable business growth in rural areas and are supportive of the conversion of existing buildings in principle.
- 8.9 Policy N2 of the NPPF requires planning policies and decisions to consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply).
- 8.10 These policies are supported by Policy DM4 of the adopted SADMP. Policy DM4 states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Development in the countryside is only 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.
- 8.11 The proposal is for the change of use of a building within the which in principle is supported by DM4 (b), whilst the development would not lead to the enhancement of its immediate setting it is acknowledged that this form of development does satisfy the criteria outlined within Policy S5 of the NPPF and therefore the proposal is considered acceptable in principle.
- 8.12 Other material considerations are set out within the next sections of the report.
- Design and impact upon the character of the area, the surrounding countryside and the National and Charnwood Forest
- Design and impact assessment
- 8.13 Policy DP3(1) of the NPPF confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with Policies L2 and L3 of the NPPF.
- 8.14 To create well-designed places, Policy DP3(2) of the NPPF states that development proposals should also reflect aspects of a number of principles, as appropriate to the nature of the development and its location.
- 8.15 Policy DP3 (3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with Policy DP3 (1) or relevant aspects of the principles in Policy DP3 (2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.16 Policy DP3(4) of the NPPF highlights that the principles set out in the Design and Placemaking Planning Practice Guidance should be used to inform how this policy is applied in the absence of locally produced design policies, guides, codes or masterplans.
- 8.17 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.
- 8.18 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.

8.19 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.

8.20 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

8.21 The application site is set back from the main highway, Desford Lane, and is well screened by existing mature hedgerow, trees and built form. Following the initial change of use of the historic agricultural building to the storage of drainage materials and associated trade counter (Class B8) (Reference: 24/00485/FUL), a wall has been constructed to the eastern side elevation of the building alongside associated shutters/personal doors and two integral dividing walls inside of the building. These external amendments are nonetheless not considered significant and are not considered to 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 and Policy DP3 of the NPPF subject to conditions.

National Forest

8.22 The National Forest require commercial development over 1.00 hectare to include woodland planting and landscaping. As the development compromises less 0.19 hectares no new woodland planting is required.

Impact upon neighbouring residential amenity

8.23 Policy P3(1) of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and

its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

- 8.24 In accordance with Policy P3 (2) of the NPPF, development proposals should therefore:
- (a) Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;
 - (b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);
 - (c) Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;
 - (d) Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);
 - (e) Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and
- 8.25 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.
- 8.26 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.
- 8.27 No extensions or alterations are proposed to the property that are likely to result in any loss of privacy or loss of light impacts, nor overlooking or overbearing impacts to neighbouring residential amenity. Due to the nature of development, it is, however, necessary to assess the control of noise between the proposed use and the surrounding residential dwellings.
- 8.28 The Council's Environmental Health Officer has reviewed the submission. The level of noise and disturbance created at the site is not considered to be exacerbated and thus will not materially impact on the residential amenity of the occupants of the nearest residential dwelling, Holywell Farm Cottage.
- 8.29 In light of the above, the proposal would comply with Policies DM7 and DM10 of the adopted SADMP and Policy P3 of the NPPF.

Impact upon highway safety

- 8.30 Section 15 of the NPPF promotes sustainable transport. Policy TR2 of the NPPF states that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:
- 8.31 Ultimately, development should not be prevented or refused on highways grounds if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement in accordance with Policy TR6 (4) of the NPPF.
- 8.32 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.33 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.34 The Applicant is proposing to utilise the existing farm access onto Desford Lane. The access is situated on the western extent of Ratby village. At the location of the access, Desford Lane is a classified C road subject to a 30mph speed limit. It is noted the posted speed limit changes to the national speed limit approximately 30.00 metres to the south-west of the site.
- 8.35 The access was amended as part of the previous application (Reference: 24/00485/FUL) as so it is considered suitable for the scale of development. It is also noted that since the previous application was permitted, the access is no longer located within a national speed limit zone.
- 8.36 Each unit measures 49sqm. Figure 29(c) of the LHDG indicates that one off-street parking space per 25sqm should be provided. The drawing titled 'Site Plan', drawing number XXXXX-BAN-ZZ-ZZ-DR-A- 131001 demonstrates 10 off-street parking space which is welcomed by the LHA. A condition requiring the implementation of the parking and turning facilities within a month of this permission is considered reasonable and necessary.
- 8.37 In addition to the above, the units are for light industrial use which are likely to generate less trips over the permitted use as a wholesaler.

Highway Safety

- 8.38 The LHA has checked its Personal Injury Collision (PIC) database and there has been one PIC recorded within 500.00 metres to the southwest of the access, and none to the northeast to the junction of Desford Road / Main Street in the last five years. Given the proposals are likely to generate less trips over the permitted use as a wholesaler, the LHA consider it unlikely that the proposals would exacerbate the existing highway situation.

Public Rights of Way (PRoW) R42

- 8.39 The entrance to the group of business units is crossed by the legally recorded alignment of Bridleway (R42). The landowner has recently applied to the LHA for the diversion of the bridleway to run along the crushed stone access track which links Desford Lane with this group of business units. The previous planning permission for this site 24/00485/FUL included a condition for Public Right of Way

signage and the continuance of that provision would satisfy the needs on this site until the legal diversion process is finally completed. Noting the proposed work, the LHA are satisfied that the use and enjoyment of Public Bridleway (R42) should not be significantly affected subject to informatives.

- 8.40 By virtue of the above, subject to a condition and informatives, the development would accord with Policies DM17 and DM18 of the adopted SADMP, the LHDG and Policies TR2 and TR6 of the NPPF.

Impact upon archaeology

- 8.41 Policy HE5 of the NPPF requires development proposals affecting heritage assets to be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.
- 8.42 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment.
- 8.43 Policy DM13 of the adopted SADMP confirms that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application and appropriate desk-based assessment, and, where applicable, the result of a field evaluation detailing the significance of any affected asset.
- 8.44 Whilst LCC Archaeology have not been consulted as part of this proposal under application 24/00485/FUL, the archaeologist confirmed that the proposal would not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets and that the application warrants no further archaeological action.
- 8.45 The current application is limited to the change of use of the building only, with the prescribed works already having been completed. In light of this, the Council are satisfied that the proposal would remain to comply with Policies DM11, DM12 and DM13 of the adopted SADMP.

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 DM4, DM7, DM10, DM11, DM12, DM13, DM17, and DM18 of the adopted SADMP, and Policies DP3, P3, TR2, TR6 and HE5 of the NPPF. The proposal is therefore recommended approval subject to the below conditions and informatives.

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:

- Site Location Plan, Drg No. XXXXX-BAN-ZZ-ZZ-DR-A- 131001 as received by the Local Planning Authority on the 13th July 2026.
- Site Location and Block Plan, Drg No. 015-ZZ-DR-A-131001 as received by the Local Planning Authority on the 23rd July 2026.
- Planning Drawing, Drg No. 015-BAN-ZZ-ZZ-DR-A-131100 as received by the Local Planning Authority on the 23rd September 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies DP3, P3, TR2, TR6 and HE5 of the National Planning Policy Framework (2026).

3. Within 3 months of this permission the parking and turning facilities shall be implemented in accordance with Site Plan, drawing number XXXXX-BAN-ZZ-ZZ-DR-A- 131001. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies (2016), the Leicestershire Highways Design Guide (2024) and Policies TR2 and TR6 of the National Planning Policy Framework (2026).

4. The use shall not take place other than between the hours:-

Monday – Friday: 07:30am - 18:00pm

Saturdays: 08:00am: 13:00pm

Sundays and Bank Holidays: No hours permitted

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy P3 of the National Planning Policy Framework (2026).

5. The premises hereby approved shall be use for light industrial uses and not for any other use, including any other purpose falling within Class E of the Town and Country Planning (Use Classes Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt and the ensure that the development is compatible with the area, existing development in the vicinity and is acceptable in highways safety terms and to accord with Policy DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- c) The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- d) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- e) If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- f) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- g) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.