

Delegated Report

Planning Reference 25/01011/FUL
Applicant(s) Mr Stuart Williams
Ward Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Application Site Hill Farm, Fenn Lanes, Fenny Drayton

Proposal Proposed change of use of Agricultural Barns 1 and 2 into general industrial (Use Class B2) or storage and distribution (Use Class B8) or research and development (Use Class E(g)(ii)) uses with associated access, parking, and landscaping, and amendments to Barn 1 including its conversion into two units, increased roof height by 2.5m, re-cladding and new openings, and associated alterations (revised scheme of 23/01172/FUL).

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. **Grant planning permission** subject to planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of agricultural buildings Barn 1 and Barn 2 at Hill Farm, Fenn Lanes, Fenny Drayton. Barn 1 is proposed to be converted into two independent units.
- 2.2. This application represents a revised scheme of planning permission 23/01172/FUL. The Applicant has stated that these alterations are required to improve the quality, commercial viability and long-term sustainability of the barn within its farmyard context.
- 2.3. The precise use of the buildings has not been confirmed at this stage, but the Applicant is seeking permission for their conversion into either general industrial (Use Class B2), or storage and distribution (Use Class B8), or research and development (Use Class E(g)(ii)) uses.
- 2.4. No extensions to the footprint of the agricultural buildings are proposed, but Barn 1 would be constructed with brown metal sheet cladding and light grey metal sheet roofing, following amendments to its ridge height, which would increase its height by 2.5m to 9.5m.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is approximately 1.1km northeast of Fenny Drayton in the designated open countryside within the MIRA Landscape Sensitivity Area and the wider Sense Lowlands Landscape Character Area.
- 3.2. The application site is accessed via a 350m single-track road from Fenn Lanes. Fenn Lanes is an adopted and classified 'C' road that is subject to a 50mph speed limit. Public Right of Way (PRoW), Footpath T41A runs east-to-west approximately 90m north of the Hill Farm complex. Public Footpath T41 also runs from Hill Farm in a north-westerly direction towards Atterton.
- 3.3. The application site itself features two agricultural buildings and is located within the wider built form of an existing operational agricultural farm complex, Hill Farm, which features several further agricultural buildings, a bungalow, and a Grade II Listed farmhouse. Hill Farm Farmhouse is a three-storey Grade II Listed dwelling that was constructed in C18 with red brick and a slate roof. Both agricultural barns subject to this application are adjacent to, but to the south of, the main Hill Farm complex, and to the north of the existing bungalow. The Listed Building, the additional agricultural buildings, and the bungalow are not within the red line boundary of this application site. The wider Hill Farm complex outside of the application site's red line boundary features an agricultural access onto Atherstone Road (A444).
- 3.4. Beyond these structures, the application site is wholly surrounded by open agricultural fields but there are some agricultural complexes to the east of the application site in the wider area. Fenny Drayton is separated from the application site by open agricultural fields and the A444.
- 3.5. The application site is identified as within the Risk Impact Zone of Kendall's Meadow, which is a Site of Special Scientific Interest (SSSI) and within 500m of the Bowl Barrow at Fenny Drayton, which is a Scheduled Monument. The Barrow is roughly round and measures 25m in diameter at the base and is approximately 2.5m high with a flat top measuring 8m in width.

4. Relevant Planning History

4.1 23/01172/FUL

- Change of use of agricultural buildings and associated hardstanding to flexible commercial/business use (Class E(g)) and storage and distribution (Use Class B8), including diversion of access road, ancillary car parking, landscaping, and other works.
- Permitted
- 19.04.2024

Condition 03 (Written Scheme of Investigation) attached to this planning permission was partially discharged on 07 August 2024 via 24/00675/DISCON.

4.2 21/00245/AGDO

- The proposed building is to be a steel portal framed structure for agricultural use.
- Permitted
- 22.03.2021

4.3 Two further agricultural buildings, an extension to an agricultural building, and the bungalow within the wider site were approved via 94/00042/GDO, 95/00208/FUL, 07/00543/GDO, and 92/01105/4 respectively.

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, and a notice was displayed in the local press. A further round of consultation was undertaken following amendments to the red line boundary of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the Council's Drainage or Environmental Health Departments, nor from Leicestershire County Council's Ecology Departments.

6.2 The Ecology Department confirmed that the proposal would meet the de-minimis exemption for mandatory biodiversity net gain because no habitats would be removed or impacted as part of this application and the original application was determined prior the mandatory requirements coming into place.

6.3 Whilst the archaeological condition attached to 23/01172/FUL is only partially discharged at this stage, in light of the archaeological investigations undertaken in support of this previous planning application 23/01172/FUL, Leicestershire County Council's Archaeology Department confirmed that the current proposal would not warrant any further archaeological action and no planning conditions were required to secure the outstanding works related to the previous archaeological planning condition in these site-specific circumstances.

6.4 The Council's Conservation Officer did not object to the proposals and confirmed that the development would not have a discernible impact upon the significance of the Grade II Listed Hill Farmhouse or its setting.

6.5 Leicestershire County Council as the Local Highway Authority (LHA) confirmed that, in their view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to four planning conditions.

6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 14: Rural Areas: Transport

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- 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) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment (LCA) (2017)
- HBBC's Landscape Sensitivity Assessment (LSA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Planning permission for the change of use of these two agricultural buildings into Use Class E(g) and Use Class B8 uses has previously been granted via 23/01172/FUL, which remains extant.

8.2. Therefore, the principle of the proposed development would be considered to be acceptable in these site-specific circumstances, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

8.3. The key issues in respect of this application are therefore:

- Impact upon the historic environment
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Impact upon the Historic Environment

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.

8.4 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

8.5 Although the Bowl Barrow Scheduled Monument is located approximately 500m to the southwest of the application site, the application site is not considered to contribute to its heritage significance. Due to the distance between the development and this heritage asset, the proposed development would not be considered to result in any material effect upon the significance of the Scheduled Monument in these site-specific circumstances.

8.6 The Grade II Listed Hill Farmhouse would be in close proximity to, and to the north of, the development. No external changes are proposed to Barn 2, but this revised scheme would increase the scale of Barn 1 and introduce new openings and cladding materials to the structure. Nevertheless, these amendments would be considered to retain the functional appearance of the existing barn and would not result in an overbearing effect upon the Grade II Listed Building in these site-specific circumstances. In addition, the proposed parking, diverted access track, and associated landscaping would be separated from the Listed Building by the existing barns. Whilst this would result in some visual change to the approach to the farmyard along the access track from Fenn Lanes, the proposed development would retain the predominantly rural character of the area and the immediate farmyard fronting the Listed Building would not be affected by the scheme.

8.7 In light of the above, the proposal would not be considered to result in a discernible impact upon the significance of the Grade II Listed Hill Farmhouse or its setting, nor the Bowl Barrow Scheduled Monument and its setting in these site-specific circumstances. As such, the proposal would comply with Policies DM11 and DM12 of the SADMP and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Design and Impact upon the Character of the Area

- 8.8 Policy DM4(i) of the 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.
- 8.9 Policy DM10(c) of the 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.
- 8.10 The proposed change of use of the two agricultural buildings has previously been granted via 23/01172/FUL, which remains extant. This is a significant material consideration within the determination of this application. In comparison to the previous permission, the outdoor external area has been replaced by additional off-street vehicle parking.
- 8.11 Public views of the development from public highways are approximately 350m south from Fenn Lanes and 440m west along the A444, which are both subject to 50mph speed limits. This would be considered to reduce the visual impact of the development from wider views. In addition, views along Public Footpaths T41 and T41A to the north and northwest of the site would be partially obscured by the existing built form within the wider Hill Farm complex.
- 8.12 The proposed development, including its associated parking, would not extend beyond the existing built form of the site, and no extensions are proposed to the footprint of either barn. Whilst the height of Barn 1 would be increased by 2.5m, and the property would be divided into two independent units internally, the proposed height of the barn and the minor intensification of the use of the site would not be considered to result in any significant harm to the rural character of the site and the surrounding area in these site-specific circumstances.
- 8.13 Ultimately, it is considered that the development would be experienced from public views at long distances in the context of the existing operational agricultural farm and the proposed scheme would not be considered to detract from the rural character of the wider site and the surrounding area in these site-specific circumstances.
- 8.14 Details of the landscaping within the site are limited but similar to those approved under the extant consent. Considering no significant harm has been identified to the rural character of the site despite the increase in scale of Barn 1 the previously secured landscaping is still judged to be suitable to further reduce the visual impact of the development on the character of the wider landscape.
- 8.15 By virtue of these factors, the proposal would be considered to respect the character of the site, the surrounding area, and the designated open countryside in accordance with Policies DM4, DM10, DM11, and DM12 of the SADMP,

Impact upon Residential Amenity

- 8.16 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 and 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.
- 8.17 The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.18 There are no residential properties in close proximity to the application site that are not located within or associated with the wider Hill Farm complex. Within the wider Hill Farm complex there is the Listed Farmhouse to the north and a bungalow to the south of the proposed development. It is noted that Condition 5 of planning permission 92/1105/4, restricts the use of the bungalow to a person solely or mainly working, or last working, in the locality in agriculture or in forestry and any associated widow, widower, or residential dependent. Given the above, as both properties are located within, and are associated with, the existing commercial agricultural operations of the wider Hill Farm site, it is not considered that the proposal would result in any significant adverse impacts to neighbouring residential amenity as a result of noise or disturbance. This assessment is supported by the fact that the Council's Environmental Health Department had no objections to the development in these site-specific circumstances.
- 8.19 Barn 1 would be closest to both existing residential properties. Based on the Proposed Site Plans, Barn 1 would be 55m to the north of the existing bungalow and 7.8m south of the Listed Farmhouse. Given the distance between Barn 1 and the bungalow to the south, the scheme would not be considered to result in any loss of light or any overbearing impacts to the detriment of the residential amenity of the occupiers of this neighbouring property. Furthermore, no windows are proposed on the northern side of Barn 1. In light of this, the scheme is not considered to result in any loss of privacy or any overlooking impacts to either property.
- 8.20 As highlighted at Figure 8 of the submitted Planning and Heritage Statement, the ground levels lower from the Listed Farmhouse towards Barn 1. Based on the approved plans within 21/00325/LBC, the only window on the ground floor of the southern side elevation of this neighbouring residential property serves a utility room. Although there is a principal window to a bedroom on this elevation on the first floor of this neighbouring dwelling, given the presence of the existing agricultural barn, and by virtue of the scale and massing of the proposed development, and the change in ground levels between the two sites, the scheme would not be considered to result in any loss of light or overbearing impacts to the significant detriment of the neighbouring occupiers in these site-specific circumstances.

- 8.21 Given the above, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.22 Policy DM17 of the 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.
- 8.23 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).
- 8.24 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.25 In comparison to the previous extant planning permission 23/01172/FUL, the new proposal would remove the proposed external area and include the subdivision of Barn 1 into two independent commercial units. No amendments are proposed to the access arrangements to the application site in comparison to this previously permitted development.
- 8.26 Leicestershire County Council as the Local Highway Authority are therefore satisfied that matters pertaining to the highway remain the same as the previously approved scheme, including the off-street parking requirements, and the Local Highway Authority would not seek to resist the proposals, subject to planning conditions securing the access arrangements and associated vehicular visibility splays, and the necessary proposed parking layouts in accordance with the proposed use of the site.
- 8.27 By virtue of these factors, the proposal would not be considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme would be regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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.

9.4 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).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to planning conditions detailed 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 received by the Local Planning Authority as follows:

- Existing Site Plan (25 027 S0001 P1) (submitted: 17.10.2025)
- Location Plan (22 108 L0101 P1) (submitted: 06.01.2026)
- Proposed Barn 1 Elevations (25 027 K0012 P1) (submitted: 17.10.2025)

- Proposed Barn 1 Plans (25 027 K0011 P1) (submitted: 17.10.2025)
- Proposed Barn 2 Plans (22 108 K0021 P1) (submitted: 05.01.2026)
- Proposed Site Access (22 108 K0007 P1) (submitted: 21.11.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The soft landscaping works identified within the Proposed Site Plan As Proposed Detail Expected Use- B8 Storage and Distribution 25 027 K0002 P1 shall be implemented in full in the first planting season following any use of either building hereby approved commencing. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and surrounding area and in order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No part of the development hereby permitted shall be brought into use until such time as the access arrangements and vehicular visibility splays of 2.4 metres by 160 metres have been provided as shown on Site Plan as Proposed Access Arrangements, drawing number 22 108 K0007 P1 (submitted: 21.11.2025) have been implemented in full. These shall thereafter be permanently maintained with nothing within the visibility splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

5. No part of the development hereby permitted that fall within Use Class B8 (General industrial) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be brought into use unless the parking arrangements as set out within Site Plan As Proposed Detail Expected Use - B8 Storage & Distribution, drawing number 25 027 K0002 P1 (submitted: 17.10.2025) have been provided in full. Once provided these should be maintained and available for use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made, which is appropriate to the use of the building, 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. No part of the development hereby permitted that fall within Use Class E(g) (ii) (Commercial, Business and Service) (Research & Development), as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be brought into use unless the parking arrangements as set out within Site Plan as Proposed Expected Use - E(g)(ii) R&D, drawing number 25 027 K0003 P1 (submitted: 17.10.2025) have been provided in full. Once provided these should be maintained and available for use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made, which is appropriate to the use of the building, 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

7. No part of the development hereby permitted that fall within Use Class E(g)(iii) (Commercial, Business and Service) (Light Industry) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be brought into use unless the parking arrangements as set out within Site Plan As Proposed Detail Expected Use - B2 Light Industrial, drawing number 25 027 K0006 P1 (submitted: 17.10.2025) have been provided in full. Once provided these should be maintained and available for use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made, which is appropriate to the use of the building, 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

1. 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.

2. The proposals may require that the Applicant removes a section of grassed highway verge to facilitate the access widening. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge fronting the site; the Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this would be entirely at the Applicant's expense.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
5. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
6. All businesses have a duty of care to ensure that any waste is handled safely and within the law. Please ensure that there is adequate space on the property to store the waste containers for the business.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/ waste is commercial waste. For this reason, it has to be legally discarded in a certain way via a trade waste service or transfer service and cannot be disposed of through the residential service. Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.

Businesses should arrange their own business/ trade waste collection service. If you give your waste to someone else, you must be sure that they are authorised to take it, transport it, and recycle or dispose of it safely.