

Delegated Report

Planning Ref: 24/00432/FUL

Applicant: Mr Paul Morris

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Little Mulberry Upton Lane Stoke Golding

Proposal: Construction of two barns for agricultural use

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of two agricultural barns at Little Mulberry, Upton Lane, Stoke Golding. The proposal is located to the north and south of the existing agricultural barn that was approved via planning application 22/00368/FUL.
- 2.2. Both barns are rectangular in shape and feature pitched roofs with a ridge height of 5.5m. The structures are constructed with concrete sectional panels to the lower half of the building and Timber Yorkshire Board cladding to the top section of the building, alongside corrugated metal roof sheeting.
- 2.3. Agricultural Building A externally measures 10.5m in width by 30.5m in depth, with a total footprint of 320.25sqm. Agricultural Building B externally measures 10.5m in width by 18.3m in depth, which creates a total footprint of 196.3sqm.
- 2.4. The application was revised to include an additional barn on 20 August 2024.

3. Description of the Site and the Surrounding Area

- 3.1. The 7.1ha application site is located outside of, and to the west of, the identified settlement boundary of Stoke Golding in the designated open countryside. Stoke Golding is classified as a Stand Alone Key Rural Centre within the Core Strategy. The site itself is identified as featuring a Great Crested Newt breeding pond and is within the impact zone of a nearby Site of Special Scientific Interest (SSSI).
- 3.2. The application site consists of open agricultural fields. Within the field closest to Upton Lane there is an existing barn that has received prior approval for its conversion into a dwellinghouse, via planning application 23/01180/P3CQ, and agricultural barn that is currently under construction and was approved via planning application 22/00368/FUL.

- 3.3. Planning application 22/00368/FUL approved an agricultural building for housing livestock, hay, straw, fodder, and agricultural equipment. The 538.6sqm structure consisted of two attached sections that had a total depth of 42.7m. The most northerly element of the structure externally measured 9.1m in width by 18.3m in depth, with a height of 4m. The southern aspect of the building externally measured 15.2m in width by 24.4m with a height of 4.6m. The proposal was constructed with fibre cement roof sheets and concrete panels with Yorkshire boarding steel cladding. Within planning application 22/00368/FUL, the Applicant stated that the application site was used for grazing livestock, and for harvesting silage and hay.
- 3.4. The site is bounded by, and accessed from, Upton Lane to the north of the site. Upton Lane is an adopted, but unclassified, highway that is subject to the National Speed Limit. The entrance to the site via Upton Lane is in between two bridges and meets Upton Lane at an unusual angle. Beyond Upton Lane is a designated employment site (STG14), and the identified boundary of the Bosworth Battlefield Conservation Area.
- 3.5. The east of the site is bounded by the Ashby de la Zouch Canal, and Public Right of Way (PRoW) Footpath T54, which are both within the Ashby de la Zouch Canal Conservation Area. Beyond the Canal features largely linear and ribbon residential development along Station Road that leads into the centre of Stoke Golding. To the south of the site is open countryside. To the west of the application site is a dismantled railway, an existing farm, and further open countryside.

4. Relevant Planning History

4.1 24/00438/FUL

- Proposed conversion of barn to dwellinghouse with flue and solar panels, and associated parking, landscaping
- Awaiting Decision
- TBD

4.2 23/01180/P3CQ

- Proposed conversion of barn to dwellinghouse (C3)
- Prior Approval Given
- 30.01.2024

4.3 22/00368/FUL

- Erection of agricultural building for housing livestock, hay, straw, fodder, and agricultural equipment.
- Permitted
- 04.09.2022

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 A further round of public consultation was undertaken following the revision to the development proposal to include an additional agricultural barn.

5.3 One member of the public objected to the development for the following reasons:

- Highway safety concerns.
- No justification for the provision of further structures within the site.
- The proposal is not reasonably necessary for the purposes of agriculture.

5.4 No further responses have been received.

6. Consultation

6.1 An additional round of consultation was undertaken following the revision to the development proposal to include an additional agricultural barn on 20 August 2024.

6.2 Stoke Golding Parish Council have objected to the development because, in light of the previous planning history within the site (22/00368/FUL and 23/01180/P3CQ respectively), the proposed development is unnecessary for the purposes of agricultural within the site. Upon re-consultation, Stoke Golding Parish Council objected to the development again for the following reasons:

- The purpose of the development.
- The development is unnecessary for the purposes of agricultural within the site.
- The proposed structures are too big.
- Overdevelopment of the site
- Site access concerns.
- The status of the portable building within the site.

The Case Officer noted that the portable building within the site is a temporary structure, but further clarification has been sought from the Applicant.

6.3 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- Leicestershire County Council (LCC)'s Archaeology Department
- LCC's Drainage Department
- LCC's Ecology Unit
- Local Highway Authority (LHA)

Archaeology:

6.4 The County Council's Archaeology Department noted that the application area has undergone recent ground disturbance. The submitted Planning Statement also suggests that the proposal shall be placed on an existing hardstanding area.

- 6.5 As a result, the Archaeology Department advised that any archaeological remains that are present are likely to have some degree of truncation. Therefore, the Archaeology Department advises that the current planning application warrants no further archaeological action.

Drainage:

- 6.6 The Environment Agency have not made any formal comments on the proposal because they have no fluvial flood risk concerns with the application site. The County Council, as Lead Local Flood Authority, confirmed that the proposal was in an area at very low risk of surface water flooding, and therefore offered no further comment on the application.

Highways:

- 6.7 On 31 May 2024, the County Council, as the Local Highway Authority (LHA), did not consider the planning application as submitted to fully assess the highway impact of the proposed development. As a result, the LHA have requested details of the current and proposed number of trips to and from the site.
- 6.8 These details were provided within the Little Mulberry Agricultural Statement. On 20 August 2024, the LHA confirmed that they would not seek to resist the application.
- 6.9 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- No relevant policies.

- 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 Stoke Golding Neighbourhood Plan Review 2020 – 2042 (SGNP) (2024):

- Policy SG1: Decision-Taking
- Policy SG7: Countryside
- Policy SG12: Ecology and Biodiversity
- Policy SG15: Design

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

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

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

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

8.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Stoke Golding Neighbourhood Plan (SGNP) (2022). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Policy DM4 of the SADMP requires the Council to protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP considers development in the countryside sustainable where:

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- (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.
- 8.5 The development is outside of any identified settlement boundary and does not relate to, or comply with, any of the criteria (a) to (e) of Policy DM4 of the SADMP. However, this this does not mean that the development is not sustainable.
- 8.6 For example, Policy SG7 of the SGNP supports agricultural and forestry development outside of identified settlement boundaries. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.7 Given the above, whilst the proposal is offered no support by Policy DM4 of the SADMP in principle, the acceptability of the scheme is 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

- 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. Policy SG15 of the SGNP requires development to be in keeping with the scale, form, and character of its surroundings.
- 8.10 Both structures utilise the same materials as the agricultural building that was approved via 22/00368/FUL. Therefore, the proposed materials are likely to complement the existing buildings within the site.
- 8.11 The development is approximately 64m from the Ashby de la Zouch Canal and its associated Conservation Area. Given the distance between the two sites, and the size of the development, and its use of materials, the scheme is considered to have a neutral impact on the character and appearance, and thus significance of the Conservation Area.

- 8.12 However, it is noted that there are prominent views of the development from sections of Public Footpath T54 that is adjacent to the Ashby de la Zouch Canal.
- 8.13 It is noted that both structures are 1.4m wider than the northern element of the existing building, but the width of these new buildings are inaccurately shown on the submitted Site Location Plans. In addition, both structures are 1.5m and 0.9m higher than the two elements of the existing building respectively, and longer than both aspects of both structures. Therefore, the proposal increases the scale of development within the site, which increases its prominence within the character of the area.
- 8.14 In total, the addition of these two agricultural buildings almost doubles the built form on the site and increases the cumulative footprint of built form within the site to 1,023.5sqm, with a total depth of 92m.
- 8.15 Whilst it is acknowledged that agricultural buildings can be appreciated within common views of the countryside, by virtue of the development's size, scale, volume, and height, the proposal is considered to represent the overdevelopment of built form within this largely undeveloped site. This harm is likely to be exacerbated by its visual prominence from Upton Lane and sections of the adjacent Public Right of Way.
- 8.16 Consequently, the proposal is considered to have a significant adverse impact upon the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside. Therefore, the development is contrary to, and in conflict with, Policy SG15 of the SGNP, and Policies DM4, and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.17 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. This is supported by Policy SG15(5) of the SGNP.
- 8.18 There are no immediate residential neighbours to the application site. Whilst there is a residential use within the field of this development, Condition 2 of planning application 23/01180/P3CQ ensures that the occupation of this dwelling is associated with the agricultural business associated with the land at Little Mulberry, Upton Lane, Stoke Golding. Therefore, the proposal is unlikely to result in any adverse impacts to the residential amenity of the occupants of this dwellinghouse.
- 8.19 By virtue of these factors, the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policy SG15(5) of the SGNP.

Impact upon Parking Provision and Highway Safety

- 8.20 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.
- 8.21 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)).
- 8.22 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.23 Within the submitted Little Mulberry Agricultural Justification, the Applicant suggests that providing additional storage within the site shall reduce coming and goings from the site as the machinery will not have to leave the site.
- 8.24 Due to how the access meets the public highway at an irregular angle, the Local Highway Authority (LHA) would usually require the Applicant to provide a detailed site access plan, demonstrating width, surfacing, radii, gradient, visibility splays, and a swept path analysis showing vehicle tracking of the largest anticipated vehicle to use the site.
- 8.25 However, based on the information provided by the Applicant, the LHA would not seek to resist the application, which would remain consistent with the LHA's comments on planning permission 22/00368/FUL.
- 8.26 Therefore, the proposal is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.27 Paragraph 88 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.
- 8.28 The agricultural justification for the development provided by the Applicant states that the two agricultural buildings are required because the farm associated with the site does not currently have any storage facilities within the site for the housing of farm machinery, equipment, and products. This storage is also required as the agricultural business associated with the site is being relocated from Mulberry Farm, High Street Stoke Golding because the previous site has received planning permission for 25 residential dwellings via 22/00661/FUL.

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- 8.29 First of all, it is noted that the agricultural justification report only refers to the justification for one agricultural building.
- 8.30 Secondly, on Thursday 29 August 2024, the Case Officer observed that the field closest to Upton Lane was being utilised for equestrian purposes and the keeping of horses and equestrian paraphernalia. Therefore, the application site is not being utilised for the agricultural use that the Applicant claims the new agricultural buildings are required for.
- 8.31 Thirdly, the application site benefits from an existing 538.6sqm agricultural building that is 42.7m in depth, which was approved via planning permission 22/00368/FUL. This agricultural building was approved due to need for the storage of livestock, hay, straw, fodder, and agricultural equipment. Whilst the Applicant has provided a list of equipment that they may store within the proposed structures, the Applicant has not provided any additional information to demonstrate that this equipment cannot be stored within the previously approved agricultural building.
- 8.32 Furthermore, planning application 22/00661/FUL has not been determined and therefore the requirement to relocate the existing business has not been confirmed.
- 8.33 Within planning application 22/00661/FUL, the supporting documentation confirms that the existing site is 1.6ha in size and does not currently benefit from an operational agricultural business and only consists of several dilapidated and disused structures.
- 8.34 Therefore, it is not considered that the development relates to the growth or expansion of an existing agricultural business from Mulberry Farm, High Street, Stoke Golding, nor is it considered that there is sufficient information to demonstrate that there even is an existing operational agricultural business at the other site.
- 8.35 To support this, the Applicant confirmed on 22 August 2024 that the requirement for the agricultural buildings only related to the land identified within this application's Site Location Plan. The Applicant has also not attempted to suggest that the new buildings are required because the size of the agricultural holding has increased, nor that the use of the land has diversified.
- 8.36 Given the above, whilst it is acknowledged that agricultural buildings can be appreciated in common views within the countryside, the proposal does not represent a development that is reasonably necessary for the purposes of agricultural within this application site. As a result, the development's size, scale, volume, and height is considered to represent the overdevelopment of built form within this largely undeveloped site. This is likely to have a significant adverse impact upon the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to be visually prominent from Upton Lane and views along Public Footpath T54. This is considered to attract significant weight in the planning balance.

- 8.37 As a fallback position, the Applicant has referred to their ability to erect an agricultural building via Permitted Development Rights under Class A of Part 6 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- 8.38 It is noted that the key requirement of Class A of Part 6 of the GPDO is that the works for the erection, extension, or alteration of a building are reasonably necessary for the purpose of agriculture within that unit. Ultimately, in light of the existing agricultural buildings within the site, the Local Planning Authority do not consider this development reasonably necessary for the purposes of agriculture.
- 8.39 In spite of this, it is acknowledged that there are potential economic benefits from the scheme associated with the construction of the structures. However, no details have been provided that suggest the scheme would support additional employment within the site. Therefore, these benefits are considered to be modest.
- 8.40 In conclusion, the significant adverse impacts of the scheme to the rural character of the site, and the intrinsic value, beauty, open character, and landscape character of the countryside significantly and demonstrably outweighs the potential benefits of the scheme. Therefore, the development is contrary to, and in conflict with, Policy SG15 of the SGNP, and Policies DM4, and DM10 of the 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.
- 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 refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. By virtue of the development's size, scale, volume, and height, the proposal is considered to represent the overdevelopment of built form within this largely undeveloped site. This harm is likely to be highly visually prominent from Upton Lane and Public Right of Way Footpath T54. The Local Planning Authority does not consider this development reasonably necessary for the purposes of agriculture and therefore, the scheme is considered to result in significant adverse impacts to the rural character of the site, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the development is contrary to, and in conflict with, Policy SG15 of the adopted Stoke Golding Neighbourhood Plan (2022), and Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 03.05.2024)
 - Little Mulberry Agricultural Statement (submitted: 19.08.2024)
 - Planning Statement (submitted: 03.05.2024)
 - Proposed Building A Floor Plans and Elevations 003 (submitted: 19.08.2024)
 - Proposed Building B Floor Plans and Elevations 004 (submitted: 19.04.2024)
 - Proposed Site Plan 002A (submitted: 19.08.2024)
 - Site Location Plan 001A (submitted: 19.08.2024)