

Delegated Report

Planning Reference 26/00202/AGDO
Applicant(s) Mr Jamie Anderson
Ward Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Application Site Kirkby Old Parks, Farm, Kirkby Lane, Newbold Verdon

Proposal Notification to determine if Prior Approval is required for the erection of an agricultural barn

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Refuse Prior Approval

2. Planning Application Description

- 2.1. This application seeks to determine whether Prior Approval is required for the provision of an agricultural barn at Kirkby Old Parks, Kirkby Lane, Newbold Verdon. The proposed structure would externally measure 35.6m in length by 22.5m in breadth and would feature a pitched roof that would have a ridge height of 9.3m and an eaves height of 6m. The agricultural barn is proposed to be constructed in juniper green corrugated steel Kingspan cladding. This application represents a resubmission of the refused application 25/00187/FUL, which was for a new agricultural barn within the site.

3. Description of the Site and the Surrounding Area

- 3.1. The 7,000sqm application site is located to the southeast of Newbold Verdon and the southwest of Desford outside of any identified settlement boundary in the designated open countryside within the Newbold and Desford Rolling Farmland Landscape Character Area (LCA). The site is wholly surrounded by agricultural fields, but one residential property is located to the west of the site, and two further bungalows are located to the southwest of the site on Newbold Road.
- 3.2. The site itself is six hectares in size and comprises several large open fields, an existing dwelling and its associated outbuildings, as well as a manège and its surrounding land that has undergone significant degradation since 2020. The location of the proposed development is bounded by two large mounds of a considerable size on its northern and western elevations. Upon a site visit on 12 March 2025 during the determination of refused planning application 25/00187/FUL, the store featured two lorries, two horseboxes, and a considerable number of building materials. The site shares an existing gated vehicular access onto Kirkby Lane with the wider site and its associated uses.

- 3.3. The site access is adjacent to the confluence of Kirkby Lane, Newbold Road, and Brascote Lane, which are all adopted and classified 'C' roads that are subject to the National Speed Limit. The site is 320m from Kirkby Lane to the west. Public Footpath S26 runs northwest to southeast through the equestrian fields in the wider site.

4. Appraisal

- 4.1 Class A of Part 6 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') states that Permitted Development consists of:

"The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of:

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit."

- 4.2 It is noted that planning application 25/00187/FUL was refused in part because the Applicant failed to demonstrate the proposed development and its associated size, scale, height, bulk, and massing were reasonably necessary for the purposes of agriculture.
- 4.3 To demonstrate that the current development is reasonably necessary for the purposes of agriculture in this site-specific agricultural unit within this application, Paragraph 4.2 of the Design and Access Statement simply states that the structure is required, *"From an agricultural perspective."* Paragraph 2.2 of the Planning Statement then states that the development is required for the storage of hay, silage, winter food supplements and agricultural machinery in relation to sheep farming.
- 4.4 In addition to the above, the Applicant has submitted two Statutory Declarations from a contractor employed by the Applicant, and a member of the public who keeps sheep regularly on the site. Both Statutory Declarations state that, to their knowledge, Kirkby Old Parks Farm has been predominantly in agricultural use for many years for the rearing of sheep and the production of crops for feed.
- 4.5 Firstly, it is noted that there was no mention of sheep farming, nor the storage of winter food supplements and silage within the previously refused planning application 25/00187/FUL to justify the proposed development. For the avoidance of doubt, Page 1 of the Planning Statement within this previous application solely states that the development was for, *"Tractor/machinery and hay storage."* No justification has been submitted as part of this application to demonstrate the discrepancies for the justification of the development between the two applications.

- 4.6 Secondly, Paragraph 2.1 of the Planning Statement confirms that the Applicant purchased the site in 2020 and has diversified the use of the site to include an equestrian element. As a consequence, the development would not be on agricultural land and therefore would not benefit from Permitted Developments of Class A of Part 6 of Schedule 2 of the GPDO.
- 4.7 Furthermore, as Paragraph 2.2 of the Planning Statement states that, "*The split between agricultural and equestrian activities fluctuates*," the Applicant has failed to demonstrate that the application site benefits from an established agricultural use, nor that the development would be reasonably necessary solely for the purposes of agriculture. This is supported by the fact that Paragraph 5.1 of the Planning Statement states that the application site is currently disused.
- 4.8 Whilst the Applicant suggests that the use of the site fluctuates, historic Google Street View imagery clearly identifies that the site has been utilised as paddock land for horses in September 2021 and April 2023. This is supported by the Case Officer's photographic evidence from their site inspection on 12 March 2025. The application site also includes a manège, which has been on the site since 1999 based on historic satellite imagery. Therefore, it is not considered that the application site is being utilised solely as agricultural land, nor that the site benefits from an existing commercial agricultural use. As a consequence, the development would not be considered to benefit from Permitted Developments of Class of Part 6 of Schedule 2 of the GPDO.
- 4.9 Although Paragraph 2.11 of the Planning Statement states that the site is periodically utilised to keep sheep for other local farmers, this use, nor its periodic use, would demonstrate that the development is reasonably necessary for the purposes of agriculture within this agricultural unit as required by this Class of the GPDO.
- 4.10 The submission of two Statutory Declarations to justify the agricultural use of the site are appreciated. Nonetheless, the Statutory Declarations do not address the historic evidence that the application has not been utilised solely for agricultural purposes in the last five years. Crucially, the Statutory Declarations only state that the site has, "*Predominantly*," been utilised for agricultural uses for many years, which would likely include prior to 2020 when the application site was not owned by the Applicant. This would therefore not be considered to sufficiently demonstrate that the proposal would be reasonably necessary for the purposes of agriculture within this agricultural unit in these site-specific circumstances.
- 4.11 In addition, the red line boundaries of the plans included within the Statutory Declarations are not the same as those within the submitted Site Location Plan for this application. The red line boundaries of the plans within the Statutory Declarations only relate to the location of the proposed structure and its access onto Kirkby Lane. Therefore, the submitted Statutory Declarations would not demonstrate that the area of land stated to be predominantly utilised for agricultural uses is more than five hectares in size, nor that the application site benefits from Permitted Development Rights.

- 4.12 Importantly, the proposed development is 9.3m in height by 35.6m in length by 22.5m in breadth. No justification has been submitted as part of this application for the size, scale, and height of the scheme beyond the storage of hay, silage, winter food supplements and agricultural machinery. Given the size and scale of the development and the use of the application site, it is not considered that the proposal would be reasonably necessary for the purposes of agriculture within this unit. As a result, the proposal would not be considered to comply with the limitations of Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 4.13 Notwithstanding the above, the development would not be carried out on a separate parcel of land forming part of the unit that is less than one hectare in area, it would not be on land in which development under Class Q or S of Part 3 of this Schedule has been carried out, it would not be within 25 metres of a metalled part of a trunk road or classified road, nor would it be on land that is, or is within the curtilage of, a scheduled monument. The proposal would therefore accord with the limitations of Paragraphs A.1(a), (b), (h), and (i) of this Class.
- 4.14 Paragraph 2.2 of the Planning Statement states that the development is required for the storage of hay, silage, winter food supplements and agricultural machinery. Therefore, the proposal would be designed for agricultural purposes in accordance with Paragraph A.1(d) of this Class. As such, Paragraphs A.1(c), (i), (j) and (k) of this Class as well as Paragraphs A.2(1)(a), (b), or (c) of this Class would not be applicable to the proposal and as such would not be relevant within the determination of this application.
- 4.15 The proposal would accord with the size limitations of Paragraphs A.1(e), (f), and (g) of this Class.
- 4.16 To summarise, the proposal would be considered to comply with the limitations and conditions of Paragraphs A.1 and A.2(1) of this Class. However, by virtue of the size, scale, and height of the development, and the use of the application site based on historic imagery and the site inspection of the Case Officer, it is considered that the Applicant has failed to demonstrate that the application site is utilised for agricultural uses in association with an established agricultural business, nor that the development would be reasonably necessary for the purposes of agriculture within this unit in these site-specific circumstances. As a result, the proposal would not be considered to benefit from Permitted Development Rights under Class A of Part 6 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and it is recommended that prior approval is refused.

5. Equality Implications

- 5.1 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; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.2 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.
- 5.3 There are no known equality implications arising directly from this development.
- 5.4 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).

6. Conclusion

- 6.1 By virtue of the size, scale, and height of the proposed development, and the use of the application site based on historic imagery and the site inspection of the Case Officer, the Applicant has failed to demonstrate that the application site is utilised for agricultural uses in association with an established agricultural business, nor that the development would be reasonably necessary for the purposes of agriculture within this unit in these site-specific circumstances. As a result, the proposal would not benefit from Permitted Development Rights under Class A of Part 6 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval is refused.
- 6.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority on 02 March 2026:
- Application Form
 - Block Plan, Drg No. 269-03
 - Design and Access Statement
 - Planning Statement
 - Proposed Floor Plans, Elevations, Drg No. 269-01
 - Site Location Plan, Drg No. 269-02

- Statutory Declaration

7. Recommendation

7.1 Refuse Prior Approval