

Delegated Report

Planning Ref: 25/00180/FUL
Applicant: Mr Pickup
Ward: Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: Heather Close Farm Markfield Lane Botcheston

Proposal: Extension of existing commercial storage building including parking and turning area, as well as landscape and biodiversity enhancements

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the extension of an existing commercial building for industrial use (Class E(iii)), including a parking and turning area and landscape and biodiversity enhancements.
- 2.2. The extension would be sited to the rear an existing commercial building, and would double its size, adding a further two bays to the existing two. The height, depth and overall design is identical to the existing building. The proposal would add 15.57m in length, 9.28m in depth, with an eaves height of 5.41m and a ridge height of 6.4m. The proposed external materials are matching, with concrete blocks clad with green box profile sheeting, green profile sheeting roof, and white upvc windows.
- 2.3. The proposal would add four parking spaces and space for turning, as well as additional landscaping and planting along the southern and western boundaries of the site.

3. Description of the Site and Surrounding Area

- 3.1. The site relates to a group of industrial and commercial buildings located off Markfield Lane. The part of the site subject to the application currently comprises hardstanding, the storage of cars and security fencing. To the south of the site is Heather Close Farmhouse, a large detached residential property. On the opposite side of Markfield Lane is Forest Hill Golf Club. Public footpath R76 runs to the south and west of the site. The site is located outside of any defined settlement boundary therefore forming part of the countryside. The site is located within the National Forest.

4. Relevant Planning History

00/00549/FUL

- CHANGE OF USE OF BUILDINGS TO B1 (LIGHT INDUSTRIAL) USE
EXTERNAL ALTERATIONS TO EXISTING BUILDINGS AND ERECTION
OF NEW INDUSTRIAL BUILDING
- Refused
- 17.08.2000

00/00920/COU

- CHANGE OF USE OF BUILDINGS TO CLASS B1 (LIGHT INDUSTRIAL)
- Permitted
- 11.10.2000

15/01081/FUL

- Construction of 10kW ground mounted solar array
- Permitted
- 02.02.2016

19/00298/FUL

- Erection of a steel portal framed building for commercial use (Retrospective)
- Permitted
- 06.06.2019

20/01213/FUL

- Change of use from Light Industrial to General Industrial (Use Class B2) as a MOT station
- Permitted
- 11.02.2021

21/00657/FUL

- Commercial building
- Permitted
- 25.11.2021

22/00533/CONDIT

- Variation of condition 2 (approved plans) of permission 21/00657/FUL by relocating proposed building block
- Permitted
- 16.09.2022

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. No comments have been received.

6. Consultation

- 6.1. No objection has been received from:-

- National Forest
- Thornton Parish Council (no comment)
- Ramblers Association (no comment)
- The Friends of Charnwood Forest (no comment)

- 6.2. No objection subject to conditions has been received from:-

- Leicestershire County Council (Highways)
- LCC Ecology

6.3. Witherley Parish Council – Neutral:

7. Policy

7.1. Core Strategy (2009)

- Policy 10: Key Rural Centres within the National Forest
- Policy 21: National Forest

7.2. Site Allocations and Development Management Policies (SADMP) DPD (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 DM10: Development and Design
- Policy DM11: Preventing Pollution and Flooding
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the surrounding countryside
- Impact upon neighbouring residential amenity
- Impact upon ecology and biodiversity

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.

8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. By virtue of the location of the site in the countryside and the nature of the development proposed, there are no policies within the adopted Core Strategy that are directly relevant to the proposal.

8.5. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the

countryside. These include proposals for the change of use, re-use or extension of existing buildings which lead to an enhancement of the immediate setting and proposals that contribute significantly to economic growth, job creation and/or diversification of rural businesses, and where, amongst other matters, the proposal does not have a significant adverse effect on the open character or appearance of the surrounding landscape/countryside.

- 8.6. The NPPF in paragraph 88 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings and the retention and development of accessible local services such as shops. Paragraph 89 recognises that in rural areas sites may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport. In such circumstances development should be sensitive to its surroundings and should not adversely affect local roads. The use of previously developed land is encouraged.
- 8.7. The application site is a previously developed brownfield site that is currently operating with commercial uses, and Policy DM4 of the adopted SADMP and the NPPF generally support the extension of existing rural buildings. The proposal is for the extension of an existing building which would further expand and diversify an existing rural business with associated job creation. Both the use of previously developed land and the expansion and diversification of rural businesses are supported by the NPPF.
- 8.8. By virtue of the scale and existing use of the site, the proposal is considered to have limited conflict with adopted strategic planning policies and the overarching principles of the NPPF.

Design and impact upon the character of the surrounding countryside

- 8.9. Policy DM4 of the adopted SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials.
- 8.10. The application site lies in the countryside but is not isolated from other development. There is a detached dwelling to the south, and Markfield Lane and Forest Hill Golf Club directly opposite the site.
- 8.11. The existing site contains three commercial buildings which lie perpendicular to Markfield Lane. The building subject to this proposal lies along the southern boundary of the site, behind a smaller twin gabled single storey commercial building, and is therefore largely screened from view from Markfield Lane. The proposed extension would project towards the rear of the site and would follow the layout, design and materials of the existing buildings. The extension would be proportionate to the size, scale, massing and footprint of the building to be extended, and the other buildings within the site. Upon assessing aerial imagery, it appears that the area of the site to be extended is already used by storage containers.
- 8.12. Users of Footpath R76 (from Merrylees Road to Coley Lane) may catch glimpses of the extension, however this would be viewed in the context of the existing buildings. Furthermore, the proposal includes additional landscaping along the southern and western boundaries, which would help to screen views of the building from the footpath.

- 8.13. By virtue of the proposed layout, scale, design and appearance, and given the context of the site in close proximity to existing built form, the proposal would not result in any significant adverse impacts on the character or appearance of the surrounding countryside. The proposal would therefore be in general accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.
- 8.15. No objections have been received. The proposed extension would project beyond the curtilage and garden area of Heather Close Farm House (occupied by the Applicant). There would be no additional overbearing or loss of light impacts upon the dwelling and garden area than the existing situation. Similarly, it is not considered that the increased level of activity associated with the extension would result in an unacceptable level of noise and disturbance when compared to the existing situation.
- 8.16. It is considered that the proposal would not result in any significant or unacceptable additional adverse overbearing or noise/disturbance impacts on Heather Close Farm over and above the existing situation. Accordingly, the proposal is considered to be in accordance with Policy DM10 of the adopted SADMP in terms of impacts on residential amenity.

Impact upon highway safety

- 8.17. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and the residual cumulative impacts on the transport network would not be severe. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.18. The LHA is familiar with the site location and considers there have been no material changes to the road layout since the previous application was considered, other than a reduction in the speed limit. The recorded speeds submitted as part of this application are marginally lower than those provided as part of the previous application. Given the above, the LHA advises it is satisfied the existing access would be suitable to cater for the scale of development proposed.
- 8.19. The Applicant has undertaken a similar approach to trip generation as was accepted by the LHA as part of the previous application. It is anticipated that the units could generate approximately 28 two-way trips per week or approximately five (two-way) trips per day.
- 8.20. Regarding the internal layout, the Applicant has also not detailed an accessible parking space on the drawing. Notwithstanding this, the LHA is satisfied that the parking for the proposed development is likely to be contained within the site and not create any overspill parking on the public highway. Given the scale of the proposed development, the LHA does not consider an HGV parking space needs to be demonstrated for the units.
- 8.21. A condition has been included to restrict the use of the building to Use Class E(g) to ensure that the use of the building cannot be changed to something which could generate additional trips and/or require additional parking.
- 8.22. The proposed scheme would utilise existing accesses to the site and would not result in any significant adverse impacts on highway safety. The scheme would retain the existing on-site parking provision. The proposal is therefore considered to be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact on ecology and biodiversity

- 8.23. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.24. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.
- 8.25. LCC Ecology have been consulted and acknowledge the submission of a BNG Statement, Small Sites Metric, Baseline Plan and draft Habitat Management and Monitoring Plan (HMMP). There is no objection from LCC Ecology subject to a condition for a full HMMP to be submitted to and approved by the LPA prior to the commencement of development.
- 8.26. Overall, the proposed development would have no adverse impact upon protected species subject to conditions and is accordance with Policy DM6 of the SADMP and paragraph 187 of the NPPF.

Equality Implications

- 8.27. 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.
- 8.28. 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.
- 8.29. There are no known equality implications arising directly from this development.
- 8.30. 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).

9. Conclusion

- 9.1. Notwithstanding that the application site lies outside any settlement boundary and is therefore in the countryside, it is a previously developed brownfield site that is used

for the same purpose as this proposal. The site is not isolated but sits adjacent to a residential property. The proposed scheme would match the existing building with a proportionate scale and design. There would not be any unacceptable impacts on the amenity of the existing dwelling, and there would be no unacceptable impacts on highway safety.

- 9.2. The proposal is therefore considered to be in general accordance with Policies DM1, DM4, DM6, DM10, DM17, DM18 of the adopted SADMP and the overarching principles of the NPPF which support the re-use of previously developed land and the expansion of rural businesses and is therefore recommended for approval.

10. Recommendation

- 10.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

10.2. 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
- Proposed Site Plan
- Proposed Elevations and Floor Plan

All received 26/02/25.

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

3. The materials to be used on the external elevations of the proposed extension shall be in accordance with the details submitted in the application form and Proposed Elevations and Floor Plans, both received by the local planning authority on 26 February 2025.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM4 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 occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres to the north and 2.4 metres by 120 metres to the south have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: 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 Site Allocations and Development

Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Andrew Large Surveyors Ltd. Proposed Site Layout drawing received by the Local Planning Authority on 26th February 2025. Thereafter the onsite parking and turning provision shall be kept available for such uses 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 Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. Prior to first use of the proposal hereby permitted, the schedule of hard and soft landscaping works, including boundary treatments, for the site shall be carried out in full accordance with the approved landscaping scheme (Andrew Large Surveyors – Proposed Site Layout, received 26 February 2025). The approved landscaping scheme shall be carried out in the first planting season following the first occupation of the site and 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: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aim, objectives and targets for management – links with local and national species and habitat actions plans;
- d) Description of a works schedule, including annual works schedule;
- e) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- f) Details of the persons responsible for the implementation and monitoring;
- g) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- h) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

Reason: To enhance biodiversity in accordance with Policy DM6 of the of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the National Planning Policy Framework, and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any orders revoking and re-enacting those Orders), the site shall not be used for any purpose other than Class E(g).

Reason: The site is located within the countryside where another use may not be acceptable and in the interests of general highways safety in accordance with Policy DM4 and DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 109 and 111 of the National Planning Policy Framework (2024).

10.3. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk