

Delegated Report

Planning Ref: 26/00263/FUL

Applicant: Mr Elvis Drummond

Ward: Markfield, Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Willow Farm, Thornton Lane, Stanton Under Bardon

Proposal: Demolition of existing agricultural building and construction of building to provide an indoor menage

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks full planning permission for the demolition of an existing agricultural building within the site, and the construction of a building to provide an indoor menage – supporting the applicants on site equestrian business.
- 2.2. The development has been subject to a pre-application (25/10180/PREHMO) with the Local Planning Authority, in which advice was given that confirmed that the proposal was likely acceptable subject to Ecology and Highways matters being satisfactory.

3. Description of the site and surrounding area

- 3.1. Willow Farm consists of a number of livery and equestrian buildings, alongside a cattle shed, and a residential dwelling. The site also benefits from an external menage. The site is located to the north western side of Thornton Lane and is accessed via a 243m long private track, with various passing places located along this track. Thornton Lane is an adopted, but unclassified road subject to the National Speed Limit.
- 3.2. The application site is located within Charnwood Forest and the National Forest and outside of any identified settlement boundary in the designated open countryside. The site is verdant in character and is surrounded by open agricultural fields. To the north and northeast of the site is Public Right of Way, Footpath R122, and to the west and northwest of the site is Public Right of Way, Footpath R9.

4. Relevant planning history

23/00777/CLE

Certificate of Lawful Development Use of existing agricultural bungalow as an unrestricted residential dwelling (C3)

Certificate of Lawful Existing Use

07.10.2023

23/00783/CLE

Certificate of Lawful Development Use of existing agricultural buildings as livery stables and associated equine storage as part of a livery business

Certificate of lawful existing use

04.10.2023

23/00784/FUL

Change of use of land from agricultural to equestrian use and retention of outdoor riding menage

Planning permission
20.10.2023

25/10180/PREHMO

Construction of an indoor menage
Advice given
21.01.2026

5. Publicity

- 5.1. Neighbours were notified of the application via letter, and a site notice was placed within the vicinity of the site.
- 5.2. No neighbour comments have been received.

6. Consultation

- 6.1. LCC Ecology: No objection, conditions and note to applicant included.
- 6.2. HBBC Environmental Health: No objection.
- 6.3. LCC Highways: No objections.
- 6.4. National Forest Company: No comments to make and site area does not meet the criteria of the NFC.
- 6.5. Markfield Parish Council: No comments received.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 14: Rural Areas: Transport
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
- 7.2. Site Allocations and Development Management Policies DPD (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 DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (GDG) (2019)
 - National Design Guide (2019)

8. Appraisal

- 8.1. The application site is located outside of a defined settlement boundary and is therefore classified as being located within the countryside. The site is an

established employment site. The key issues in respect of this application therefore are:

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other matters

Principle of development

- 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. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.5. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.6. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7. Section 6 of the NPPF states that planning policies and decisions should help to create conditions in which businesses can invest, expand, and adapt, and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.8. Paragraph 84 of the NPPF states that planning decisions should enable:
 - a. The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

- b. The development and diversification of agricultural and other land-based rural businesses.
 - c. Sustainable rural tourism and leisure developments which respect the character of the countryside.
 - d. The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.
- 8.9. The application represents the growth and expansion of a business in a rural area through this change of use and retention of an indoor riding manège as an ancillary development for the existing livery, which is compliant with Paragraph 84(a) of the NPPF. The proposal is also in accordance with Paragraphs 84(b and c) of the NPPF as the manège diversifies the livery business and is, in itself, a leisure development.
- 8.10. However, outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."
- 8.11. This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
 - a. It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b. The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - 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.
- 8.12. 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.
- 8.13. The development is for the erection of a new unit for the purposes of operating as an indoor menage, which in principle may comply with Policy DM4 for the purposes of sport and recreation purposes. However, this inclusion would not be considered to diversify the site, given the existing use. Moreover, the applicant has not demonstrated that this inclusion would lead to significant economic growth of job creation.
- 8.14. It is however acknowledged that the application site is currently being used as a commercial equestrian use, which is operating already outside of a defined settlement boundary. In these site specific circumstances, whilst the proposal does not comply with Policy DM4 of the adopted SADMP it does not mean the

development is not sustainable considering the wider use of the site, subject to the material considerations considered below.

Design and impact upon the character of the area

- 8.15. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.16. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.17. Policy DM4 of the SADMP confirms that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.18. The development includes the demolition of a former agricultural building, and the erection of a new unit for the purposes of an indoor menage. The structure would have two dual pitched roofs measuring a maximum height of 4.26m to the eaves and 6.63 metres to the ridge of the highest section of the unit. The structure is proposed to have metal sheet cladding to the sides, metal roof cladding and 10no. Perspex panels on the roof.
- 8.19. The new unit would be consistent with buildings which would often be found within a rural farm complex, with metal sheet and roof cladding. The proposed building is located centrally to the site within an existing cluster of buildings and would be synonymous with the existing units by way of design and location. The development would not be highly visible from the public highway of Thornton Lane, being screened by existing planting and hedgerow, alongside the existing buildings on site acting as a visual barrier. The building would be visible from the public rights of way which pass along the boundary of the development site, however, given the design of the development, this would not create detrimental impacts to the intrinsic value and beauty of the open countryside, given its rural appearance.
- 8.20. The site would need to be levelled to provide a flat service within the unit for the purposes of equestrian use, and this would also further reduce any visual impacts, setting the land levels down and nestling between the existing building ridge heights and an existing natural bund on the site.
- 8.21. The application is not considered to cause any detrimental impacts on the character of the area, by way of its design, location and limited visibility from public vantage points. The application is therefore fully in compliance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.22. Paragraph 135 of the NPPF requires that planning policies and decisions ensure that developments create places that are safe, inclusive, and accessible, which promote health and wellbeing, and a high standard of amenity for existing and future users.
- 8.23. Policy DM10 of the SADMP states that development will be permitted where it does not have a significant adverse impact 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.

- 8.24. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.25. The site only has one neighbouring property within close proximity to the site, which is located immediately south of the existing cluster of units on the site. The proposed indoor menage structure will be located north of the existing stable building, and will not have any detrimental impact on neighbouring amenity in terms of overbearing impacts, loss of light or loss of privacy, given the existing boundary treatment, which consists of mature hedgerow, and the existing building acting as a natural barrier between the development and the neighbouring property.
- 8.26. It is not considered that this proposal would significantly increase the operational scale of the business to an unacceptable level, which would create detrimental impacts on neighbouring residential amenity, in terms of noise and disturbance. The proposed indoor menage is considered to provide additional noise protection, in comparison to the open air menage located within the site. It is also noted that details of internal downlighting has been provided within the plans, and Environmental Health have confirmed they have no objections to the proposal.
- 8.27. The development is therefore considered to be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.28. The site is accessed by a private access track, from Thornton Lane and is a well established access serving the livery business. The site benefits from off-street car parking provision for users of the site.
- 8.29. The scheme itself proposes an indoor menage for users of the existing on site livery business. It is considered that there will be no increase in the number of vehicular movements, over and above that which already exist. Given that the commercial use of the site has been active for a significant period of time, it is not considered that this proposal would give rise to any detrimental impact on highway safety or on site vehicular parking.
- 8.30. Leicestershire County Council Highways have been consulted as part of this scheme and have confirmed that they have no objections to the proposal.
- 8.31. As such the development is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

Ecology

- 8.32. During the application process and holding objection was received by LCC Ecology subject to the submission of a bat survey. It was confirmed initially that the information submitted regarding Biodiversity Net Gain was acceptable and no further requirements were needed.

- 8.33. Following the submission of additional information regarding the requested survey, LCC Ecology have confirmed that they have no objection to the proposal subject to a condition and note to applicant which have been included at the end of this report.
- 8.34. The development is therefore considered to be in general accordance with Policy DM6 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.

10. Conclusion

- 10.1 By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM4, DM6, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD. The proposal can therefore be supported.

11. Recommendation

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

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / 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:
 - Proposed Elevations and Section A-A, Sheet 3 of 4, Drg No. 25.4618.10
 - Topographical Survey Sheet 1 of 4, Drg No. 25.4618.04
 - Topographical Survey Sheet 2 of 4, Drg No. 25.4618.05
 - Topographical Survey Sheet 3 of 4, Drg No. 25.4618.06
 - Topographical Survey Sheet 4 of 4, Drg No. 25.4618.07

- Proposed Site and Roof Plan, Sheet 2 of 4, Drg No. 25.4618.09 A
- Proposed Ground Floor Plan, Sheet 4 of 4, Drg No. 25.4618.11
- Site Location Plan, Drg No. 25.4618
- Proposed Block Plan 25_4618_08 A.

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

3. The materials to be used on the hereby approved replacement unit shall match that described within the submitted application form, as part of this planning application.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. All mitigation measures and/or works, specifically the 2no. integrated swift boxes and single bat box as specified within section 6.19 of the report, shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Biodiversity Net Gain Statement (ALCA Ecology, March 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

11.3 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. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.