

Delegated Report

Planning Reference 24/01126/FUL

Applicant Mr Ryan Pasch

Ward Ratby, Bagworth, and Thornton



Hinckley & Bosworth
Borough Council

Application Site Land south of Charnwood Acres,
Markfield Road, Ratby

Proposal Proposed change of use of agricultural land to an overnight tourism facility (Use Class C1) and provision of shepherd hut accommodation, parking, planting, and associated works

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 land into an overnight tourism facility (Use Class C1) with the provision of three shepherd huts for accommodation, three off-street parking spaces, timber bin and bike stores, and associated planting and works at the Land south of Charnwood Acres, Markfield Road, Ratby.
- 2.2. The timber shepherd huts would not have permanent foundations and would be sited on wheels. The structures would externally measure 2.3m in width by 5.6m in depth and would have a total height of 3.6m, including the 0.6m height of the wheels. This accommodation would be accompanied by outdoor decking areas and hot tubs. Stock fence and hedgerow boundary treatment are proposed to delineate the site from the existing Public Rights of Way that are adjacent to the site.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located outside of any identified settlement boundary in the designated countryside in the Charnwood Forest and the National Forest. The site is approximately 2km south of Markfield and 1.3km north of Ratby, which are both classified as Key Rural Centres within the Borough.
- 3.2. The site is also within the Risk Impact Zone for two Sites of Special Scientific Interest (SSSI) at Botcheston Bog and Groby Pool, as well as an Ancient Woodland Consultation Buffer for the ancient woodland within the Great Wood to the southwest.

- 3.3. The application site consists of agricultural land and a pond, which was granted planning permission in 96/00473/FUL. Condition 04 of this 1996 planning permission states that the pond shall not be used for any commercial purposes. An existing single storey outbuilding and an associated gravelled yard are present within the south-eastern elements of the site. The site is defined by mature woodland along its boundaries. Public Footpath R27 runs through the north of the site from the southeast to the northwest corners of the site, and Public Footpath R35 also runs through the west of the site in a north-to-south direction.
- 3.4. Public Footpath R27 separates the site from Charnwood Acres Caravan Park to the north. Mature woodland is also present to the northeast of the site, which is associated with Whittington Rough and is considered to be Priority Habitat for Deciduous Woodland. Beyond Charnwood Acres and Whittington Rough is the M1, which runs southeast to northwest.
- 3.5. The land to the east of the pond, which is within the blue line boundary of the site, was previously utilised in relation to a private recreational use for motor-crossing by the Applicant between 2006 and 2013. On 14 January 2025 the site was full of timber, and the Owner of the land informed the Case Officer that the site was being restored back to grassland.
- 3.6. The site is accessed via 530m long private access track from Markfield Road. Markfield Road is an adopted and classified 'C' road that is subject to a 60mph speed limit. This access track is utilised by existing private stables immediately to the south of the site, an existing dwelling (Faulkner's Nursery) and a number of its associated outbuildings to the southeast, as well as existing private stables and a converted stable into a residential dwelling (Whittington Edge Stables) to the west of the site. The application site is separated from these properties by Slate Brook, which runs east to west along the southern boundary of the site. Beyond these properties to the east, south, and west is open countryside and woodlands.
- 3.7. The Applicant does not own any of the land within this application site, its associated access track, nor the land within the blue line boundary for the application.

4. Relevant Planning History

4.1 96/00473/FUL

- Excavation of conservation pond
- Permitted
- 10.09.1996

4.2 96/00125/FUL

- Erection of equipment barn
- Refused
- 03.04.1996

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. Local residents were re-consulted on the development following amendments to the application description and its red line boundary. No responses in support or objection to the development have been formally received by the Local Planning Authority.

6. Consultation

- 6.1 No objections have been received from the Council's Drainage or Environmental Health Departments, nor from Natural England or the National Forest Company.
- 6.2 Leicestershire County Council's Ecology Department requested four planning conditions regarding a lighting design scheme, a biodiversity enhancement scheme, a habitat management and monitoring plan (HMMP), and the implementation of the scheme in accordance with the recommendations within the submitted Preliminary Ecological Appraisal. The Applicant agreed to the pre-commencement condition for a HMMP on 29 January 2026.
- 6.3 The County Council as the Local Highway Authority requested two planning conditions relating to the proposed access arrangements and limitations on the use of the site.
- 6.4 The National Forest Company (NFC) confirmed that they welcomed new visitor attractions and facilities that can demonstrate high sustainability credentials and encourage people to visit and explore the National Forest. Whilst the application site is below the threshold that requires National Forest planting, the NFC requested that the proposal reflects the site's location within the National Forest.
- 6.5 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 21: National Forest
 - Policy 22: Charnwood Forest
 - Policy 23: Tourism Development
- 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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

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)
- Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)
- The National Forest Design Guide for Sustainable Tourism Accommodation (2021)

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

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. The NPPF is a material planning consideration in planning decisions. Paragraph 3 of the NPPF confirms that it should be read as a whole.

8.3 In accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. 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.

8.4 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.

The Principle of the Transport Sustainability of the Site

- 8.5 Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure a safe and suitable access to the site can be achieved for all users.
- 8.6 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.7 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.8 There are no bus stops within 1.6km of the application site and the main facilities within Ratby and Markfield are 2.4km and 3.6km away from the application site. These facilities and services can only be accessed from the site via Markfield Road, which is a classified 'C' road that is unlit, does not feature any pedestrian or cycleways within the vicinity of the site, and is subject to the National Speed Limit.
- 8.9 It is therefore not considered that the application site could be reached via convenient or safe walking or cycling routes. This is supported by the Local Highway Authority's response to the proposal on 24 January 2025, which confirmed that the future users of the development would be highly likely to be dependent on the use of private motorised transport to access the site, due to the poor transport sustainability of the site.
- 8.10 Therefore, the proposal would be considered to result in environmental harm in principle, which is contrary to, and in conflict with, Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and Chapter 9 of the NPPF.

The Principle of Development within the Designated Open Countryside

- 8.11 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.12 As a result, outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment.

- 8.13 Paragraph 187(b) of the NPPF 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.
- 8.14 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. To ensure this, Policy DM4 of the SADMP only considers 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.
- 8.15 The Applicant has not stated that the scheme would create any employment opportunities and therefore the proposed development would not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP, but this would not mean that the development is not sustainable.
- 8.16 For example, Policy DM4(v) of the SADMP states that development in the countryside will be considered sustainable where if within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Policy 21 of the adopted Core Strategy. These are discussed in detail further in this Report.
- 8.17 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development.

The Principle of Development within the National Forest and Charnwood Forest

- 8.18 Policy 21 of the adopted Core Strategy confirms that proposals will be supported in the National Forest providing that they contribute to the delivery of the National Forest Strategy (increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreation and sports provision; and tourism developments, especially overnight quality accommodation linked to tourism in the Forest).

- 8.19 The development would contribute to the delivery of the National Forest Strategy through the creation of overnight quality accommodation linked to tourism in the Forest.
- 8.20 Policy 22 of the adopted Core Strategy states that proposals within Charnwood Forest will be supported that:
- Maintain the traditional working landscape of the Forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives; or
 - Provide new recreation facilities around the fringes of the area.
- 8.21 The proposal would involve the creation of an overnight tourism facility. The design and layout of the development shall be assessed later in this Report to determine whether the scheme could maintain the traditional working landscape of Charnwood Forest.
- 8.22 In summary, the proposal would be considered to comply with Policies 21 and 22 of the adopted Core Strategy in principle, subject to the assessment of all other material considerations.

The Principle of Tourism Development

- 8.23 Chapter 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Therefore, 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.
- 8.24 Paragraph 88(c) of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 8.25 Policy DM24 of the SADMP states that the Borough Council will seek to support the development of new cultural and tourism facilities across the Borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they can be accessed by a range of suitable transport modes.
- 8.26 However, Paragraph 16.4 of the SADMP states that cultural and tourism facilities in relation to Policy DM24 of the SADMP are classified as museums and theatres, strategic hotels (defined as those with over 50 rooms), and visitor attractions. Therefore, this proposal would not be considered to represent a cultural and tourism facility for the purposes of Policy DM24 of the SADMP.
- 8.27 Policy 23 of the adopted Core Strategy states that tourism development for new and extended visitor attractions including holding accommodation such as bed and breakfast accommodation, holiday lodges, and tenting fields will be encouraged in sustainable locations where:

- The development can help to support existing local community services and facilities; and
- The development is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping; and
- The development adds to Hinckley and Bosworth's local distinctiveness; and
- The proposal complements the tourism themes of the Borough; and
- The development adds to the economic wellbeing of the area.

8.28 It is not considered that the Applicant has demonstrated that the current scheme fully complies with the requirements of Policy 23 of the adopted Core Strategy.

Summary

8.29 In summary, Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.30 The development would suffer from poor transport sustainability, and future users of the scheme would be highly likely to be dependent on the use of private motorised transport to access the site. This would be contrary to, and in conflict with Policy DM17 of the SADMP. The proposal would be in a countryside location and would not comply with any of the limitations in Policy DM4(a) to (e) of the SADMP, and the Applicant has failed to demonstrate that the development would comply with the requirements of Policy 23 of the adopted Core Strategy. By virtue of these factors, the acceptability of the development is subject to the assessment of all other material considerations. That being said the proposal is offered support by Policies 21 and 22 of the Core Strategy by virtue of providing tourism accommodation within the National/Charnwood Forest. Other material considerations are set out within the next sections of this Report

Design and Impact upon the Character of the Area

8.31 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.

8.32 In accordance with Policy 21 of the adopted Core Strategy, developments that contribute to the National Forest Strategy shall be supported provided that:

- The siting and scale of the proposed development is appropriately related to its setting within the Forest; and
- The development respects the character and appearance of the wider countryside; and

- The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 8.33 Policy 22 of the adopted Core Strategy confirms that proposals within Charnwood Forest will be supported where they provide access to and from the rural areas into and within the regional park by non-vehicular means, provided that they:
- Retain local character and complement the local landscape
 - Enhance open spaces, including the treatment of built edges
 - Enhance woodland and habitat provision and connectivity
 - Manage and enhance the cultural heritage of the area
- 8.34 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.
- 8.35 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.
- 8.36 The National Forest Design Guide for Sustainable Tourism Accommodation (2021) features seven sustainable design principles to support the development of exemplary sustainable tourism accommodation in the National Forest. These design principles include:
1. Develop in harmony with the Forest Character
 2. Design for health and wellbeing
 3. Support the Forest Community and economy
 4. Build ethically and sustainably
 5. Promote carbon emission free holidays
 6. Integrate with nature
 7. Manage water wisely
- 8.37 Whilst the commercial use of the site as an overnight tourism facility would alter the character of the site in principle, the site is immediately adjacent to Charnwood Acres Caravan Park. The development would therefore be considered to be, in part, experienced within the context of the built form associated with this Caravan Park to the north of the site, which is visually prominent from within the application site and the adjacent Public Rights of Way.
- 8.38 Charnwood Acres Caravan Park was granted planning permission in 1978 via planning application 77/01019/4. It is noted that Planning Conditions 8 and 9 of that planning permission state that the planning shall be, *“Solely for the benefit of Charnwood Acres Country Club and shall not run with the premises.”*
- 8.39 It is therefore considered that a similar use of this application site would be acceptable, subject to a similar planning condition in the interests of safeguarding the intrinsic value, beauty, open character, and landscape character of the

designated open countryside, Charnwood Forest, and the National Forest. The accommodation capacity of the development could also be secured via planning condition to ensure that the development would protect the character of the area.

- 8.40 The main elements of this proposal would be the shepherd huts, which would be constructed in timber and would have a single storey massing. Ultimately, the shepherd huts would not have permanent foundations and would therefore not be considered to result in any significant adverse impacts to the character of the area because they can be removed from the site. This could be secured via a planning condition. No further works are proposed near the pond with the exception of the boundary treatment to delineate the site from the adjacent Public Rights of Way. The details of this boundary treatment could be secured via planning condition.
- 8.41 The minor increases in surfacing to the south east to accommodate the off-street parking provision and storage areas would be immediately adjacent to the existing single storey outbuilding and gravel surfacing within the site. This would not be considered to result in any significant adverse impacts on the character of the area in these site-specific circumstances. The proposed car parking would also be located away from the accommodation units, which would space out and reduces the bulk and appearance of the development as per the guidance within the National Forest Design Guide.
- 8.42 The precise external materials utilised within the development have not been confirmed at this stage. These details could be secured via planning condition to ensure that development supports the character of the surrounding area and the National Forest. Whilst a Landscaping Plan has been submitted, the details of the landscaping measures and species mix have not been confirmed at this stage, nor include the area of the site to the west of the pond. Therefore, these details could be secured via planning condition. The landscaping plan should include additional tree or woodland planting as per the guidance with the National Forest Design Guide.
- 8.43 By virtue of these factors, including the limited size, scale, height, and extent, of the development, and the visual prominence of the Charnwood Acres Caravan Park to the north of the site, the proposal would be considered to respect the character of the site, the surrounding area, the designated open countryside, Charnwood Forest, and the National Forest in accordance with Policies DM4 and DM10 of the SADMP, Policies 21 and 22 of the adopted Core Strategy, and the Good Design Guide, subject to conditions.

Impact upon Residential Amenity

- 8.44 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.

- 8.45 The proposal would be adjacent to an existing Carvan Park and is over 200m west of the closest neighbouring residential property. Therefore, the development would not be considered to result in any significant adverse impacts to existing residential amenity.
- 8.46 The development would not feature any permanent residential uses, and therefore the scheme would not be considered to result in any significant adverse impacts to the future users of the development. The restriction of any permanent residential uses within the site could be secured via planning condition to protect the residential amenity of any future users of the site.
- 8.47 By virtue of these factors, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide, subject to conditions.

Impact upon Parking Provision and Highway Safety

- 8.48 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.49 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.50 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.
- 8.51 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).

Highway Safety

- 8.52 The Local Highway Authority (LHA) has reviewed its Personal Injury Collision (IC) database and there have been two PICs within 500m of the application site in the latest five-year period. One of these PICs was classified as serious at a distance of around 180m from this site access. The other PIC was classified as slight, which was 255m from this site access. Neither of these PICs occurred as a result of a turning movement within the existing access.

- 8.53 Notwithstanding the fact that there have not been any recorded PICs at the existing site access, the LHA must be satisfied that a safe and suitable access is provided in accordance with Paragraphs 115 and 116 of the National Planning Policy Framework.

Trip Generation

- 8.54 The Applicant has provided predicted existing and previous trip generation information within their submitted Transport Note, as well as TRICS trip rate data of the proposed development.
- 8.55 As part of their Transport Note, the Applicant has provided the following estimates of the current and previous trip generation of the existing access onto Markfield Road. The following list details trip generation from sites using the existing access:
- A previous family-owned landscaping business employing 14 staff, generated between 20 and 30 two-way vehicle movements per day
 - Four active stables and two separate paddocks, visited daily by the owners and their family members, generated six total two-way vehicle movements
 - A smallholding used for domestic storage by a local resident, with infrequent vehicle movements each week
 - The previous operation of Faulkners Nurseries is estimated to have generated an estimated 20 two-way vehicle movements per day
 - Two residential dwellings generated an estimated six to eight two-way vehicle movements per day
 - Various service vehicles with an average of four two-way movements per day
- 8.56 The Applicant estimates that the previous total trip generation was up to 68 two-way vehicle movements per day across all users of the existing access. According to the Applicant's Transport Note, this has dropped significantly such that the Applicant predicts that the access currently caters for around 18 two-way movements per day.
- 8.57 The LHA has no evidence to indicate that this is not the case, however, as the trip generation appears to be from sites with red line boundaries different from the red line boundary of this application, using the same access, the Applicant would not be able to rely on this to demonstrate deintensification of use of the access as part of their application. This is due to the fact that other sites within different red line boundaries may see an increase in trip generation in the future subject to further changes in business ownership or personal circumstances which are outside of the control of the Applicant, with specific reference to the commentary provided in the Transport Note regarding Faulkners Nursery.
- 8.58 The LHA has assessed the comparator sites that the Applicant has used to generate TRICS trip rates for the proposed development. Whilst the LHA would not ordinarily accept a small selection of only three sites for trip generation, the LHA acknowledges that given the proposed type of development, TRICS trip rate data is not readily available for sites of a similar scale and type, in similar locations to this

application. Therefore, in these site-specific circumstances, the LHA accepts that the Applicant's TRICS trip rates would be likely to be reflective of the relatively small number of trips that the proposed development would generate.

- 8.59 The TRICS generation was carried out utilising the land use classification 03 Residential, J – Holiday Accommodation for 'free standing,' sites, which the Applicant states 'is considered to reflect the proposed development and its location.' The LHA accepts that the sites selected as the basis for a TRICS trip generation analysis, whilst quite different in scale from the Applicant's proposed development, appear to be located in comparable rural locations and are therefore similar to the location and type of the development proposed as part of this application site.
- 8.60 The TRICS data submitted by the Applicant demonstrates that the proposed development would lead to a small intensification of the usage of the existing site access with a total of three two-way movements per day for the entire development with each shepherd hut contributing 1.027 two-way movements per day.
- 8.61 Considering that the previous planning history indicates that a manège and stables are located within the site's red line boundary and that the land use is described as agricultural, the LHA would expect that there would be a number of movements of larger, agricultural vehicles such as towed horseboxes taking place as part of the existing use of the site. Given that the proposals would relate to shepherd huts for the purposes of overnight stays by paying guests, the LHA considers that the proposed development would be likely to replace some or all movements of larger agricultural vehicles egressing and entering the existing site access on Markfield Road. Furthermore, compared to the overall permitted use of the existing site access, the proposed trip generation could fall within expected day to day fluctuations. Therefore, despite the significant shortfall in visibility available to the southwest of the access, the LHA would not seek to resist the Applicant's proposals in these site-specific circumstances.
- 8.62 The LHA accepts that the proposed shepherd huts may lead to a small intensification of use of the existing access and that a relatively low number of trips would be associated with the proposed development. The trip generation information submitted by the Applicant as part of their Transport Note, shows that the existing access is subject to significant fluctuations in trips generated by the various users of the existing access onto Markfield Road.
- 8.63 Therefore, the LHA considers that the proposed trip generation as part of the Applicant's proposed development would not significantly increase the number of two-way movements taking place within the existing access and would not create a severe impact on highway safety.

Site Access

- 8.64 The proposal utilises an existing access onto the western extent of Markfield Road.

- 8.65 As part of their site visit carried out on 22 January 2025, the LHA assessed the existing access arrangements and found the initial width of the access to measure 5.1m at the carriageway edge narrowing to a width of 4.7m at a setback distance of 2.4m from the edge of the carriageway.
- 8.66 The access narrows to a width of 3.1m before reaching the existing gated access before increasing slightly to 3.3m at the existing gateway. The existing gate was open when the site visit was carried out and did not appear to be in use. The LHA found evidence that vehicles accessing the site have been overrunning the highway verge on both sides of the hard bound section of the access and took photographs which clearly demonstrate that this has taken place. In their Transport Note, the Applicant accepts that overrunning has taken place at the existing access and that according to mapping imagery, this has been evident for many years.
- 8.67 To facilitate this overrunning, an area of highway verge has been surfaced with gravel. The LHA previously advised the Applicant that this constituted an unlawful development within the highway boundary. The Applicant has subsequently demonstrated their intention to resurface the access on their submitted drawing titled 'Access Resurfacing,' drawing number RHC-24-235-01, the LHA welcomes this and is satisfied that the proposed arrangements would prevent loose material being deposited within the public highway and that this could be secured via an appropriate planning condition.
- 8.68 During the LHA's site visit, achievable vehicular visibility splays from the site access were measured to be 2.4m by up to 215m to the northeast of the access and 2.4m by 63.5m to the southwest of the access. The Applicant has accepted the LHA's findings regarding the achievable visibility splays in both directions from the site access. Furthermore, the Applicant's Transport Note states that the achievable vehicular visibility to the southwest would be below the visibility splay length of 215m suggested by the LHA for roads restricted to the national speed limit.
- 8.69 In accordance with Table 6 of the LHDG, applicants are required to demonstrate visibility splays in accordance with measured 85th percentile speeds and not the speed limit of the road at the point of the access. The Applicant's Transport Note states that the shortfall in visibility to the southwest of the access is minor.
- 8.70 However, the LHA advises that the demonstrated 63.5m of vehicular visibility to the southwest of the access would only be in accordance with measured speeds of 31 to 35mph according to Table 6 of the LHDG.
- 8.71 Furthermore, considering the speed limit and nature of Markfield Road, it is likely the demonstrated visibility splay of 63.5m is below the absolute and desirable minimum Sight Stopping Distance and therefore would not usually be acceptable to the LHA.
- 8.72 The LHA advises the Applicant that the vehicular visibility available to the southwest of the access is not in accordance with LHDG guidance laid out within Table 6 for the likely speeds of Markfield Road. However, the LHA considers that the Applicant's proposals and the accompanying change of use may remove some

agricultural movements from the access and therefore that the proposals may be acceptable to the LHA. If this were not the case, it is unlikely that the application could be supported by the LHA.

- 8.73 On the Applicant's submitted drawing titled 'Access Resurfacing,' drawing number RHC-24-235-01, the Applicant has demonstrated the area to be surfaced with a hardbound material at the access, in addition to indicating 6m radii on both sides of the access. A further drawing, inset within the above drawing demonstrating surfacing arrangements and radii, demonstrates the ability of a car attempting to exit the site, to be located within the access, whilst a car and horsebox attempts to enter the site in an opposing direction.
- 8.74 In addition to the above drawing, the Applicant has submitted two swept path analysis drawings titled 'Swept Path Analysis (Horsebox),' drawing number RHC-24-235-02 and drawing titled 'Swept Path Analysis (Refuse),' drawing number RHC-24-235-03. The first of the two drawings demonstrates a car towing a horsebox entering and egressing from the site in both a north-eastern and south-western direction and the second demonstrates a refuse vehicle, entering the site from the southwest and exiting the site to the northeast. The dimensions and specification of both of the tracked vehicles have been demonstrated on the drawing, and both drawings are to scale. The LHA is therefore satisfied that vehicles attempting to access the site will be able to do so whilst standing clear of the public highway and has no further comments to make regarding this issue.

Public Rights of Way

- 8.75 The LHA is satisfied that the protection of Public Footpath R27 could be secured via planning condition.

Internal Layout

- 8.76 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.77 The LHA has reviewed the submitted drawing titled 'Proposed Layout Plan,' drawing number 240239-01-02 Revision A, which shows parking spaces for three vehicles, with one marked as a parking space for electric vehicles, to serve the proposed development. The LHA is satisfied that a sufficient number of parking spaces would be provided as part of the proposed development. The distance of the proposed development from the highway means it is unlikely that the proposed development would lead to overspill parking taking place within the public highway.
- 8.78 The LHA previously noted that the Applicant's submitted drawing titled 'Road and Access Plan,' drawing number 240239-01-06 Revision A, appeared to demonstrate that, at several points, the drive width of the proposed development would fall below the required width of 3.7 metres. The LHA previously advised that, as the proposed development is situated over 45 metres from the highway, the private drive should be constructed in accordance with the 'General layout of a private development,'

section of the LHDG, which states that for drives over 45 metres from the highway, emergency vehicles must be catered for by constructing the drive and any turning areas so they can accommodate commercial or service vehicles.

- 8.79 However, as stated above, the Applicant has evidenced within their Transport Note and submitted drawings, that the Waste Authority has existing arrangements in place for refuse collection from the application site and other sites using the existing access.
- 8.80 The Applicant states in their Transport Note that there is a turning head located along the existing access drive which enables refuse vehicles to exit the site in a forward direction. The LHA is satisfied therefore that refuse collection would be able to access the site.
- 8.81 In light of the above, 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. Based on the information provided, the development therefore would not conflict with Paragraph 116 of the NPPF or Policies DM17 and DM18 of the SADMP.

Planning Balance

- 8.82 To conclude, Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.83 The development would suffer from poor transport sustainability, and future users of the scheme would be highly likely to be dependent on the use of private motorised transport to access the site. This would be contrary to, and in conflict with Policy DM17 of the SADMP.
- 8.84 The proposal would also be in a countryside location and would not comply with any of the limitations in Policy DM4(a) to (e) of the SADMP, and the Applicant has failed to demonstrate that the development would comply with the requirements of Policy 23 of the adopted Core Strategy.
- 8.85 Notwithstanding the above, by virtue of the limited size, scale, height, and extent, of the development, the visual prominence of the Charnwood Acres Caravan Park to the north of the site, and through the use of planning conditions, on balance, the proposal would not be considered to result in any significant adverse impacts to the character of the site or the surrounding area in these site-specific circumstances.
- 8.86 In light of the limited impact of the development on the character of the surrounding area, the NPPF's presumption in favour of sustainable behaviour, and given the fact that Paragraph 88(c) of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments, which respect the character of the countryside, the benefits of the development would be considered to, on

balance, outweigh any significant adverse impacts caused by the poor transport sustainability of the application site in these site-specific circumstances.

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

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:

- Aerial Site Image (00 A) (submitted: 23.01.2025)
- Landscaping Plan (10 A) (submitted: 23.01.2025)
- Location Plan (01 A) (submitted: 23.01.2025)
- Proposed Access Resurfacing (01) (submitted: 06.07.2025)
- Proposed Bin & Bike Store Plans (08) (submitted: 12.12.2024)
- Proposed Drainage Plan (04 A) (submitted: 23.01.2025)
- Proposed Huts Floor Plan & Elevations (05) (submitted: 12.12.2024)
- Proposed Lighting Plan (07 A) (submitted: 23.01.2025)
- Proposed Road and Access Plan (06 A) (submitted: 23.01.2025)
- Proposed Site Layout (02 A) (submitted: 23.01.2025)

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. Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be submitted concurrently and in accordance with the Biodiversity Gain Plan. It shall include, but not be limited to, the following details:

- (a) a non-technical summary; and
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP; and
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan; and

- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- (f) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- i. initial enhancements, as set in the HMMP, have been implemented; and
- ii. habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works when:

- (1) The habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (2) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the enhancements to biodiversity on site are delivered, managed, and monitored for a period of at least 30 years from the completion of the development in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the mandatory requirements of Schedule 7A of Part 1 of Section 9(3) of the Town and Country Planning Act 1990.

- 4. Prior to any works above slab level, a Biodiversity Enhancement Scheme for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Arbtech, November 2024) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include, but not be limited to, the following:

- (a) purpose and conservation objectives for the proposed enhancement measures; and
- (b) detailed designs or product descriptions to achieve stated objectives; and
- (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); and
- (d) persons responsible for implementing the enhancement measures; and
- (e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: In order to enhance protected, Priority, and threatened species in that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 187(d) of the National Planning Policy Framework (2024).

5. The development hereby permitted shall not be brought into use until such time as a Lighting Design Strategy for Biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) has been submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be brought into use until such time as the access arrangements shown on submitted drawing titled 'Access Resurfacing,' drawing number RHC-24-235-01, have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. 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: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall be used as an overnight tourism facility (Use Class C1) and for no other purpose. The development shall not be used as a sole or main residence, and no person shall occupy any part of the accommodation for a period exceeding four weeks. No person shall occupy the accommodation with a period of two weeks following the end of a previous period of occupation by that same person. No more than three overnight accommodation units shall be sited within the application site at any given time. Should the permitted Use Class C1 use of the site cease for a period of two or more years, the structures shall be removed from the site and the site restored to grassland.

Reason: In the interests of general highway safety because a more traffic-intensive use at the site would be inappropriate due to the limitations of the vehicular access and/or the local road network and in the interests of visual amenity because the application site is outside of any area where planning permission would normally be forthcoming for residential development and is only permitted as a site for holiday purposes in the interests of contributing to

tourism and the economy of the area in accordance with Policies DM4, DM10, and 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

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 7533.7
2. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.
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, the Applicant 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. 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.