

Delegated Report

Planning Ref: 26/00359/FUL

Applicant: Pulse Padel

Ward: Ratby, Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: Alexandra Stone Works, Desford Lane, Ratby

Proposal: Erection of 4no. padel courts including steel mesh cage with glass end walls and removable cover.

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for the erection of 4no. padel courts and associated infrastructure such as a steel mesh cage with glass end walls, a removable cover, car parking provision and the inclusion of a cabin facility.

3. Description of the site and surrounding area

- 3.1. The site is located off Desford Lane, Ratby, and is located within a mixed-use site which consists of stoneworks, Stonecraft paving (showroom) and container storage. The site is accessed from Desford Lane and the west and eastern sides of the site are fenced off accordingly.
- 3.2. The development site is located outside of the defined settlement boundaries and is therefore considered to be located within the countryside. The site is generally surrounded by agricultural and arable fields, with a planning approval for additional residential development (Bellway) located to the east of the site.

4. Relevant planning history

10/00797/EXT

Extension of time for extant planning permission 07/01430/FUL for a proposed industrial building and demolition of existing permission
Planning
02.02.2011

07/01430/FUL

Proposed industrial building and demolition on existing permission
Planning
07.03.2008

96/00578/FUL

Erection of cement silo and alterations to elevation of building permission
Planning
21.08.1996

93/00535/4

Industrial development classes B1 and B2 and construction of new access
Outline planning approval
30.09.1993

89/00729/4

Erection of toilet and shower block

Planning permission
25.07.1989

85/01015/4

Erection of a vehicle repair building and a storage building
Planning permission
17.12.1985

81/01058/4

Retention of mobile home
Planning permission
24.11.1981

77/00291/4

Use of land for the standing of a caravan for security purposes
Planning permission
09.05.1977

5. Publicity

- 5.1. Neighbours were notified of the application via neighbour letters and a site notice placed within the vicinity of the site.
- 5.2. One letter of support was received which outlined the following comments:
 - Great for local community
 - Improved health of locals

6. Consultation

- 6.1. Desford and Ratby Parish Councils
- 6.2. No comments were received.
- 6.3. Sport England
- 6.4. No comments were received.
- 6.5. Hinckley & Bosworth Borough Council (HBBC) Environmental Health
- 6.6. No objections.
- 6.7. Leicestershire County Council (LCC) Highways
- 6.8. No objections, subject to conditions and notes to applicant included at the end of this report.
- 6.9. Leicestershire County Council (LCC) Minerals
- 6.10. No objections.

7. Policy

- 7.1. Core Strategy policies (2009)
 - No relevant
- 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 DM7: Preventing Pollution and Flooding
- 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) (2026)
- 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 within the countryside outside of any defined settlement boundary. 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
- Drainage and flood risk
- Ecology and biodiversity net gain
- Planning balance

Principle of development

8.2. Paragraph 3 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 national decision making policies within the NPPF are material planning considerations in planning decisions.

8.3. Paragraph 15 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 17 of the NPPF. Therefore, in accordance with Chapter 4 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4. Policy S3 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. It also states that Policy S5 should be applied for developments outside of the settlement boundary.

8.5. With regards to the Development Plan, the site lies outside of the settlement boundary within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a. It is for outdoor sport or recreation purposes, 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; or It relates to the provision of accommodation for a rural worker
- 8.6. The development is considered to be in accordance with Policy DM4 (a), as the development is for sport and recreation purposes.
- 8.7. Policy S5 of the NPPF also states only certain forms of development should be approved outside settlements, the types of development acceptable are set out in a list. Applicable development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. The only applicable forms of development listed in Policy S5 is:
- a) Development for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction and processing; engineering operations and infrastructure (including for transport, energy, water and telecommunications); roadside facilities in accordance with policy TR5; national defence and security; or which is solely for nature conservation, restoration and/or enhancement;
- 8.8. Policy DM19 of the SAMDP, confirms that the Borough will give positive consideration to proposals for partial or total loss of category B employment sites where the proposed proportion of uses falling outside B1, B2 and B8 use classes stands in line with the recommendations in the most up-to date Employment Land and Premises Review. The review confirms that “the site could be redeveloped to provide small industrial estate. Some alternative uses may also be considered, but only if they are compatible with this rural location”. It is considered that the site diversification to include padel facility would be acceptable in these site specific circumstances, and would accord with Policy DM19(a).
- 8.9. The development consists of the erection of padel courts and associated infrastructure for the purposes of outdoor sport and recreation, and as such the proposal is therefore considered to be acceptable in principle and in accordance with Policies DM4 and DM19 of the SAMDP and Policy S5 of the NPPF.

Design and impact upon the character of the area

- 8.10. 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.
- 8.11. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.12. Policy DP3 of the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they

integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

- 8.13. The development site is located to the south of Desford Lane. The site consists of Stonecraft Paving, Kirby Container Storage and the wider concrete production plant. The development site is located on an open section of the western site, north of a former industrial unit, and south of the container storage.
- 8.14. The overall design of the proposed scheme is considered to be acceptable, with minor visual impacts from the public highway, when considered the visual amenity of the area given the existing onsite operations.
- 8.15. The design of the proposed cabin is acceptable for its functionality in relation to the padel facilities.
- 8.16. It is considered that the development would have no detrimental impact on the character of the area, nor the intrinsic value and beauty of the open countryside. As such the proposal is considered in accordance with Policies DM4 and DM10 of the adopted SADMP, and Policy DP3 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the SADMP confirms the requirements of which permitted developments must achieve. DM10 (a) and (b) confirm that any development must not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.18. Policy P3(2b) of the NPPF (2026) confirms that development proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting).
- 8.19. The nearest property is over 400 metres away on Desford Lane, with significant and well established boundary treatments located between any neighbouring dwellings and the development site.
- 8.20. The proposed opening hours for the padel facility are 6am–11pm Monday-Sunday. Given the location of the development within an existing industrial and commercial site, and the location in relation to neighbouring residential developments, alongside the nature of the proposal, being a relatively quiet sport, it is not considered that this would give rise to any detrimental effect in terms of noise impact.
- 8.21. The development by way of its location would have no impact on neighbouring residential amenity in terms of loss of light, overbearing impacts or privacy impacts. It is considered that issues of light and noise pollution as a result of the development would also not be significant and therefore have limited impacts on any neighbouring residents. This view is supported by HBBC Environmental Health.

- 8.22. Overall, it is considered that the proposal would have no impact on residential amenity, causing no detrimental impacts on loss of light, loss of privacy, overbearing or noise impacts. As such, the proposal is considered in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.23. Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.
- 8.24. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.25. Policy TR3 of the NPPF relates to location development in sustainable locations and mitigation measures against significant adverse impacts on the transport network and highway safety.
- 8.26. Policy TR4 relates to street design, access and parking, outlining criteria in which development must adhere.
- 8.27. LCC Highways have been consulted as part of this proposal and have confirmed that they do not consider the scheme would exacerbate an existing highway safety concern, given the number of trips to the site generated under the proposal. It has been acknowledged that the site is in a remote location and is detached from the village of Ratby, and that visitors would be reliant on private cars, however, given the nature of the sport, it is expected that visitors will often car share reducing this impact.
- 8.28. The LHA are satisfied that details of the site access, specifically the visibility splays can be secured under planning conditions included at the end of this report.
- 8.29. The proposal therefore complies with Policies DM17 and DM18 of the SADMP and Policies TR3 and TR4 of the NPPF.

Drainage and flood risk

- 8.30. Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.31. The development site is located with Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.
- 8.32. The proposal is considered to be in general accordance with Policy DM7 of the adopted SADMP.

Ecology and biodiversity net gain

- 8.33. Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.

- 8.34. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.35. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a. The need and benefits of the development in that location clearly
 - b. It has been adequately demonstrated that the irreplaceable habitat
 - c. Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.36. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.37. No ecological impacts are anticipated as part of this proposal. The site is also except from mandatory biodiversity net gain due to the de minimis exemption.
- 8.38. The proposal is therefore considered to be in 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, DM7, DM10, DM17 and DM18, of the adopted Site Allocations and Development Management Policies DPD, and Policies S5, DP3, TR3 and TR4 of the NPPF. 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 Cabin Drg No. 2026/915/06
- Proposed Site Plan Drg No. 2026/915/03 Rev A
- Location Plan Drg No. 2026/915/01 Rev A
- Proposed Floor Plan, Elevations Drg No. 2026.915.04
- Proposed Court Floor Plan, Elevations, Drg No. 2026.915.05

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. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 160 metres to the southwest and 2.4 x 110 metres to the northeast of the access 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2026).

4. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Patrick Stroud Designs Ltd. Drawing number 2026.915.03 Rev. A. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2026).

5. The Padel Court business use shall not take place other than between the hours set out below:

Monday - Sunday: 06:00 – 23:00

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

6. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (including luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason: To protect the appearance of the area, the environment and residents from nuisance from artificial light in accordance with Policies DM4, DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you 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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).