

Delegated Report

Planning Ref: 26/00090/FUL
Applicant: Mr Chris White
Ward: Markfield, Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: The Copt Oak, Whitwick Road, Copt Oak, Markfield
Proposal: Installation of roof-mounted solar photovoltaic (PV) panels
Case Officer: Ashleigh Gade (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 application seeks full planning permission for the installation of arrays comprising 44 solar photovoltaic (PV) panels on the existing roof at The Copt Oak, Whitwick Road, Copt Oak, Markfield.
- 2.2. The proposed solar panel arrays are to be installed parallel to the existing roof surface to the south of the existing roof area of The Copt Oak. The proposed solar panels are to be mounted to the roof on railings with mounting clamp attachments. The panels and mounting clamps are to be finished in black.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the designated open countryside in Copt Oak, outside of the settlement boundary of Markfield. The site contains The Copt Oak public house, which is a designated Community Facility.
- 3.2. The application site comprises a two-storey public house building. The existing building has rendered brick walls in white at the frontage and rendered brick walls and panel siding painted blue to the southern side elevation, and red roof tiles. The building has been significantly extended to the side and rear in the past and has a mix of hipped, gabled and flat roof forms.
- 3.3. The wider site associated with The Copt Oak contains a large car parking area to the south and a rear garden and outdoor play area to the east and south-east associated with the public house.
- 3.4. The site is accessed from Whitwick Road which is an adopted and classified 'C' road subject to a speed limit of 50mph.

- 3.5. The Copt Oak site is neighboured to the north by residential properties. To the east is a Grade II Listed Building, St Peter's Church, and to the south is the Copt Oak Memorial Hall. The wider area is otherwise generally surrounded by open fields.

4. Relevant Planning History

Nil.

5. Publicity

- 5.1 The application has been publicised by the posting of a site notice in the vicinity of the site and sending out letters to local residents.

- 5.2 No responses have been received.

6. Consultation

- 6.1 Hinckley and Bosworth Borough Council (HBBC) Environmental Services (Pollution) advised that they had no comments on the proposal.

- 6.2 No responses were received from Leicester CAMRA, Hinckley CAMRA, or Markfield Parish Council.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 21: National Forest
- Policy 22: Charnwood Forest

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

- 7.3 Markfield Neighbourhood Plan (2021)

- Policy M1: Countryside
- Policy M2: Landscape Character
- Policy M7: Renewable Energy
- Policy M10: Design

- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5 Other relevant guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

- 8.1. The key issues in respect of this application are:
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision and highway safety

Assessment Against Strategic Planning Policies

- 8.1 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.
- 8.2 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). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.
- 8.4 Paragraph 34 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. Nevertheless, 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.
- 8.5 Paragraph 161 of the NPPF states that the planning system should support renewable and low carbon energy and associated infrastructure. Further, Paragraph 168 of the NPPF states that when determining application for all forms of renewable energy developments, local planning authorities should not require the applicant to demonstrate an overall need for renewable energy and give significant weight to the benefits associated with renewable and low carbon energy generation, while also recognising that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions.

- 8.6 Policy DM2 of the SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments.
- 8.7 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside and to safeguard the countryside from unsustainable development. Policy DM4(d) specifically identifies development relating to the provision of stand-alone renewable energy developments in line with Policy DM2 as being a sustainable form of development in the countryside.
- 8.8 Notwithstanding this, Paragraph 13.13 of the SADMP provides clarification on the definition of 'stand-alone renewable and low carbon developments' which usually relates to larger scale renewable developments with the primary purpose of producing electricity and/or heat, and therefore does not typically include small-scale rooftop installations.
- 8.9 Policy DM25 of the SADMP seeks to resist the loss of community facilities and their ancillary areas and support the formation of new community facilities across the borough.
- 8.10 The proposal is for the installation of 44 solar photovoltaic (PV) panels on the existing roof elevations of The Copt Oak. Notwithstanding that the development may not be of the scale anticipated by Policy DM4(d) of the SADMP, it is considered that the proposal generally benefits from support in principle from Paragraph 161 and 168 of the NPPF and DM2 of the SADMP, while being consistent with the intent of Policy DM4(d) to support renewable energy developments in the countryside.
- 8.11 The proposal would retain the public house, a designated Community Facility, without change to its operation, consistent with Policy DM25 of the SADMP.
- 8.12 It is therefore considered that the proposal is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are detailed in subsequent sections of this report.

Design and Impact upon the Character of the Area

- 8.13 The Planning (Listed Buildings and Conservation Areas) Act 1990 places duties on the Local Planning Authority when determining applications for development. Section 66 of the Act requires that special regard be given to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which it possesses.
- 8.14 Chapter 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.

- 8.15 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a heritage asset is preserved and enhanced.
- 8.16 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.
- 8.17 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.
- 8.18 Policy M2 of the Markfield Neighbourhood Plan (MNP) states that development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area which it would affect.
- 8.19 Policy M10 of the MNP seeks that development be sympathetic to local character and history. Development should be in keeping with the scale, form and character of its surroundings, integrate into its surroundings and respect existing buildings and land uses around the development site, and take advantage of existing topography, landscape features, existing buildings, site orientation and microclimates.
- 8.20 The proposal is for the installation of 44 solar photovoltaic (PV) panels which are to be mounted to the existing roof of The Copt Oak on railings with mounting clasps.
- 8.21 The mounting of the solar panels does not involve any alteration to the existing roof, nor does the proposal involve any other external alterations to the existing public house building.
- 8.22 The proposed solar panel arrays are to be set in 0.4 metres from the edge and ridge of all roof elevations to ensure there is no overhang of panels.
- 8.23 The proposed solar panels are to be mounted on elevations of the roof that are located to the south of the existing roof area. They are likely to be visible from the southern approach to the site along Whitwick Road, from views of the front of the building, and from certain areas within the associated garden area directly to the rear of the building.
- 8.24 The Grade II listed St Peter's Church is located to the east of the application building and is screened by mature trees located to the rear of the application site, between the two buildings. There are glimpses of St Peter's Church in views from Whitwick Road where the solar panels on the application building will also be visible, however these views are limited.
- 8.25 The application building is separated from the St Peter's Church building by approximately 80 metres. The location of the proposed solar panels toward the south of the existing roof and the presence of the existing vegetation between the buildings,

means that there would be limited visibility of the panels from the curtilage of St Peter's Church.

- 8.26 It is therefore considered that the proposal would not result in any adverse impacts to the character of the surrounding area or to the setting of the Grade II listed St Peter's Church and would not be detrimental to the intrinsic value, beauty, open character or landscape character of the countryside. As such, the proposal is considered to be in accordance with Policies DM4, DM10, DM11 and DM12 of the SADMP, Policies M2 and M10 of the MNP, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Neighbouring Residential Amenity

- 8.27 Paragraph 135(f) of the NPPF requires that planning decisions ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.28 Policy DM2 of the SADMP states that the Borough Council will support applications for development of renewable energy and low carbon development at domestic, community and commercial scales where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 8.29 Policy DM10(a) and (b) of the SADMP state that 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.
- 8.30 Policy M10 of the MNP states that to be supported, development must ensure that it does not significantly adversely affect the amenity of residents in the area including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.31 The proposed solar panel arrays are to be mounted in the southern area of the existing roof of the Copt Oak, adjacent to the site's car park and own rear garden areas.
- 8.32 The nearest neighbouring residential properties are located to the north of the building, approximately 15 metres from the nearest proposed solar panel array. Due to the intervening roof area and height of the existing building, the solar panels are unlikely to be visible from neighbouring dwellings.
- 8.33 It is therefore considered that the proposal would not have an adverse effect on the privacy and amenity of neighbouring residents and occupiers of adjacent buildings in accordance with Policies DM2 and DM10 of the SADMP, Policy M10 of the MNP and Paragraph 135 of the NPPF.

Impact upon Parking Provision and Highway Safety

- 8.34 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.
- 8.35 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.
- 8.36 To support this, 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. Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.
- 8.37 All proposals for new development 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).
- 8.38 The proposal makes no change to and has no impact upon the existing vehicular access to the site or to the existing car parking facilities.
- 8.39 It is therefore considered that the proposal would not have an unacceptable impact upon highway safety or the wider road network, consistent with Policies DM17 and DM18 of the SADMP, and the requirements of the LHDG.

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 be granted, subject to the imposition of appropriate conditions and obligations.

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, as follows:

- Site Location Plan
 - Project Overview
 - System Master Layout, Drg No. M90184/SML Rev 01
- All received by the Local Planning Authority on 30 January 2026.

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

3. The materials to be used on the hereby approved solar panel arrays and associated mounting attachments 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. Should the solar panel arrays hereby permitted no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then they shall be removed from the roof within 3 months after the end of the 6 months cessation period.

Reason: In the interests of visual amenity and to protect the character and appearance of the application building and surrounding area in accordance with Policies DM2 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.