

Delegated Report

Planning Ref: 23/00784/FUL
Applicant: Mr and Mrs Wright
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Willow Farm Thornton Lane Stanton Under Bardon

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

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the retrospective change of use of 1,035sqm of agricultural land to a commercial equestrian use, alongside the retention of an outdoor riding manège at Willow Farm, Thornton Lane, Stanton under Bardon.
- 2.2. The riding manège externally measures 21.7m in width x 41.6m in depth.
- 2.3. The change of use and the construction of the outdoor riding manège took place on 01 February 2004.
- 2.4. This application has been submitted in conjunction with two Lawful Development Certificate Application, 23/00777/CLE, and 23/00783/CLE. The first of which seeks to determine the lawfulness of the occupation of a bungalow within the site that has been occupied without complying with its restrictive occupancy condition for a continuous period in excess of ten years, and the second seeks to determine the lawfulness of the use of all the agricultural buildings on site as stabling and equine storage in association with a livery business for a continuous period in excess of ten years.

3. Description of the Site and Surrounding Area

- 3.1. Willow Farm features several agricultural buildings that consist of a 36.5m wide x 12m deep cattle shed, a smaller agricultural building to the east of the cattle shed, a small wooden stable block and tack room, an additional 12m wide x 24.5m deep cattle shed, and a former public house.
- 3.2. Alongside these buildings, Willow Farm consists of two residential dwellings, and a menage. Willow Farm is located to on the north-western side of Thornton Lane and is accessed via a 243m long private track. Thornton Lane is an adopted, but unclassified road subject to the National Speed Limit.
- 3.3. The application site is located within Charnwood Forest and the National Forest and outside of any identified settlement boundary in the designated open countryside. The site is verdant in character and is surrounded by open agricultural fields. To the north and northeast of the site is Public Right of Way, Footpath R122, and to the west and northwest of the site is Public Right of Way, Footpath R9.

4. Relevant Planning History

4.1 23/00783/CLE

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

4.2 23/00777/CLE

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

4.3 93/00686/4

- Extension to bungalow
- Permitted
- 14.09.1993

4.4 86/00100/4

- Erection of detached agricultural bungalow
- Permitted
- 25.03.1986

4.5 80/01543/4

- Erection of two farm buildings
- Permitted
- 23.12.1980

4.6 80/00181/4M

- Erection of agricultural buildings
- Permitted
- 23.12.1980

4.7 79/00663/4

- Erection of agricultural buildings
- Approval of Reserved Matters
- 22.08.1979

4.8 77/01376/4

- Erection of farm bungalow and buildings
- Outline Planning Permission
- 08.05.1978

5. Publicity

5.1 A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)s Environmental Services' Pollution Officer
- HBBC's Waste Management Officer

- Local Highway Authority (LHA)
- 6.2 The Council's Drainage Officer, The Friends of Charnwood Forest, and Stanton under Bardon Parish Council did not respond to the planning application.
- 6.3 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 14: Rural Areas: Transport
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)

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
 - Planning balance

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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

- 8.4 Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Section 6 of the NPPF states that planning policies and decisions should help to create conditions in which businesses can invest, expand, and adapt, and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.8 Paragraph 84 of the NPPF states that planning decisions should enable:
- (a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
 - (b) The development and diversification of agricultural and other land-based rural businesses.
 - (c) Sustainable rural tourism and leisure developments which respect the character of the countryside.
 - (d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.
- 8.9 The application represents the growth and expansion of a business in a rural area through this change of use and retention of an outdoor riding manège as an ancillary development for the existing livery, which is compliant with Paragraph 84(a) of the NPPF. The proposal is also in accordance with Paragraphs 84(b and c) of the NPPF as the manège diversifies the livery business and is, in itself, a leisure development.
- 8.10 However, outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.11 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the

countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:

- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.9 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.

8.10 The development consists of the change of use of agricultural land to a commercial equestrian use, which may, in principle, be considered to comply with Policy DM4(c) of the SADMP. However, the development changes the use of the site and doesn't diversify it. Moreover, the Applicant has not demonstrated that this change of use significantly contributes to economic growth, or job creation.

8.11 The retention of an outdoor riding manège, is considered to be for outdoor sport and recreation purposes, which is in accordance with Policy DM4(a) of the SADMP. However, the Applicant has not demonstrated why the scheme cannot be provided within, or adjacent to settlement boundaries. In addition, Paragraph 13.5 of the SADMP states that, *"Proposals for intensive sports facilities often have high levels of traffic, noise, and light pollution associated with them, which can result in a detrimental impact on the character and appearance of the landscape, and these should be avoided in rural locations and intrinsically dark landscapes."*

8.12 In spite of the above, it is acknowledged that the application site is currently being utilised as a commercial equestrian use within an existing farm, which is supported by Section 6 of the NPPF where significant weight is given to on the need to support economic growth and productivity. Whilst the scheme is not provided within, or adjacent to the any identified settlement boundaries, given the existing use of the site, in these site-specific circumstances, the development is considered to be compliant with Policy DM4(a) of the SADMP, and therefore acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

8.13 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.14 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:

- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and

- ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.15 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.
- 8.16 Given that no extensions or additional development is proposed, it is not considered that the change of use of agricultural land to a commercial equestrian use results in any significant adverse impacts to the character of the application site or the wider surrounding area.
- 8.17 In addition, the outdoor riding menage is over 229.9m west of the public highway, 155.5m south of Footpath R122, and 308m east of Footpath R9. The application site is also experienced in the context of the wider agricultural and equestrian use and character of the site. Given the above, and as the application does not propose any development within the site, the outdoor riding manège is not considered to result in any harm to the character of the surrounding area.
- 8.18 Ultimately, the outdoor riding manège has been within the application site for over fifteen years. In light of the above, and by virtue of all the other factors highlighted within this report, the development is considered to result in any significant adverse impacts to the intrinsic value, beauty, open character, and landscape character of the protected countryside in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.19 Paragraph 130(f) of the NPPF requires planning policies and decisions to 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.
- 8.20 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.
- 8.21 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.22 The application site is not within close proximity with any neighbouring residential properties that aren't associated with Willow Farm. Consequently, the development is not considered to result in any significant harm to neighbouring residential amenity in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.23 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that 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 would be severe.
- 8.24 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, "The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use."
- 8.25 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.26 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.27 The development utilises an existing access on to Thornton Lane, which is 229.9m from the outdoor riding manège. Given that the commercial equestrian use of the site has been active since 2004, as suggested within the Application Form, and has replaced an existing agricultural use, the Local Highway Authority do not consider the development is not considered to result in an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and 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 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon residential amenity.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 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 outlined 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:

- Block Plan (submitted: 10.08.2023)
- Location Plan (submitted: 10.08.2023)
- Proposed Menage Dwg no 6400.77 (submitted: 10.08.2023)

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).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.