



Appeal Decision

Site visit made on 15 July 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/K2420/W/25/3362567

Barnhills Farm, Merrylees Road, Thornton, Leicestershire LE67 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary and Mrs Amy Knight against the decision of Hickley & Bosworth Borough Council
 - The application Ref is 24/00657/FUL.
 - The development proposed is the erection of a new two storey childcare day centre facility with ancillary services and associated external play areas and animal interaction areas.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The council is no longer pursuing the third reason for the refusal of the appeal application. There are no reasons for a different assessment to be reached.

Main Issues

3. It is considered that the main issues are (a) the effects of the proposed development on the character and appearance of the surrounding area and (b) whether the proposed development would be in an accessible location.

Reasons

Character and Appearance

4. The appeal site forms part of a group of buildings and other structures which are predominantly single storey in height. The proposed development includes the demolition of existing single storey buildings and the erection of a 2-storey building to accommodate a childcare facility together with external uses such as play and parking/manoeuvring areas. Planning permission has already been granted by the council for the replacement of the existing buildings by a barn (Ref 19/00263/FUL). However, the evidence identifies that the approved scheme is for a building of a lower height when compared to the appeal scheme.
5. Although there are other groups of buildings and other non-agricultural uses nearby, including external caravan storage, the appeal site is located within countryside which is predominantly open and verdant in terms of its character and appearance. The site is also within Charnwood Forest which is part of the National Forest. The existing group of buildings can be seen from some public vantage points, including

along Merrylees Road and a public footpath. From other vantage points the site is screened by trees. However, the height of the group of buildings means that it is not a particularly conspicuous feature within the context of the surrounding open countryside.

6. The erection of the proposed 2-storey building would increase the visibility of the group of buildings, including from existing viewpoints along the road and the public footpaths. The appellant claims that building would be architecturally agricultural in style. However, there would be extensive glazing, including the elevation facing towards the access, and the proposed building would not be perceived as being an agricultural building. There would also be a change to the external area because of the expansion of the current informal parking area and the siting of the proposed play areas on a grass paddock to the north of the existing group of buildings.
7. In combination and taking into account the alterations to the vehicular access, there would be an urbanising effect associated with the appeal scheme which would cause significant harm to the character and appearance of the surrounding open and verdant countryside. For the same reasons, the appeal scheme would fail to retain and respect the local character of, and complement the local landscape of, Charnwood Forest.
8. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Policy DM4 of the Site Allocation and Development Policies Development Management Plan (DPD) and Policies 21 and 22 of the Core Strategy (CS). Amongst other matters, these policies require developments not to have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and to retain local character and complement the local landscape of Charnwood Forest.

Accessible Location

9. During the site visit, buses were observed to operate along Merrylees Road but the nearest bus stop is stated to be at least 750 metres distant. There are no footways along either side of the road albeit the carriageway is of sufficient width to enable cyclists to be overtaken by vehicles. However, as claimed by the council, it is inevitable that the primary means of access for the majority of children to be cared for at the proposed development would be by car.
10. It may well be that the appellants' claim that a proportion of the trips to the appeal scheme could be combined with the parent or carer commuting to work, including to the near-by employment buildings. However, the site is located well away from residential properties within Leicester and the surrounding larger villages. Further, it is unclear whether the site is situated on typical commuting routes for parents or carers travelling from their home to work. This contrasts with the appellants' existing nursery at Markfield which is within a settlement and, as such, may well have better travel choices and potential for combined trips.
11. The National Planning Policy Framework (the Framework) does acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. However, the nature of the proposed use, the number of child spaces indicated and the site's location combine to support the council's claim that

the appeal scheme would not be located in an accessible location where appropriate sustainable transport choices exist.

12. The appellants' claim that the proposed development represents a diversification of the existing business which would accord with the Framework support for the development and diversification of agricultural and other land-based rural businesses. However, although there would be the opportunity to diversify an existing business, this matter is outweighed by the unacceptable harm which has been identified assisted with the site's location.
13. The evidence provided by the appellants concerning the lack of availability of other suitable premises in a more accessible location primarily relies upon a search of a property website rather than a more rigorous exercise. This evidence is not sufficiently persuasive to demonstrate that the appeal site is the only locational option for the proposed nursery and that other potential locations in a more accessible location with a wider range of sustainable transport choices are unavailable.
14. For the reasons given, it is concluded that the proposed development would not be in an accessible location and, as such, it would conflict with DPD Policy DM17 which refers to developments being located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Other Matters

15. The appellants have identified a number of other matters which are claimed to be material considerations in support of this appeal succeeding. These considerations include evidence from Leicestershire County Council of a need for additional childcare places in the surrounding area and the appellants' existing facility at Markfield being unable to be expanded to accommodate more children. It is claimed that the appeal scheme would enable the appellants to expand their existing business to meet this identified need, provide a valuable service to parents and carers and create additional jobs.
16. Significant weight is given to these economic and social considerations which would be benefits associated with the proposed development. However, these benefits are significantly and demonstrably outweighed by the environmental considerations associated with the unacceptable harm caused to the character and appearance of the surrounding area, the appeal site not being in an accessible location and the conflict with the relevant development plan policies. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR