

Delegated Report

Planning Reference 25/01074/FUL
Applicant(s) Mr M Lain
Ward Twycross, Sheepy, and Witherley



Hinckley & Bosworth
Borough Council

Application Site Gopsall Hall Farm, Gopsall Estate,
Twycross

Proposal Change of use of an existing building to indoor leisure and events space together with new car parking area (part retrospective)

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 an existing building to an indoor leisure and events space (Sui Generis) with a new 50m by 40m crushed stone aggregate car parking area at 'Old Town Hall', Gopsall Hall Farm, Gopsall Estate, Twycross. No external amendments are proposed to the existing building. This application is part retrospective.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the Gopsall Estate to the north of, and between, Twycross and Congerstone in the designated open countryside. The Gopsall Estate features an established agricultural site that was diversified into a variety of uses, including an existing campsite and caravan storage since 2000 and 1989 respectively, and 110 Above Festival. Most recently, glamping pods and caravan pitches were approved to the southeast of the site via applications 18/00294/FUL, 21/00484/CONDIT, and 24/01092/FUL.
- 3.2. The application site is sited to the north of Gopsall Estate and comprises an existing brick-built building known as 'Old Town Hall' ("the subject building"), the immediately surrounding yard and a new car parking area ("parking area") immediately to the north of the subject building. The site is accessed from Ashby Road ('B4116'), via a 1.2km single track private drive off Ashby Road.
- 3.3. The application site is in a nutrient neutrality catchment area and the catchment of a special area of conservation.

4. Relevant Planning History

- 4.1 The application site has an extensive planning history, however none of the planning history is applicable to the proposed use within this development, nor this location of the Gopsall Estate, beyond the use of the site's track and access

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. No responses have been received.

6. Consultation

- 6.1 There have been no objections from the Council's Environmental Health Department, the Council's Conservation Officer, nor Leicestershire County Council as the Local Highway Authority ('LHA'). Natural England referred to standing advice. The Council's Conservation Officer did not consider the development to result in any adverse impacts upon heritage assets. Leicestershire County Council's Ecology Department raised a holding objection to the development. No further responses have been received.

Ecology

- 6.2 The Ecology Department raised a holding objection to the application because it was not considered that the application would not be exempt from the statutory biodiversity net gain requirements. The basis for this position is that, based on historic satellite imagery, works associated with the development may have occurred since 30 January 2020, and that the works would need to be fully complete or at least complete in the portion which is covered within the part retrospective area.

Case Officer Notes: *Paragraph 3.8 of the Design and Access Planning Statement confirms that the retrospective part of the development was the proposed parking area, which was substantially completed by November 2024. Planning Practice Guidance confirms that biodiversity net gain does not apply to retrospective planning permissions. As such, this part of the application would be considered to be exempt from the statutory biodiversity net gain requirements.*

Paragraph 3.6 of this Statement states that the proposed change of use of the existing building would not be retrospective, but it would not involve any external alterations or extensions. This would therefore be considered to meet the de-minimis exemptions to the statutory biodiversity net gain requirements.

As such, the Local Planning Authority would consider the development to be exempt from the biodiversity net gain requirements in these site-specific circumstances.

7. Policy

7.1 Core Strategy (2009):

- No relevant policies.

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 ('NDG') (2019)
- Planning Practice Guidance ('PPG')

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)

8. Appraisal

8.1. The key issues in respect of this application would therefore be:

- 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 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'). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the National Planning Policy Framework ('NPPF').
- 8.4 The NPPF is a material planning consideration in planning decisions, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole. Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development, but Paragraph 12 of the NPPF confirms that this presumption does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.5 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. 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. Chapters 11 and 15 of the NPPF require planning policies and decisions to conserve and enhance the local environment and to safeguard and improve the environment.
- 8.6 The proposal would involve the change of use of an existing building, which would accord with Policy DM4(b) of the SADMP, subject to the development enhancing its immediate setting. 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 this Report.
- 8.7 In addition, the proposed development would be considered to represent the expansion and diversification of the existing rural business at Gopsall Hall Farm through the creation of a new leisure development via the conversion of an existing building. This would be supported by Paragraphs 85 and 88 of the NPPF.
- 8.8 In summary, the proposal would be supported by Policy DM4 of the SADMP, subject to the assessment of the scheme's enhancement of its immediate setting, and Paragraphs 85 and 88 of the NPPF. Therefore, the development would be considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Design and Impact upon the Character of the Area

- 8.9 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.
- 8.10 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.

- 8.11 The proposed development would be considered to be acceptable in principle. Given the variety of uses within the wider Gopsall Estate, the proposed change of use to a leisure and events use would not be considered to result in any significant harm to the character of the area. Furthermore, the scheme would not result in external alterations to the existing building, and the closest public views of the building and the proposed car parking area would be from over a kilometre to the northwest and west along Ashby Road.
- 8.12 However, the crushed stone aggregate parking area would be of a considerable size and would be considered to result in a degree of harm to the character of the site and the surrounding area. Nevertheless, in light of the significant distance from public views, the size and scale of the wider Gopsall Estate and the height and form of this proposed development, the scheme would not be considered to result in any significant harm to the character of the surrounding area and the designated open countryside in these site-specific circumstances. By virtue of the above, the proposal would be considered to accord with Policies DM4 and DM10 of the SADMP in these site-specific circumstances.

Impact upon Residential Amenity

- 8.13 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.
- 8.14 Although there are existing residential uses within the wider Gopsall Estate, Paragraph 6.2 of the Planning Statement confirms that the proposals would be in connection with the wider Gopsall Estate, which could be secured via planning condition. Outside of the wider Gopsall Estate, there are no neighbouring residential properties within 800m of the application site. Ultimately, it is noted that no concerns have been raised by the Council's Environmental Health Department.
- 8.15 Given the above, 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.

Impact upon Parking Provision and Highway Safety

- 8.16 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.
- 8.17 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.

- 8.18 The development would utilise the existing access onto Ashby Road via a 1.2km single track private road. Based on Personal Injury Collisions data available to Leicestershire County Council as the Local Highway Authority ('LHA'), the LHA were satisfied that there were no patterns or trends in the data in the last five years within 500m either side of the site access that the proposal was likely to exacerbate. The LHA have also reviewed the existing access as part of 18/00294/FUL and were satisfied that the access arrangements would be acceptable for the current development proposal.
- 8.19 Based on the proposed leisure and events use of the site, the LHA considered that the development would be unlikely to generate trips during the typical weekday peak hours of 8 AM and 9 AM, and 5 PM and 6 PM. In addition, given the site's substantial distance from the public highway, it is not considered that the proposal would generate on-street vehicle parking in the surrounding area.
- 8.20 By virtue of these factors, the LHA were satisfied that the development proposal would not lead to an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be considered to be severe. As such, the proposal would be considered to comply with Policies DM17 and DM18 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.
- 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:

- Block Plan (02B) (submitted: 05.11.2025)
- Existing Building Plans (03) (submitted: 05.11.2025)
- Site Location Plan (01B) (submitted: 05.11.2025)

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 first use of the development hereby permitted, the access arrangements shown on Road and Access Plan, drawing number 240219-02-06 from planning application 24/01092/FUL shall 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

4. Prior to the first use of the development hereby permitted, the parking and turning facilities shall be implemented in accordance with The Rural Planning Co. drawing number J1008900-02 Rev. B (Survey – Block Plan). Thereafter the onsite parking (and turning) provision shall be kept available for such uses 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 (2024).

5. Prior to the first use of the development hereby permitted, a Biodiversity Enhancement Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: In order to protect and enhance 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 existing building within the development hereby permitted shall be used as an indoor leisure and event space (Sui Generis) in association with the Gopsall Estate and for no other purpose and the off-street vehicle parking area shall be used in association with this specified sui generis use and for no other purpose.

Reason: To ensure that the development has a satisfactory external appearance and to ensure that the occupier of the dwelling hereby permitted is not subject to noise and odours, outside of their control, that would have an adverse impact on their amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant(s)

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.
2. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the

foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

3. 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.