

Rhodri and Rebecca Davies
Planning, Design and Access Statement

**Proposed change of use of the existing livery buildings
to storage distribution use (Class B8).**

**Trout Ponds Farm, Twycross Road, Sheepy Magna,
Atherstone, CV9 3RT**





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1 INTRODUCTION

1.1 This Planning Statement has been developed on behalf of our client, Rhodri and Rebecca Davies (the “Applicant”), and accompanies a Full Planning Application for the proposed change of use of the existing livery buildings to storage distribution use (Class B8).

1.2 An electronic version of this statement has been submitted today through the Planning Portal and is accompanied by the following drawings/documents. The drawings are prepared by Hardwick Architects:

- **Location Plan Drawing No. 2024-1043-CoU-001B**
- **Existing Plans (Barns) Drawing No. 2024-1043-B-101A**
- **Proposed Floor Plan Drawing No. 2024-1043-CoU-201**
- **Existing and Proposed Elevations 1 (Barns) Drawing No. 2024-1043-B-102**
- **Existing and Proposed Elevations 2 (Barns) Drawing No. 2024-1043-B-103**
- **Existing Site Plan Drawing No. 2024-1043-CoU-100A**
- **Proposed Site Plan Drawing No. 2024-1043-CoU-200A**



1.3 The purpose of this statement is to assess the proposal against relevant policies from the Development Plan and material planning considerations.

1.4 This Statement is structured as follows:

- In **Section 2** we set out a description of the site, and its context to surroundings;
- In **Section 3** we present the proposed development;
- In **Section 4** we identify the planning policy context against which the application proposals fall to be considered;
- In **Section 5** we undertake a planning and sustainability assessment against relevant considerations;
- In **Section 6** we set out our conclusions.



2 SITE CHARACTERISTICS AND CONTEXT

- 2.1 The application site is located at Trout Ponds Farm and covers an area of approximately 30ha. The application site comprises of a number of agricultural units, a dwelling, paddocks, ponds, arable fields, orchards and woodlands.
- 2.2 The units are arranged around a track, with further existing hardstanding to the eastern side of the agricultural buildings. The farmyard is comprised of modern barn buildings at the east, constructed of breeze block walls and metal and asbestos cladding and roofs which were formally used as stables, and there are several traditional barns and lean-to shed structures constructed with bricks and metal cladding at the west, surrounding a central yard area. The modern barns are constructed with concrete bases while the traditional barns and lean-to structures have bare earth bases.
- 2.3 The buildings, as mentioned above, are part of a farm complex accessed from Rodney Gardens to the east, which is accessed from Twycross Road, as identified on the attached Location Plan. Footpath T13 is located to the south-east of the site and travels north-west past the wider site to the south of Orton-on-the-Hill.
- 2.4 This application relates to the livery units which are shown on X plan.

i. Planning History

- 2.5 The planning history for the site is summarised in the table below.

3 Ref No.	Description	Date of Decision	Decision
02/00853/COU	Change of use of agricultural building to livery stables with alterations	13 Sept 2002	Permitted
77/01156/4	Retention of caravan	11 Aug 1977	Refused
75/01123/4	Standing caravan for agricultural worker	17 Jul 1975	Approved

Table 1 – Planning history of the barns in question, as available on the public access page.



3 PROPOSED DEVELOPMENT

- 3.1 The proposal is the change of use of the existing livery buildings to storage and distribution (Class B8) in connection with the applicants arboriculturist business. The business conducts tree works and is an arboriculturist contracting business. The business operates with contractors carrying out works off-site and then returning to the site with the relevant equipment following the completion of the works. Our client lives on the site and wishes to store equipment associated with his business. The use of the building for a livery use is redundant.
- 3.2 The general items which are proposed to be stored within the buildings are as follows:
- Chippers
 - Chainsaws
 - Hedge cutters
 - Strimmers
 - Blowers
 - General gardening equipment e.g. shovels, forks, spades, rakes
 - Chain oil
 - Oil cans
 - Cabinets to store spare parts
 - Helmets
 - Robot mowers
 - PPE - clothing
 - Drills general tools

4 RELEVANT PLANNING POLICY

- 4.1 We have carried out a policy assessment and the proposal has been designed whilst paying regard to the National Planning Policy Framework (NPPF) 2024 and to the following relevant policies from the Local Development Plan which



comprises the Hinckley & Bosworth Borough Council Local Plan 2006 – 2025 (July 2016) – Site Allocations and Development Management Policies DPD and the Sheepy Parish Neighbourhood Plan 2018-2036 (May 2022).

Hinckley & Bosworth Borough Council Local Plan 2006 – 2026 (July 2016) – Site Allocations and Development Management Policies DPD

- 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Protecting the Borough's Archaeology
- Policy DM17: Highway Design
- Policy DM18: Vehicle Parking Standards

Sheepy Parish Neighbourhood Plan 2018 – 2036 (May 2022)

- Policy S1: Countryside
- Policy S2: Public Rights of Way Network
- Policy S3: Locally Important Views
- Policy S5: Ecology and Biodiversity
- Policy S6: Water Management
- Policy S7: Local Heritage Assets
- Policy S8: Design

Relevant Supplementary Planning Documents:

- Good Design Guide SPD



5 PLANNING ASSESSMENT

i. Principle of Development

- 5.1 The proposed development is for the change of use of the existing livery buildings to B8 storage and distribution. The application site is located outside of the settlement boundary and is located within the countryside.
- 5.2 Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) 2016, relates to a presumption in favour of sustainable development. The policy states that planning applications that accord with policies in the Local Plan (and, where relevant, with policies in the neighbourhood plan) will be approved without delay, unless materials considerations indicate otherwise.
- 5.3 Policy DM4 of the SADMP relates to safeguarding the countryside and settlement separation. The policy states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy confirms a set of criteria for development which is considered sustainable:
- 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 diversification of rural businesses; 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.*

And:



- i) *It does not have 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; and*
- 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.*

5.4 The proposal accords with Policy DM4(b) for the change of use of existing buildings for the diversification of a rural business. The proposal does not include external alterations and as such is further supported by Policy DM4(i) through having no significant adverse effects on the intrinsic value, beauty, open character and landscape character of the countryside. Our client runs a modest arboricultural business. By utilising an existing building for storage of equipment this will allow diversification of our clients' business. Due to increased rents and inadequacy of current facilities, the conversion of this building will allow for our clients' business to utilise buildings within their ownership. The proposal is sustainable development utilising the redundant livery buildings on site and creating no harm to the countryside and rural setting, by converting the building with no external changes.

ii. Design and Impact on Character and Appearance of the Area

5.5 Policy DM10 of the SADMP states that developments will be permitted providing that it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

5.6 The site of Trout Ponds Farm consists of a number of agricultural units, a dwelling, paddocks, ponds, arable fields, orchards and woodlands. The units are arranged around a track, with further existing hardstanding to the eastern side of the agricultural buildings. The farmyard is comprised of modern farm buildings at the east, constructed of breeze block walls and metal and asbestos cladding and roofs which were formally used as stables, and there are several traditional barns



and lean-to shed structures constructed with bricks and metal cladding at the west, surrounding a central yard area. The modern barns are constructed with concrete bases while the traditional barns and lean-to structures have bare earth bases.

- 5.7 The proposal does not introduce any exterior alterations to the livery building, which have an existing rural and agrarian external appearance. As such the proposal will have no detrimental impact on design and the character and appearance of the area and would be in accordance with Policy DM10 of the SADMP.

iii. Historic Environment

- 5.8 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 5.9 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 5.10 Trout Ponds at the site are confirmed to have heritage value and this is confirmed within the SPNP, whereby the ponds were included in the Local Heritage List in 2014. As stated within the SPNP the ponds are important to Sheepy Magna's local history, being allegedly created by Cistercian monk from Merevale Abbey, circa 13th century. It is confirmed that the ponds were part of the ancient Norman Gresley family's agricultural estate from the 18th century.
- 5.11 The ponds are of a unique formation and are unique within the area. Due to the unusual formation, local archaeologists believe that they may have been ornamental and in the grounds of a former manor house. The current Ponds have a strong communal association, as used for fishing by the locals, and have been



used by an angling club. The SPNP confirms that with the exception of the village church, the Trout Ponds are likely the oldest feature within the village.

- 5.12 The proposal is located within the existing cluster of units, located centrally to the site, which are a reasonable distance from the Trout Ponds. The proposal does not seek to make external alterations to the existing units and as such the proposal is not considered to have any material impact on the Trout Ponds given the nature of the application and the distance from the units to the Ponds in accordance with Policies DM11 and DM12 of the local plan.

iv. Neighbourhood Amenity

- 5.13 Policy DM10 of the SADMP states that developments will be permitted providing that the development would 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.
- 5.14 Policy S8 of the SPNP states that development proposals should be designed with evident care so as to show appropriate regard for the amenities of neighbouring properties, including daylight/sunlight, privacy, air quality, noise and light pollution.
- 5.15 The proposal is for the change of use of the livery stables at Trout Ponds Farm. The proposal does not seek to change the external elevations of the existing livery stables and only seeks to change the permitted use within the stables. This change of use is submitted in conjunction with application change of use from agricultural to B8 submitted under the provisions of the GPDO 2015 (as amended).
- 5.16 The units are located within a cluster of existing units and separated by a significant distance to the nearest neighbouring properties, located within Rodney Gardens. The proposed change of use is not considered to give rise to detrimental impacts to neighbouring residential amenity in terms of loss of light, loss of privacy, overshadowing, overlooking or overbearing impacts, given that the proposal does not include external alterations.
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- 5.17 The existing site is accessed via an existing lawful access through Rodney Gardens. This access preceded the residential development that was constructed in approx. 2017. The site access has historically been utilised by large vehicles typically associated with farming and forestry operations such as tractors and trailers. The proposal for the change of use of the livery buildings to B8 storage and distribution in relation to the applicants' arboriculture business would also utilise similar sized vehicles but most regularly by smaller pick up style vehicles and small vans accessing and egressing the site. The impact to neighbours in terms of noise and disturbance of the vehicle movements would not be worsened when considering the lawful, existing operations of the site and what is proposed. Our client is willing to accept a condition relating to hours of operations, if the LPA were concerned over the amenity of nearby residents. The application is accompanied by a noise assessment.
- 5.18 The proposals are therefore in accordance with Policy DM10 of the SADMP, Policy S8 of the SPNP and the wider NPPF (2024).

v. Highways Matters

- 5.19 The site is located outside of the settlement boundary of Sheepy Magna, and currently functions as an agricultural farm. The existing access to the site currently provided via Rodney Gardens is proposed to be retained as part of the development proposals.
- 5.20 The existing access is lawful and has been operational for the farm and surrounding land for several years and, as shown within the accompanying Transport Note, there have been no recorded PIA's at the junction with Rodney Gardens and Twycross Road.
- 5.21 Given the lawful, unrestricted use of agricultural activities from these buildings, it is considered that the development would not lead to a significant uplift in trips accessing and egressing the site. The details of the trip rates and traffic generation information can be found within the Transport Note, which account for the tandem application submitted under Part 3, Class R Prior Approval for the change of use of circa. 995m² of agricultural barns to storage and distribution.



- 5.22 The proposed development therefore can be comfortably accommodated within the local area, and as such there should be no reasons why the application cannot be recommended for approval in terms of highways and transportation; as confirmed within the accompanying Transport Note, prepared by TTC Transportation Consultancy.
- 5.23 The Highways & Transport Technical Note has been prepared by The Transportation Consultancy Ltd ('ttc') on behalf of Holly Lodge Farm Ltd (the applicant) to support a 'Change of Use' planning application for the conversion of existing livery buildings into c.455m² of commercial space (Use Class B8 Storage and Distribution), on land at Holly Lodge Farm, Sheepy Magna, Leicestershire.
- 5.24 The evidence presented within this report demonstrates that, the development proposals are in line with both national and local policy, the site benefits from an existing access point off Rodney Gardens, of which is proposed to be retained as part of the development proposals, there are no outstanding highway safety issues on the surrounding local highway network, which the proposed development site would be expected to exacerbate, the proposed development traffic generation is not considered to be significant and is not likely to be discernible on the local highway network.
- 5.25 On the basis of the information presented within the report it is considered that the proposed development can be comfortably accommodated within the local area. As such there should be no reasons why the application cannot be recommended for approval in terms of highways and transportation.
- 5.26 It is therefore considered that the proposed development is acceptable from a highway perspective, and is compliant with Paragraph 116 of the NPPF, which states 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, following mitigation, would be severe, taking into account all reasonable future scenarios."



vi. Flood Risk and Drainage

- 5.27 The application site falls wholly within Flood Zone 1 where there is a low probability of flooding.
- 5.28 The development will not increase the footprint of the existing structure, nor the impermeable area of the site and as such the proposals are not considered to create detrimental impacts to the existing low flood risk and drainage conditions at the site.
- 5.29 Therefore, the proposed scheme can clearly proceed without incurring unacceptable flood risk problems, nor increasing flood risk elsewhere in compliance with the Local Development Plan, and relevant guidance from the NPPF (2024).

vii. Environmental Factors

A) Contaminated Land –

- 5.30 The accompanying Contaminated Land Phase 1 Assessment and subsequent Contaminated Land Phase 2 Assessment confirms that the site represents a moderate risk to residential end users, a moderate risk to flora and low to moderate risk to the secondary A superficial aquifer and the on-site ponds. However, it should be noted that no exceedances of commercial land use screening values were identified, therefore, the risk to commercial site users and visitors is low – as such the proposal under this application would be acceptable.
- 5.31 To analyse potential remediation options to address contamination risk at the site, a Phase 3 Remediation Options Appraisal & Strategy should be carried out, however, a proposed development plan should be confirmed in advance. If visible or olfactory evidence of contamination is identified during excavations at the site, work should cease to allow further investigation to be carried out. In addition, to ensure regulatory compliance, Waste Classification & Waste Acceptance Criteria (WAC) testing of excavated material from the site may be required prior to off-site disposal.



B) Noise –

- 5.32 The application has been accompanied by a Noise Impact Assessment, conducted by NoiseAir. The assessment included analysing background sound levels which were established on site through an acoustic survey, and the likely noise levels incident on the nearest noise sensitive receptors has been determined through the use of a 3D sound model, based upon similar sites to the proposed.
- 5.33 The assessment confirms that the development would not lead to any issues regarding noise, and the noise levels experienced by vehicular movements would be of low impact.
- 5.34 The proposed change of use to storage is not a dissimilar use for the building in terms of noise generated. In addition, the neighbouring properties at Rodney Gardens are the closest noise receptors and are distanced significantly away that they would not experience any detrimental noise impacts in associated with the proposed change of use.
- 5.35 Similarly, the proposed vehicular movements in relation to the business would not be overly dissimilar to that of an unrestricted farm access, and as such noise generated from vehicular movements would also have no upturn in detrimental impacts as a result of the change of use.

viii. Ecology and Biodiversity Net Gain

- 5.36 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 187(d) states that this shall be done by minimising impacts on and providing net gains for biodiversity.
- 5.37 Paragraph 192(b) of the NPPF states that plans should “pursue opportunities for securing measurable net gains for biodiversity”.
- 5.38 Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 12 of the Environment Act 2021).



Developers must deliver a BNG of 10%, from 12th February 2024.

- 5.39 The development does not create impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat, as the proposal relates to the change of use of the buildings and does not propose any extensions to the units. As such the proposal is exempt from mandatory BNG.
- 5.40 The application has been accompanied by a Preliminary Ecological Appraisal (PEA) which has been completed by MidNorth Ecology on behalf of the applicant. The PEA confirms the proposal would have no detrimental impacts on the wider site habitats given the nature of the change of use, and that BNG is not required.
- 5.41 It is confirmed that additional surveys are required including a PRA and subsequent nocturnal surveys (if required) that must be completed between the months of May-Sept. This will ascertain if bats are currently using the structure for roosting. This survey shall be completed May 2025. Alongside the PRA a precautionary nesting bird inspection shall be conducted May 2025. This has been included as part of this submission.
- 5.42 A lighting strategy has also been suggested by MidNorth Ecology, it is considered that the Council may condition this to be provided following the determination of the proposal.

6 CONCLUSIONS AND PLANNING BALANCE

- 6.1 This proposal seeks to change the use of the existing livery buildings, which have in turn become redundant. The change of use presents a reasonable opportunity for the change of use of existing buildings in order to diversify an existing rural business, which is firmly in accordance with Policy DM4 of the SADMP.
- 6.2 The proposal would have no detrimental impact on the character of the area, the historical elements of the Trout Ponds owing to the nature of the proposal and its distance from public vantage points and the heritage asset. The site also does not give rise to a significant increase in site traffic nor present any issues of highway



safety.

- 6.3 The change of use is in accordance with the Policies outlined within the SADMP and wider NPPF (2024) and as such, there is not reason for which the proposal should not be approved.