

Delegated Report

Planning Ref: 24/00007/FUL

Applicant: Mr Clin Ibbettson

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Fields Farm Newbold Road Barlestone

Proposal: Construction of a manège and horse lunge

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 provision of a manège and horse lunge at Fields Farm, Newbold Road, Barlestone. The development is located to the north of the existing farm complex.
- 2.2. The manège is 60m in width by 30m in depth and is bordered by 2.2m high timber fence posts. The horse lunge is 18m in width by 18m in depth and is bordered by 2.8m high timber fence posts. Non-woven geotextile NW8 ground fabric is also laid across the manège and lunge, which is fastened to the fence posts.

3. Description of the Site and the Surrounding Area

- 3.1. The 2,124sqm application site is located the north of, but outside of, the identified settlement boundary of Barlestone in the designated open countryside. Barlestone is classified as a Key Rural Centre Stand Alone in the adopted Core Strategy (2009).
- 3.2. The application site is to the north of, but associated with, the wider Fields Farm complex, which consists of a variety of single storey agricultural buildings and a single residential bungalow. The application site has historically been utilised as a cattle farm, but this use ceased due to the site being sold to the Applicant. This exchange in ownership is currently ongoing and therefore the Applicant is not the sole owner of the land to which this application relates at the time of the determination of this application.
- 3.3. The application site is wholly rural in character and is surrounded by open fields. The site is accessed via Newbold Road by a 411.6 single-track road. Newbold Road is an adopted and classified 'C' road that is subject to a 30mph speed limit. Public Right of Way, Footpath S33, runs parallel to the single-track road before heading northwest towards Footpath S15. Public Right of Way, Footpath S34 runs east-to-west across the access track.
- 3.4. Views north of Newbold Road to either side of Fields Farm are identified as Important Views within the Barlestone Neighbourhood Plan (BNP) (2022).

4. Relevant Planning History

- 4.1 N/A.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. 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:

- Barlestone Parish Council
- Coal Authority
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Minerals Department
- Local Highway Authority (LHA) (subject to conditions)

6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

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

7.3 Barlestone Neighbourhood Plan (BNP) (2022):

- Policy H2: Settlement Boundary
- Policy H6: Design Standards
- Policy ENV10: Rights of Way
- Policy ENV12: Protection of Important Views
- Policy TR1: Traffic Management

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 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

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. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, 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. 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 and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Policy H2 of the Barlestone Neighbourhood Plan (BNP) states the land outside of the defined settlement boundary of Barlestone will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 8.9 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 180(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.”*

- 8.10 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”.
- 8.11 Therefore, the scheme is for the provision of a lunge and manege, which are considered to be for outdoor sport or recreational purposes. Whilst the development is not within any identified settlement boundary, and the Applicant has not provided any justification for this, it is noted that the entire Fields Farm site is outside of any identified settlement boundary. Therefore, in these site-specific circumstances, the scheme is considered to comply with Policy DM4(a) of the SADMP, 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

- 8.12 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.13 Paragraph 139 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 Policy ENV12 of the BNP requires developments that are likely to affect the identified important views within Figure 15 of the BNP to be designed to ensure that their layout, scale, and mass respect the significance and character of the protected views.
- 8.17 The development is located to the north of the existing structures within the Fields Farm complex, which obscures views of the proposal from the east, and from Newbold Road, Public Footpaths S33 and S34, and ultimately the protected views to the south.
- 8.18 Whilst views of the development are possible from Public Footpaths S33 and S15 to the north, these views are in the context of the existing farm complex. Given the fact that no buildings are proposed within this scheme, and the boundary treatments of the manege and the lunge pen do not exceed 3m, the provision of these features is not considered to result in any significant adverse impacts to the intrinsic value, beauty, open character, and landscape character of the countryside and the wider area in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.19 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and 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 requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.22 There are no residential dwellings in close proximity to the site that are not associated with the wider Fields Farm complex.
- 8.23 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any harm to the residential amenity of neighbouring properties in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.24 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. 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.

- 8.25 Ultimately, development should not 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, in accordance with Paragraph 115 of the NPPF.
- 8.26 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)).
- 8.27 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.28 Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.29 Policy ENV10 of the BNP states the development proposals should take account of existing rights of way and be designed to respect their importance to the local community.
- 8.30 Based on available records to the Local Highway Authority, there have been no recorded Personal Injury Collisions on Newbold Road in the previous five years.
- 8.31 The development proposes no changes to the existing access arrangements into the site via Newbold Road. The Local Highway Authority are satisfied that the existing access is safe and suitable for the scheme, subject to a planning condition that ensures that the use of the development is for the private use of the Applicant.
- 8.32 Whilst the Public Right of Way, Footpath S33, runs adjacent to the proposal and along the access drive to it, the Local Highway Authority are satisfied that the use and enjoyment of the Public Footpath is not significantly affected by the development.
- 8.33 In light of the above, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network, subject to conditions. 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 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: 03.01.2024)
 - Lunge Pen (submitted: 03.01.2024)
 - Menage (submitted: 03.01.2024)
 - Site Location Plan (submitted: 03.01.2024)

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).

3. The proposed development shall be used for the Applicant's own private use and no other business, nor commercial use is permitted.

Reason: Although the level of traffic likely to be generated by stables is acceptable in highways safety terms, more traffic-intensive livery within the site would be inappropriate due to the limitations of the vehicular access, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

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.
2. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed any elements of danger associated with construction works.
3. The Public Right of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
4. The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highways Authority (0116) 305 0001.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
6. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the Applicant to repair at their own expense to the satisfaction of the Highway Authority.
7. No new gates, stiles, fences, or other structures affecting a Public Right of Way, or either temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.