

Delegated Report

Planning Reference
Applicant(s)
Ward

24/00853/OUT
Mr J Bayley
Cadeby, Carlton, M Bosworth &
Shackerstone



Hinckley & Bosworth
Borough Council

Application Site

Castle Farm, Gopsall Road, Bilstone

Proposal

Outline application for extensions to three existing stock housing buildings and the erection of a new building for young stock (Access, Layout and Scale only)

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 outline planning permission for extensions to three existing stock housing buildings and the erection of a new building for young stock at Castle Farm, Gopsall Road, Bilstone. Only Access, Layout, and Scale are sought for approval within this outline application and all other matters are reserved.
- 2.2. The extensions relate to the three existing cow cubicle sheds to the northeast of the site. The new structure is proposed immediately to the east of these extensions. The Applicant has stated that the development shall be constructed in a style similar to the existing farm buildings with Yorkshire boarding and natural grey cement fibre sheeting.
- 2.3. These works are required to support the self-sufficiency of the farm by increasing the size of the dairy farm by 25% through the provision of 50 additional cows and 50 heifers, and through the provision of modern facilities to reduce environmental impacts on water and air quality.
- 2.4. The precise appearance of the scheme is reserved for later approval; therefore, the extent of the application is described and assessed via the layout and scale of the development, which is detailed within the submitted Planning Statement and the Buildings Arrangement Plan.

Extension One

- 2.5. The first extension externally measures 7.9m in width by 16.6m in depth, which creates a total footprint of 131.1sqm. The structure features a 15-degree pitched roof with a ridge height of 4.7m and an eaves height of 3.7m.

Extension Two

- 2.6. The second extension externally measures 14.6m in width by 13.7m in depth, which creates a total footprint of 200sqm. The structure features a 15-degree pitched roof with a ridge height of 5.7m and an eaves height of 3.7m.

Extension Three

- 2.7. The third extension externally measures 27.4m in width by 22.9m in depth, which creates a total footprint of 627.5sqm. The structure features a 15-degree pitched roof with a ridge height of 5.7m and an eaves height of 3.7m.

New Building

- 2.8. The new structure externally measures 15.3m in width by 54.9m in depth, which creates a total footprint of 840sqm. The property is constructed with a 15-degree pitched roof that has a ridge height of 6m and an eaves height of 3.7m. The new building is proposed to house the new young stock that are necessary to provide replacements for the dairy herd, which are bred from the existing stock.

3. Description of the Site and the Surrounding Area

- 3.1. The 0.41-hectare application site is located outside of any identified settlement boundary in the designated open countryside to the northwest of Congerstone, to the southwest of Shackerstone, and to the east of Twycross. The application site is also within the risk impact zone of the Ashby Canal and the Newton Burgoland Marshes Sites of Special Scientific Interest (SSSI).
- 3.2. The site is accessed from Gopsall Road at its confluence with Main Road, which are both adopted but unclassified public highways that are subject to the National Speed Limit in the vicinity of the site's vehicular access.
- 3.3. The site consists of agricultural land that forms part of the wider Castle Farm complex, which employs four full time members of staff. Based on the details submitted within planning application 15/00532/FUL, Castle Farm is a dairy farm that benefits from 600 acres of farmland that is held on an Agricultural Holdings Act tenancy with the Crown Estate. 100 acres of the farmland associated with Castle Farm is used for arable production of wheat, 150 acres of this land is planted with maize for use with the dairy herd and the remainder is laid down to short and medium grass leys as part of the rotation. The wider site also includes boarding kennels and a cattery.

- 3.4. The site is wholly surrounded by open agricultural fields and Congerstone Primary School is over 300m to the southeast of Castle Farm.

4. Relevant Planning History

4.1 15/00532/FUL

- Agricultural livestock building
- Permitted
- 03.07.2015

4.2 13/00825/FUL

- Conversion of ground floor agricultural building to dog boarding kennel accommodation with reception area and staff rest room
- Permitted
- 19.11.2013

4.3 12/00891/FUL

- Erection of livestock building
- Permitted
- 20.12.2012

4.4 12/00079/FUL

- Extension to existing slurry and creation of new access track
- Permitted
- 20.04.2012

4.5 11/00766/FUL

- Extensions and alterations to livestock building
- Permitted
- 29.11.2011

4.6 04/01266/FUL

- Conversion of calf rearing unit into boarding kennels
- Permitted
- 02.03.2005

4.7 04/00360/COU

- Change of use of agricultural land to provide boarding kennels and cattery
- Permitted
- 28.05.2004

4.8 02/00342/GDO

- Replacement Silage Clamps
- Permitted
- 12.04.2002

4.9 92/01096/4

- Erection of a cattle shed
- Permitted
- 27.01.1993

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.

5.2 No responses have been received.

6. Consultation

6.1 There have no objections to the application from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)
- Natural England

Ecology

6.2 The County Council's Ecology Department confirmed that the ecology survey of the site was undertaken within the optimal period for habitat surveys. Given the habitat types recorded, the current land use and context of the site, the Ecology Department confirmed that an ecological appraisal was not necessary in these site-specific circumstances.

6.3 However, the Ecology Department recommended that a precautionary method of working was adopted to address ecological concerns such as the potential for ground-nesting birds and the presence of priority mammals passing through the works area. The County Council advised that this could take the form of the submission of a Construction Environment Management Plan for Biodiversity (CEMP) via a pre-commencement planning condition. The CEMP should include details on good working practices to ensure protection of nearby habitats, timing of works to avoid harm to nesting birds and methods of working to safeguard mammals such as hares that may be present during the proposed works.

- 6.4 The pre-commencement condition was agreed by the Applicant on 23 June 2025.
- 6.5 The Ecology Department confirmed that the proposed creation of mixed scrub habitat at Section 4.12 of the Biodiversity Net Gain Assessment Report was suitable given the setting and should result in biodiversity net gain in excess of 10%. However, it is recommended that a Landscape Strategy is submitted via a planning condition to demonstrate that the proposed habitat can be created and managed to the 'good' condition for 30 years.
- 6.6 However, the Local Planning Authority note that landscaping is not sought for approval within this outline planning application. Therefore, the recommended pre-commencement condition has not been attached to this planning application in these site-specific circumstances as these details can form part of the Reserved Matters stage of the development.

Pollution

- 6.7 On 09 October 2024, Natural England stated that there was insufficient information submitted within the application to enable them to provide a substantive response to the development. Therefore, Natural England requested a suitable air quality screening assessment via the Simple Calculation of Atmospheric Impact Limits (SCAIL) model.
- 6.8 On 24 February 2025, the Applicant submitted a SCAIL Assessment. On 17 March 2025, Natural England highlighted that they required the input and output files of the SCAIL model assessment. These details were provided by the Applicant on 25 March 2025, and Natural England stated that, as submitted, the ammonia concentrations of the proposed development could have potential significant effects on the Ashby Canal and the Newton Burgoland Marshes, which are both Sites of Special Scientific Interest (SSSI). To address this, Natural England requested detailed modelling on the development's impact on air quality to two SSSIs and appropriate mitigation measures where necessary.
- 6.9 In light of these concerns, the Applicant submitted an Ammonia Assessment on 03 June 2025. As a result, on 20 June 2025, Natural England confirmed that they had no objection to the development as the proposed development was not considered to damage or destroy the interest features at the Ashby Canal and the Newton Burgoland Marshes.

Other Consultee Responses

- 6.10 The Environment Agency, the Local Highway Authority, and the Mineral and Waste Planning Authority did not make any comments on the planning application. National Grid and Shackerstone Parish Council did not respond to the planning application.
- 6.11 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A

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 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- 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
- Housing land supply
- Impact upon the character of the area
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Infrastructure and development contributions
- 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. 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.
- 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).
- 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 34 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 232 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.
- 8.8 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(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.”*
- 8.9 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. To ensure this, Policy DM4 of the SADMP only considers 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.
- 8.10 The Applicant has confirmed that the proposal does not result in any job creation. Although it has been stated that the development increases the total cattle stock on the farm by 25%, the Applicant has not demonstrated that this significantly contributes to economic growth.
- 8.11 Therefore, the proposed development does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.12 For example, Chapter 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Therefore, significant weight should be placed on the need to support economic growth and productivity, taking into account both local and business needs and wider opportunities for development.
- 8.13 Paragraph 88 of the NPPF also 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 beautiful new buildings; and
 - (b) The development and diversification of agricultural and other land-based rural businesses; and
 - (c) Sustainable rural tourism and leisure developments, which respect the character of the countryside; and
 - (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.
- 8.14 Paragraph 89 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 8.15 The proposal supports the needs of the agricultural business and encourages the sustainable growth and expansion of the existing business. Therefore, the proposal is supported by the significant weight attached to Chapter 6 and Paragraphs 88 and 89 of the NPPF.

- 8.16 Importantly, Paragraph 89 of the NPPF confirms that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope of access on foot, by cycling, or by public transport.) These factors are assessed later in this report.
- 8.17 In addition, Policy DM4 of the SADMP requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.18 Given the above, whilst the proposal is offered no support by Policy DM4 of the SADMP, the development supports the needs of the agricultural business and encourages the sustainable growth and expansion of the existing business. Therefore, the acceptability of the principle of the development is 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

- 8.19 Chapter 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.20 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.
- 8.21 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.
- 8.22 This is an outline application with all matters reserved except for access, layout, and scale. Therefore, the detailed appearance is not being assessed at this stage, however, this will form the details that are required to be submitted at the Reserved Matters stage.
- 8.23 Notwithstanding this, the indicative plans illustrate that the development will consist of three extensions to the rear of three existing stock housing buildings and the erection of a new building for young stock to the east of these existing buildings.
- 8.24 The proposal supports the needs of the local agricultural business and encourages the sustainable growth and expansion of the existing business, which is provided significant weight by Chapter 6 of the NPPF.

- 8.25 The proposed layout of the development is set behind the existing agricultural structures and is over 210m north of Gopsall Road and 545m west of Shackerstone Road. From these long public views, the development shall be experienced in the context of the existing structures within the wider agricultural site. This is considered to reduce the impact of the development on the character of the surrounding area.
- 8.26 Given the above, although the proposed extensions to the existing buildings and the new proposed structure are of a considerable size and scale, the scheme supports the needs of an agricultural business and encourages the sustainable growth and expansion of the existing business, the scale and layout of the development are considered to be acceptable, and the detailed design of the development can be brought forward in a way that does not result in any significant adverse impacts to the character of the surrounding area and the designated open countryside. Therefore, the scale and layout of proposal are considered to comply with the requirements of Policies DM4 and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.27 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.
- 8.28 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.
- 8.29 The closest structure to the development that is not associated with the wider Castle Farm complex is Congerstone Primary School, which is over 320m east of the proposed development. Given the above, it is not considered that the development results in any significant adverse impacts to neighbouring residential amenity as a result of any overbearing or loss of light impacts.
- 8.30 To summarise, it is therefore considered that the scale and layout of the scheme does not result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP. It is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure any concerns in relation to the scheme's impact on neighbouring residential amenity are appropriately addressed

Impact upon Parking Provision and Highway Safety

- 8.31 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.

- 8.32 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)).
- 8.33 The Applicant does not propose any amendments to the existing site access to the application site from Gopsall Road and the Applicant has stated that there will be no material increase the level of traffic to and from the site as a result of the proposed development, and there is no intention to employ additional staff.
- 8.34 The Local Highway Authority (LHA) advised that the development did not appear to make a material impact on the public highway.
- 8.35 In light of the above, it is considered that the proposal does not create 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.

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. An application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the appearance, landscaping, and access other than vehicular access (hereafter called the reserved matters) have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. 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:

- Buildings Arrangement Plan (submitted; 11.09.2024)
- Site Location Plan (submitted: 11.09.2024)

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).

4. Prior to the commencement of development (including ground works or vegetation clearance) a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in

writing by, the Local Planning Authority. The CEMP shall include, but should not be limited to, the following details:

- Identification of potentially damaging construction activities; and
- Practical measures and sensitive working practices to avoid/ reduce impacts on habitats and protected species during construction; and
- Timing of works to avoid harm to nesting birds; and
- Measures to ensure safeguarding of nesting birds, hares, and priority mammals during works; and
- Responsible persons for overseeing sensitive works; and
- Use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to protect the 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).

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory propositi test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
3. 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).
4. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.