

Delegated Report

Planning Reference 25/00743FUL
Applicant(s) Mr and Mrs G Johnson
Ward Ambien



Hinckley & Bosworth
Borough Council

Application Site Lodge Farn, Market Bosworth Road,
Dadlington

Proposal New vehicular access

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 provision of a new vehicular access to the south of Lodge Farm, Market Bosworth Road, Dadlington. The development is subject to the de-minimis exemption from the mandatory biodiversity net gain requirements.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to the north of, and outside of the identified settlement boundary of, Dadlington in the designated open countryside. The site is within the Bosworth Battlefield was designated in recognition of its national importance due to its historical importance, topographic integrity, archaeological potential, and technological significance.
- 3.2. The site consists of the two-storey residential property, Lodge Farm, and its associated residential garden space, which includes a timber stables and store. The site benefits from an existing agricultural access via Fenn Lanes to the south. The site is bounded by Market Bosworth Road to the east, which is an adopted and classified 'C' Road that is subject to the National Speed Limit.
- 3.3. To the north of the application site is a courtyard of agricultural outbuildings (The Granary, The Mill, and The Dairy), which have been converted into three residential properties via planning permissions 04/00265/FUL and 05/00689/FUL. In 2024, the Case Officer for the approved planning application 24/00662/FUL noted The Dairy was being utilised as a short-term holiday let. A further dwelling has been approved within the wider Lodge Farm complex via planning permissions 25/00464/FUL, 24/00624/FUL and 23/00617/CLE.

- 3.4. There are several isolated farmsteads in the vicinity of the site including Apple Orchard Farm to the west and Ashwood Farm to the east, but beyond these elements the site is wholly surrounding by agricultural fields.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

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 No objections were received from Leicestershire County Council as the Local Highway Authority, the Council's Conservation Officer or the Council's Environmental Health Department. 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

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 and the historic environment
- 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, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.

8.3 Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. 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.

8.4 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, 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.

8.5 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.

8.6 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.
- 8.7 Therefore, the development proposal does not comply with any of the limitations set out above, and therefore the development is contrary to, and in conflict with Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable. 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 the report.
- 8.8 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, 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 and the Historic Environment

- 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 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 of the SADMP confirms that all developments affecting heritage assets and their setting will only be permitted where it is demonstrated that the proposals are compatible with their significance and their setting.
- 8.12 Page 4 of the Transport Technical Note states that the site access arrangements in terms of width, radii, and hard surfacing can be controlled via the imposition of suitably worded planning conditions. This can ensure that the scheme complies with the LHDG in the interests of highway safety and also that the proposed vehicular site access is not overengineered to the detriment of the character of the surrounding area, the intrinsic value, beauty, open character, and landscape character of the designated countryside, nor the significance of the Bosworth Battlefield.

- 8.13 In light of this proposed planning condition, the proposed new vehicular access is considered to introduce a minor extent of change within the Battlefield, which is only perceptible from Market Bosworth Road. Following discussions with the Council's Conservation Officer, it is not considered that the proposed vehicular access is likely to result in any material reduction in the ability to understand and appreciate the events of the battle or any key components of its heritage significance where views of the scheme are possible.
- 8.14 By virtue of these factors, the proposal is considered to be acceptable in these site-specific circumstances in accordance with Policies DM10, DM11, and DM12 of the SADMP, subject to planning conditions.

Impact upon Residential Amenity

- 8.15 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.
- 8.16 The new access is to serve the existing residents of Lodge Farm to the north of the site. This can be secured by planning condition. There are residential properties immediately to the east or south of this development and given the limited use of this access to serve an existing domestic use, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances. Therefore, the proposal is considered to accord with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.17 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.
- 8.18 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)) (2024).
- 8.19 The scheme proposes a new access onto classified 'C' road, Market Bosworth Road, which is a classified 'c' highway that is subject to the National Speed Limit.
- 8.20 The new proposed site access provides a separate means of access for domestic traffic to the property to reduce the risk of potential conflict between agricultural and domestic traffic. Therefore, the proposal does not result in any additional material vehicular movements on the highway network. To ensure this, a planning condition can be utilised to close the existing access to the south of the site and limit the use of the access to the occupants of Lodge Farm.

- 8.21 Leicestershire County Council as the Local Highway Authority confirmed that they were satisfied with the location of the new access and the speed levels detailed in the Transport Technical Note in these site-specific circumstances.
- 8.22 Page 4 of the Transport Technical Note states that the site access arrangements in terms of width, radii, and hard surfacing can be controlled via the imposition of suitably worded planning conditions. This can ensure that the scheme complies with the LHDG in the interests of highway safety.
- 8.23 In light of the above, the proposal is not considered to create an unacceptable impact on highway safety or the road network, subject to planning conditions, in accordance with Policy DM17 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 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:

- Site Location Plan (submitted: 11.09.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10, DM11, DM12, and DM17 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 proposed access shall have a minimum effective width of 2.75 metres. The proposed access shall not exceed 4 metres in width. This access width shall be maintained in perpetuity.

Reason: To ensure that the proposed access meets the minimum requirements of Table 13 of the Leicestershire Highway Design Guide (2024) for a single dwelling 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), and to ensure that the proposed access is not overengineered in these site-specific circumstances to the detriment of the character of the surrounding area and the designated open countryside, and the character of the Bosworth Battlefield in accordance with Policies DM4, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the first use of the development hereby permitted, vehicular visibility splays of 2.4 metres by 56 metres to the south of the access and vehicular visibility splays of 2.4 metres by 48 metres to the north of the access shall be provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, 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).

5. Prior to the first use of the development hereby permitted, the access drive (and any turning space) shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) 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).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway 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).

7. The vehicular access hereby permitted shall only be used for domestic purposes to serve the occupants of the dwelling, Lodge Farm, and for no other purpose. The proposed access shall not be used for any commercial or industrial purposes.

Reason: 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).

8. Upon the first use of the development hereby permitted, no domestic vehicles shall enter the application site via the existing agricultural access to the south of the site.

Reason: In accordance with Page 2 of the Covering Letter (submitted: 15.09.2025) and 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).

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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicant must ensure all necessary licences/ permits/ agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
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).