

Delegated Report

Planning Reference 25/00800/FUL
Applicant(s) E N Milner
Ward Markfield, Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Application Site Lodge Farm, Broad Lane, Stanton under Bardon

Proposal Change of use from agricultural land to alternative education provision, erection of a mobile classroom and associated infrastructure

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of 4,000sqm of agricultural land to an alternative education facility (Use Class F1) ('Lodge Farm Education') for children between the ages of 11 and 17 at Lodge Farm, Broad Lane, Stanton under Bardon. The use is proposed to be a secondary and satellite facility to the existing school, Woldale School, in Anstey. The proposal employs seven full-time members of staff and operates Monday to Friday between 08:30 and 16:00 during term time. The development consists of three containers, two sheds, a mobile classroom, two portable toilets, and a greenhouse. This is a retrospective application, and the development began on site on 02 August 2021.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the west of Markfield in the designated open countryside in the National Forest, Charnwood Forest, the Charnwood Forest Landscape Character Area, as defined by the Council's Landscape Character Assessment, and the Thornton Plantation Farmlands Landscape Character Area, as defined by the Markfield Neighbourhood Plan. The key characteristics of the Charnwood Forest Landscape Character Area include, but are not limited to, large woodlands varying from mature and ancient woodlands to newer National Forest plantations, which create a well-wooded context and relatively tranquil subareas away from busy roads. The Thornton Plantation Farmlands Landscape Character Area is characterised by a rolling landscape of mixed farmland with areas of new woodland plantation.

- 3.2. The site itself is agricultural in character and comprises part of the Broad Lane Woodland, which is identified as 'STA19' within the Council's Open Space and Recreation Study (2016), and Site ID '70' within the Council's latest Open Space Assessment (2025) as a Natural and Semi-Natural Public Open Space. The site positively contributes to the wider landscape character of the area. Two previous planning applications (19/00869/FUL and 20/00106/FUL) sought approval for a clay pigeon shooting ground within the site, but both were withdrawn due to the level of objection to the development from members of the public.
- 3.3. The site is accessed via a 900m gated track from Broad Lane to the north of the site through the Lodge Farm complex. The built form of Lodge Farm is over 650m north of the proposed development within the application site and includes several agricultural and industrial structures as well as a couple of residential dwellings associated with the site.
- 3.4. The application site is bounded by agricultural fields to the west and is separated from the wider Lodge Farm complex by woodlands to the north. The site is separated from Markfield by woodland, agricultural fields and the M1 to the east, and further woodland and agricultural fields bound the south of the site. To the northwest of the site is South Charnwood High School and to the southwest of the site is Thornton Reservoir.
- 3.5. There are four Public Footpaths that run through the wider Lodge Farm site, including Public Footpath R27, which runs northwest to southeast from the east of the site, and Public Footpath R2, which runs southwest to northeast, and Public Footpaths 26 and R28, which run east to west, which are all to the north of the proposed development. Public Footpath R2 separates into an additional Public Footpath, R123, to the west of the site.

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. A site notice was also posted within the vicinity of the site. No responses have been received.

6. Consultation

- 6.1 There have been no objections from the National Forest, nor the Council's Drainage, Environmental Health, or Waste Management Departments. Leicestershire County Council's Ecology Department confirmed that the submitted details were acceptable and requested a Landscape and Ecological Management Plan to be secured via planning condition alongside the provision of six bat boxes to be sited in perpetuity.

6.2 Leicestershire County Council as the Local Highway Authority (LHA) did not consider the development to result in an unacceptable impact on highway safety, nor the road network, subject to two planning conditions in relation to visibility splays and the prevention of obstructions to the vehicular access.

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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 DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Markfield Neighbourhood Plan 2020 – 2039 (MNP) (2021):

- Policy M1: Countryside
- Policy M2: Landscape Character
- Policy M3: Green Infrastructure
- Policy M5: Trees
- Policy M10: Design

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)

- HBBC's Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Open Space and Recreation Study (2016)
- Open Space Assessment (2025)

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

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. 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, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Markfield Neighbourhood Plan. 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.

Assessment of the Transport Sustainability of the Application Site

8.5 Paragraph 161 of the NPPF confirms that the planning should support the transition to net zero by 2050. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of

- existing buildings; and support renewable and low carbon energy and association infrastructure.
- 8.6 Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure a safe and suitable access to the site can be achieved for all users.
- 8.7 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.8 Guidance Point M2 of the National Design Guide (NDG) confirms that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities.
- 8.9 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.10 The vehicular access to the application site is 1.4km south of the junction to Stanton under Bardon, 1.5km west of the edge of Markfield and 2km north of Thornton. Paragraph 4.18 of the Revised Planning Statement highlights that the development is an extension to the facilities at Wolfdale School, which is 9.3km northeast of the site in Anstey.
- 8.11 The route to and from Stanton under Bardon is unlit and subject to the National Speed Limit, and users of this route are also required to cross the classified 'C' road, Cliffe Hill Road, to access the pedestrian footway from Stanton under Bardon before crossing this public highway again to access Elliot's Lane. It is noted that Elliot's Lane is unlit and does not benefit from any pavements or cycle way.
- 8.12 Markfield Lane towards Thornton is also unlit and subject to speed limits that vary between 40mph and the National Speed Limit. Markfield Lane does not feature any pedestrian footways or cycle ways towards Thornton. Although the route to Markfield includes a footpath, this is very narrow, and none of the public highways along this route, which are all subject to the National Speed Limit, feature streetlights.
- 8.13 Whilst it is appreciated that South Charnwood High School is to the northwest of the application site, it is noted that this is an existing educational facility, and the High School is directly adjacent to Markfield Lane and an existing bus stop. The Local Highway Authority have highlighted that this bus stop is a significant distance from the application site. This is because the proposed development is approximately 1km south of the site's access from Markfield Lane via an unlit agricultural track.

Paragraph 2.4 of the Revised Planning Statement also confirms that no pedestrians are allowed to utilise the access track to the facility.

- 8.14 Therefore, it is considered that the application site suffers from poor transport sustainability that is not accessible by convenient or safe walking, cycling, or public transport routes, and visitors and staff are highly likely to be dependent on private motorised transport to access the site. This is considered to result in environmental harm in principle.
- 8.15 Although Paragraph 4.21 of the Revised Planning Statement suggests that staff are 'actively encouraged' to either car share, cycle or travel via minibus, this statement fails to demonstrate how this encouragement would take place, nor how it would have any meaningful impact on promoting sustainability modes of transport in light of the lack of safe or convenient active travel routes to the site.
- 8.16 By virtue of these factors, the application site is considered to be in an unsustainable and isolated location that suffers from poor transport sustainability where visitors and staff are highly likely to be dependent on private motorised transport to access the site. This is considered to result in environmental harm in principle, which is contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Paragraphs 115 and 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide.

Assessment of Development within Areas of Adopted Public Open Space

- 8.17 The NPPF defines open space as all open space of public value, not just land, but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity. Paragraph 13.65 of the SADMP confirms that open space has been allocated if it falls within one of the following typologies, which includes but is not limited to, Natural and Semi-Natural Open Space.
- 8.18 The application site forms part of the Broad Lane Woodland, which is identified as a Natural and Semi-Natural Public Open Space within the Council's Open Space and Recreation Study, the SADMP, and the Council's latest Open Space Assessment. This site's classification as Public Open Space is confirmed at Figure 5 and Paragraphs 2.9, 3.6, 4.3, and 4.9 of the Revised Planning Statement.
- 8.19 The overarching social objective of sustainable development at Paragraph 8 of the NPPF includes supporting strong vibrant and healthy communities with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing.
- 8.20 Paragraph 103 of the NPPF confirms that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

- 8.21 Paragraph 104 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:
- (a) An assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements; or
 - (b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - (c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 8.22 Policy DM8 of the SADMP states that planning permission will not be granted for proposals resulting in the loss of land or buildings in recreational or sporting use and areas of open space, as identified in the most recent Open Space, Sport and Recreational Facilities Study, except where:
- (a) a replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the community; or
 - (b) it is demonstrated that there is a surplus of recreational land facilities or open space of the same typology exceeding the needs of the local community; or
 - (c) the development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.

Proposals which relate to Natural and Semi-Natural Open Spaces should also accord with Policy DM9 of the SADMP.

- 8.23 Policy DM9 of the SADMP states that all development within or affecting Natural or Semi-Natural Open Spaces should seek to retain and enhance the accessibility of the space and its recreational value whilst ensuring the biodiversity and conservation value is also enhanced. Development within these areas will only be considered appropriate where:
- (a) the proposal relates to the enhancement of the area for recreational purposes and only where this does not lead to the loss or damage of the area's biodiversity value; or
 - (b) it relates to the enhancement of the area's biodiversity or conservation value; or
 - (c) it would promote the establishment and enhancement of pedestrian footpaths and cycleways; or

- (d) if within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Policy 21 of the adopted Core Strategy; and
 - (e) if within a Green Wedge, it protects its role and function in line with Policies 6 and 9 of the adopted Core Strategy.
- 8.24 Paragraph 13.71 of the SADMP highlights that The Wildlife Trust stated that this type of open space plays a key role in wildlife conservation, biodiversity, climate change, and recreation. It is essential that an appropriate balance between recreational use, biodiversity, and conservation is achieved in these spaces.
- 8.25 Paragraph 13.73 of the SADMP also acknowledges that Natural and Semi-Natural Open Spaces are among the most popular types of open space in the Borough of Hinckley and Bosworth, and residents visit these areas more than any other typology of public open space.
- 8.26 To justify the development, Paragraph 4.9 of the Revised Planning Statement suggests that the development complies with Paragraph 104(c) of the NPPF because it is for an alternative recreational and educational provision.
- 8.27 For the avoidance of doubt, educational provision is not included within the exceptions detailed within Paragraph 104 of the NPPF, nor Policies DM8 or DM9 of the SADMP. In addition, recreational uses and educational uses are two distinct and materially different uses. As such, the current planning application is for the permanent change of use of land to a Use Class F1 educational facility and not for a recreational use. It is also noted that the proposal does not result in any enhancement to any existing Public Open Space, nor to the area's biodiversity or conservation value, or any pedestrian footpaths or cycleways.
- 8.28 Therefore, the scheme does not provide any replacement Public Open Space and is not for an alternative sport or recreational use, and the Applicant has failed to provide an assessment of the Public Open Space that demonstrates the site is surplus to requirements as part of this planning application.
- 8.29 By virtue of these factors, it is not considered that the development proposal meets the requirements of, and is therefore in conflict with, Policies DM8 and DM9 of the SADMP, Paragraph 104 of the NPPF, and the overarching social objective of sustainable development.
- 8.30 In spite of the above, Paragraph 4.10 of the Revised Planning Statement then suggests that the site was previously under agricultural use and did not provide any formal recreational or sports function to the public. This was asserted again by the Applicant on 11 November 2025, where it was suggested that the site did not consist of Public Open Space.
- 8.31 This statement is in direct conflict with Figure 5 and Paragraphs 2.9, 3.6, 4.3, and 4.9 of the Revised Planning Statement. Furthermore, the site complies with the NPPF's

definition of open space, and Table 1.1 of the Open Space Assessment confirms that natural and semi-natural green space is a typology of Public Open Space. Page 2 of this Open Space Assessment directly refers to the requirements of Paragraphs 103 and 104 of the NPPF in relation to these typologies of open space.

- 8.32 Whilst the site is considered to comprise agricultural land, this is not considered to diminish the fact that the site has been formally adopted by the Council as Natural and Semi-Natural Public Open Space within the SADMP and the Council's two latest open space evidence bases. The site therefore has a recreational public use that is protected by Paragraph 104 of the NPPF and Policies DM8 and DM9 of the SADMP.
- 8.33 In summary, the proposal results in the permanent and unjustified loss of adopted Natural and Semi-Natural Public Open Space, which is considered to result in significant adverse social impacts to the wider community. Therefore, the development is contrary to, and in conflict with, Policies DM8 and DM9 of the SADMP, Paragraph 104 of the NPPF and the overarching social objective of sustainable development in principle.

Assessment of Development within the National Forest and Charnwood Forest

- 8.34 Policy 8 of the adopted Core Strategy states that the Council will support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park in line with Policies 21 and 22 of the adopted Core Strategy and where it protected open space linkages to the west, which are of important to the context of the village.
- 8.35 Policy 21 of the adopted Core Strategy confirms that proposals will be supported in the National Forest providing that they contribute to the delivery of the National Forest Strategy (increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreation and sports provision; and tourism developments, especially overnight quality accommodation linked to tourism in the Forest).
- 8.36 The proposed development fails to contribute to the National Forest Strategy and is therefore contrary to Policy 21 of the adopted Core Strategy. It is noted that the Applicants have failed to identify Policy 21 of the adopted Core Strategy within their Planning Statement.
- 8.37 Policy 22 of the adopted Core Strategy states that proposals within Charnwood Forest will be supported that:
- Maintain the traditional working landscape of the Forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives; or
 - Provide new recreation facilities around the fringes of the area.

- 8.38 The proposal is considered to involve rural diversification, and therefore the scheme has potential to comply with the requirements of Policy 22 of the adopted Core Strategy.
- 8.39 However, Policy 22 of the adopted Core Strategy also confirms that proposals within Charnwood Forest will be supported where they provide access to and from the rural areas into and within the regional park by non-vehicular means, provided that they:
- Retain local character and complement the local landscape
 - Enhance open spaces, including the treatment of built edges
 - Enhance woodland and habitat provision and connectivity
 - Manage and enhance the cultural heritage of the area.
- 8.40 The scheme does not provide access to Charnwood Forest by non-vehicular means and the proposal results in the loss of Public Open Space, which is contrary to the requirements of Policy 22 of the adopted Core Strategy. The scheme's ability to retain local character and complement the local landscape is assessed further in this Report.
- 8.41 In light of the above, the development fails to contribute to the National Forest Strategy, which is contrary to Policy 21 of the adopted Core Strategy and fails to meet the requirements for proposals within the Charnwood Forest Regional Park, which is contrary to Policy 22 of the adopted Core Strategy. The scheme's ability to retain local character and complement the local landscape is assessed further in this report.

Assessment of Development in the Designated Open Countryside

- 8.42 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.43 As a result, 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.
- 8.44 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.
- 8.45 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in this Report
- 8.46 Policy M1 of the MNP confirms that the countryside will be protected for the sake of its intrinsic, character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. The following types of development will be supported in the countryside:
- 1. Recreation and tourism that cannot be provided within the Settlement Boundary
 - 2. Development by statutory undertakers or public utility providers
 - 3. The subdivision of an existing residential dwelling
 - 4. Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with other policies of the Neighbourhood Plan.
- 8.47 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 and Policy M1 of the MNP. However, this does not mean that the development is not sustainable. For example, the proposal is for a new educational facility. This shall be discussed in detail further in this Report.
- 8.48 Given the above, it is considered that the proposal is offered no support by Policy DM4 of the SADMP or Policy M1 of the MNP. 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 this Report.

Assessment of Development as an Educational Facility

- 8.49 Paragraph 100 of the NPPF highlights that it is important that a sufficient choice of early years, school, and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education.
- 8.50 Therefore, Paragraph 100 of the NPPF states that local planning authorities should:

- (a) Give great weight to the need to create, expand, or alter early years, schools, and post-16 facilities through the preparation of plans and decisions on applications.
- 8.51 Paragraph 4.18 of the Planning Statement suggests that the development is an extension of, and a satellite facility of, Wolfdale School. This is supported by an undated letter submitted by the Applicant that features the Wolfdale School logo.
- 8.52 Importantly, Paragraph 100 of the NPPF confirms that great weight is afforded to the, “Need,” to create, expand or alter education facilities to ensure that a sufficient choice of early years, school, and post-16 places are available to meet the needs of existing and new communities.
- 8.53 Paragraph 2.5 of the Revised Planning Statement highlights that only 15 students will utilise the development, and a maximum of ten people shall be on site per day. Paragraph 2.6 of the Revised Planning Statement then confirms that the students associated with this development will be based at Wolfdale School in Anstey or Ratby.
- 8.54 The Applicant has not sought to demonstrate that the proposal creates additional educational spaces for children, nor why this scheme, which is over 9km from Wolfdale School’s main educational premises in Anstey, is required to meet the needs of the existing educational facility or the wider community.
- 8.55 In addition, whilst Paragraph 4.5 of the Planning Statement suggests that the number of children attending specialist education provision within Leicestershire is significantly above national average, this is a general County-wide comment about attendance based on information from over five years ago. This information does not suggest that there are insufficient specialist educational school places for children within Leicestershire, nor within the Borough of Hinckley and Bosworth to meet the existing and future community needs of the residents of Markfield, Stanton under Bardon, or Thornton.
- 8.56 In light of the above, although the NPPF requires great weight to be given to the need to create, expand or alter educational facilities, it is considered that the Applicant has not demonstrated that there is a need for this development in these site-specific circumstances. Ultimately, the benefits of the scheme shall be weighed against the adverse effects of the development in the planning balance of this Report.

Summary

- 8.57 In summary, Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.58 The application site is in an unsustainable and isolated location that suffers from poor transport sustainability where visitors and staff are highly likely to be dependent on

private motorised transport to access the site. This is considered to result in environmental harm in principle, which is contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Paragraphs 115 and 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, Policy HDM1 of the LHDG, and the National Design Guide.

- 8.59 The proposal represents new development in the designated open countryside, the National Forest, and Charnwood Forest, which is offered no support from Policy DM4 of the SADMP, nor Policy M1 of the MBNP, and fails to contribute to the delivery of the National Forest Strategy or the Charnwood Forest Regional Park, which is contrary to, and in conflict with, Policies 21 and 22 of the adopted Core Strategy.
- 8.60 The proposal also results in the permanent and unjustified loss of Semi-Natural Public Open Space, which is contrary to, and in conflict with, Policies DM8 and DM9 of the SADMP, Paragraph 104 of the NPPF and the overarching social objective of sustainable development. This is considered to result in significant social harm to the wider community of the surrounding area.
- 8.61 Whilst it is appreciated that great weight is given to the need for the provision of new educational facilities in accordance with Paragraph 100 of the NPPF, it is considered that the Applicant has not demonstrated that there is a need for this development in these site-specific circumstances. Notwithstanding this, this planning benefit should be weighed against the adverse effects of the development in the planning balance.
- 8.62 By virtue of these factors, the proposal is considered to be unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Design and Impact upon the Character of the Area

- 8.63 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 (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.64 Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.65 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.66 In accordance with Policy 21 of the adopted Core Strategy, developments that contribute to the National Forest Strategy shall be supported provided that:
- The siting and scale of the proposed development is appropriately related to its setting within the Forest; and
 - The development respects the character and appearance of the wider countryside; and
 - The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 8.67 Policy 22 of the adopted Core Strategy supports proposals within Charnwood Forest that retain local character and complement the local landscape.
- 8.68 Policy DM4(i) and (v) of the SADMP state 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, and it contributes to the delivery of the National Forest Strategy in line with Policy 21 of the adopted Core Strategy.
- 8.69 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.
- 8.70 Policy M2 of the MNP confirms that development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area which it would affect.
- 8.71 In accordance with Policy M2 of the MNP, development should:
1. Conserve, and, where possible, enhance the character and qualities of the local landscape through appropriate design of development proposals; and
 2. Retain and where possible enhance woodland, hedgerows, mature trees and stone walls as features of landscape importance unless it is demonstrated this is not viable or practicable; and
 3. Be well integrated within the landscape with planting to soften urban edges
 4. Be located and designed so as not to scientifically harm the important long views from the publicly accessible locations at Billa Barra Hill, Hill Hole, and Altar Stones; and
 5. Provide appropriate landscape mitigation and/or suitable off-site enhancement
- 8.72 In accordance with Policy M3 of the MNP, development proposals must demonstrate how they avoid significant harm to key features of the Green Infrastructure Network. Where harm is demonstrated to be unavoidable, proposals must mitigate and compensate for that harm.
- 8.73 Policy M10 of the MNP states that development must be sympathetic to local character and history, unless the development is of exceptional quality or innovative design. Development must also accord with the Policy's 12 principles, which include,

but are not limited to, be in keeping with the scale, form, and character of its surroundings, protect important features such as hedgerows and trees, meet the general design principles of the National Forest, and take advantage of existing topography, landscape features, wildlife habitats, and site orientation.

- 8.74 Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.75 The proposal includes a variety of small, single storey structures that do not feature foundations. A planning condition can also be utilised to ensure that the scheme contributes to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park, which can support the scheme's ability to protect the character of the site and the surrounding area.
- 8.76 However, the proposed structures, particularly the three containers, are not considered to respect the rural woodland character of the site. Whilst it is appreciated that these structures appear temporary in nature, there is no indication within the submitted documents that the Applicant has any intention of removing these structures from the site. Therefore, although the structures are small and temporary in nature, they do not respect the character of the site and the surrounding area, and their permanent siting is considered to result in significant adverse impacts to the rural character of the site, which positively contributes to character of the surrounding area, including the designated open countryside, the Charnwood Forest Landscape Character Area, the Thornton Plantation Farmlands Landscape Character, Charnwood Forest, and the National Forest. This harm is heightened by the visual prominence of the development from users of the Natural and Semi-Natural Public Open Space, and the number of Public Right of Ways, which run through and around this area.
- 8.77 In addition, the proposed change of use of the land results in the permanent and unjustified loss of Natural and Semi-Natural Open Space for a development in an unsustainable location. This is considered to fundamentally alter the character of the site, to the detriment of character of the surrounding area, including the countryside, the National Forest and Charnwood Forest. This change of use is considered to be visually prominent from, and accessible from, a number of Public Right of Ways in the immediate surrounding area of the site such as Public Footpaths R2 and R27.
- 8.78 As a result, the proposed change of use, its proposed size, and the resultant permanent loss of Public Open Space is considered to result in significant harm to the character, appearance, and function of the site, which positively contributes to the character, appearance, and role of the Natural and Semi-Natural Open Space, the National Forest, and Charnwood Forest. This significant adverse impact shall be weighed against the benefits of the scheme in the planning balance of this Report.
- 8.79 In summary, the proposed change of use and its associated permanent structures are considered to cause significant and permanent adverse impacts to the role,

function, and character of the application site, which all positively contribute to the character of the surrounding area, including the Charnwood Forest Landscape Character Area, the Thornton Plantation Farmlands Landscape Character, the National Forest, Charnwood Forest, and the designated open countryside. This significant harm is exacerbated by the visual prominence of the scheme from Public Footpaths R2 and R27 and from the wider Broad Lane Woodlands Natural and Semi-Natural Public Open Space. The development is therefore contrary to, and in conflict with, Policies DM4, DM8, DM9 and DM10 of the SADMP, Policies M2, M3, and M10 of the MNP, and Policies 21 and 22 of the adopted Core Strategy. This harm shall be weighed against the benefits of the scheme in the planning balance of this Report.

Impact upon Residential Amenity

- 8.80 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. This is supported by Policy M10(5) of the MNP.
- 8.81 There are no existing residential properties to the east, south, or west of the application site, and the closest residential property to the north is associated with Lodge Farm and is over 600m away from the development. Therefore, the scheme is not considered to result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.82 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.
- 8.83 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).
- 8.84 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification. This is supported by Policies M10(10) and (12) of the MNP.
- 8.85 The development utilises an existing unamended access onto Broad Lane, which is located at a speed limit terminal point between 40mph and the National Speed Limit on an unclassified road. The site access also currently serves commercial units and other uses including dwellings and forestry uses.
- 8.86 There have been three Personal Injury Collisions (PICs) within 500m of the site access in the most recent five-year period, which were all classified as 'slight.' Leicestershire County Council as the Local Highway Authority (LHA) have reviewed

the circumstances of each of these PICs and does not consider there to be any links between the proposed development and the causation factors of these collisions.

- 8.87 The existing access is 6.5m wide, which is an acceptable width to allow for two-way movements. The LHA undertook an inspection of the existing site access and confirmed that the access benefited from visibility splays of 2.4m by 165m to the right (north) of the access, and 2.4m by 105m left (west) of the site access, with no obstructions in excess of 0.6m in height or crossing third-party land. The LHA observed passing speeds leading the site access and they were notably slower than the posted speed limits due to vehicles slowing for the bend.
- 8.88 In light of this, the LHA considered the available visibility to be sufficient based on likely passing speeds in these site-specific circumstances, and these visibility splays can be secured via planning condition in the interests of highway safety.
- 8.89 The Applicant states within the Planning Statement that the proposed school will be for 15 students with a maximum of 10 staff on site at any one time. However, no formal assessment of trip generation has been undertaken. Typically, the LHA require a capacity assessment of junctions that are impacted by proposals by 30- or more two- way trips in either the AM Peak (08:00 – 09:00) or PM Peak (17:00 – 18:00) periods.
- 8.90 The LHA note that it is unlikely that all students will travel to the site individually either by private car or taxi, with many sharing or using a minibus. Additionally, given the opening times of the school being between 09:00 and 15:00, many trips will occur outside of the network peak periods. Therefore, the LHA are satisfied that two-way movements generated by the site will be below the threshold to require further trip generation assessment in this instance.
- 8.91 The Applicant has confirmed that the existing gated access allows for at least three vehicles to pull off from the highway, and the gates are operated by an intercom system, which will automatically let visitors out when existing towards the gate.
- 8.92 Whilst the LHA consider two vehicles waiting clear of the public highway to be more realistic, given the low overall number of trips to the site, the LHA have confirmed that they are satisfied that the existing arrangements will not result in queuing on the public highway in these site-specific circumstances.
- 8.93 The Application Form states that the site will provide eight parking spaces. It is noted that this is below the quantum of staff on the site at any one time. The Applicant states that staff will be encouraged to car share/ use sustainable modes of travel or arrive with students on the minibus.
- 8.94 Given the rural nature of the site, the LHA consider the reality of this in practice will be limited. Although the LHA considers there to be a shortfall in parking for staff and visitors, the school is located significantly within the site from the public highway and believe there is ample additional space for parking, so do not believe there is any risk of displaced parking on the public highway.

- 8.95 In summary, 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, and the LHDG, subject to planning conditions.

Planning Balance

- 8.96 To conclude, Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.97 It is considered that the scheme does not result in any significant harm to neighbouring residential amenity or to highway safety. This is considered to attract a neutral weight in the planning balance.
- 8.98 Paragraph 137 of the NPPF states that applicants should, where applicable, provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 8.99 To justify their development, Paragraph 4.25 of the Revised Planning Statement highlights eight benefits of the scheme. Four of these benefits relate to the provision of a new educational facility, two of these factors are related to the low impact of the development on the character of the area, and the remaining two benefits relate to the sustainable travel measures of the scheme, and the scheme's efficient use of land. These comments are reinforced within the Applicant's email on 11 November 2025.
- 8.100 Although the Applicant considers the impact of the development on the character of the area to be low, and whilst the intention to reduce the scheme's impact is welcomed by the Local Planning Authority, this is not considered to be a benefit of the scheme and attracts no weight in support of the development in the planning balance.
- 8.101 Furthermore, whilst the Revised Planning Statement suggest that the development promotes shared transport and car-sharing, this is not guaranteed and the Applicant has failed to demonstrate how this would take place or how it would have any meaningful impact on promoting sustainability modes of transport in light of the lack of safe or convenient active travel routes to the site. This is therefore not considered to represent a benefit for this development, nor one that attracts any weight in the planning balance.
- 8.102 As highlighted at Paragraph 8.42 of this Report, safeguarding and improving the environment and using land to meet the need for homes and other uses, including the use of land as Public Open Space, represents an effective use land.
- 8.103 Whilst the provision of a new education facility may also represent an effective use of land in principle, this does not suggest that the proposed scheme is a more of an

effective use of land than an adopted area of Public Open Space, nor that this is such a benefit that justifies the loss of the current effective use of the land as adopted Public Open Space. Therefore, whilst the provision of an educational facility may represent an effective use of the land in principle, given the loss of the site's current effective use as adopted Public Open Space, the scheme's effective use of land is not considered to be a benefit in these site-specific circumstances and attracts no weight in support of the development the planning balance.

- 8.104 The final four benefits raised by the Applicant refer to the provision of a new educational facility.
- 8.105 It is important to note that Paragraph 100 of the NPPF confirms that the great weight afforded to the, "*Need*," to create, expand or alter education facilities is to ensure that a sufficient choice of early years, school, and post-16 places are available to meet the needs of existing and new communities. It is not considered that the Applicant has demonstrated that there is a need for this development in these site-specific circumstances. Furthermore, the Revised Planning Statement confirms that the scheme is an extension to an existing educational facility, and the development does not create any additional spaces for students. In light of the above and given the capacity of the proposed development, it is not considered that the scheme is offered great positive weight by Paragraph 100 of the NPPF.
- 8.106 Importantly, the great weight given to the need to create, expand, or alter educational facilities by Paragraph 100 of the NPPF does not negate the requirement to read the NPPF as a whole.
- 8.107 The proposal results in the permanent and unjustified loss of Natural and Semi-Natural Public Open Space, which is contrary to, and in conflict with, Policies DM8 and DM9 of the SADMP, Paragraph 104 of the NPPF, and the overarching social objective of sustainable development. Paragraph 104 of the NPPF clearly states that existing open space, "*Should not be built on*," unless it meets one of the three exceptions. Therefore, a weight is not prescribed to the retention of Public Open Space because the NPPF does not entertain the loss of such space that is adopted in the interests of the public's benefit. Ultimately, the proposed development does not meet any of the three exceptions detailed at Paragraphs 104 of the NPPF, and the permanent loss of this adopted Public Open Space is considered to result in significant social harm to the wider community of the surrounding area, which attracts significant weight in the planning balance.
- 8.108 The proposed change of use and its associated permanent structures are considered to result in significant and permanent adverse impacts to the role, function, and character of the application site, which all positively contribute to the character of the surrounding area, including the Charnwood Forest Landscape Character Area, the Thornton Plantation Farmlands Landscape Character, the National Forest, Charnwood Forest, and the designated open countryside. This significant harm is exacerbated by the visual prominence of the scheme from Public Footpaths R2 and R27 and from the wider Broad Lane Woodlands Natural and Semi-Natural Public Open Space. The development is therefore contrary to, and in conflict with, Policies

DM4, DM8, DM9 and DM10 of the SADMP, Policies M2, M3, and M10 of the MNP, and Policies 21 and 22 of the adopted Core Strategy. This significant adverse impact is also considered to attract significant weight in the planning balance.

- 8.109 The significant detrimental impacts of the development are exacerbated by the unsustainable and isolated location of the application site, which suffers from poor transport sustainability where visitors and staff are highly likely to be dependent on private motorised transport to access the site. This is considered to result in environmental harm, which is contrary to, and in conflict with, the overarching environmental objective of sustainable development, Paragraphs 115 and 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide. This significant adverse impact is also considered to attract significant weight in the planning balance.
- 8.110 By virtue of these factors, including the size of the proposed change of use, the subsidiary nature of the educational facility, and the proposed capacity of the development, it is considered that the adverse impacts caused by the development significantly and demonstrably outweigh the potential benefits of this particular development in these site-specific circumstances.

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 is refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The development results in the unjustified loss of Natural and Semi-Natural Public Open Space within the Broad Lane Woodlands that is identified within the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Council's Open Space Assessment (2025), and the Council's Open Space and Recreation Study (2016). This permanent loss of Public Open Space causes significant adverse social impacts to the wider community of Markfield and Stanton under Bardon.

Therefore, the proposal is contrary to, and in conflict with, Policies DM4, DM8, DM9 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), as well as Chapter 8 and Paragraphs 8 and 104 of the National Planning Policy Framework (2024).

2. The development results in significant and permanent adverse impacts on the role, function, and character of the application site, which positively contributes to the character of the surrounding area, including the Charnwood Forest Landscape Character Area, the Thornton Plantation Farmlands Landscape Character, the National Forest, Charnwood Forest, and the designated open countryside. This significant harm is exacerbated by the visual prominence of the scheme from Public Footpaths R2 and R27 and from the wider Broad Lane Woodlands Natural and Semi-Natural Public Open Space.

The proposal is therefore contrary to, and in conflict with, Policies DM4(i) and (v) and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 21 and 22 of the adopted Core Strategy (2009), and Policies M1, M2, M3, and M10 of the Markfield Neighbourhood Plan (2021).

3. The development is in an unsustainable location, which is not accessible by convenient or safe walking, cycling, or public transport routes, and therefore users of the site are highly likely to be dependent on private motorised transport, which results in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 115 and 161, Chapter 9, and the overarching environmental objective of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

1. The application has been determined in accordance with the following submitted details:

- Application Form (submitted: 22.08.2025)
- Ecological Appraisal (submitted: 22.08.2025)
- Letter of Support (submitted: 20.11.2025)
- Proposed Containers Plans (4485 03) (submitted: 22.08.2025)
- Proposed Mobile Classroom Plans (4485 02) (submitted: 22.08.2025)
- Proposed Shed & Toilet Plans (4485 04) (submitted: 22.08.2025)
- Proposed Site Plan (4485 05) (submitted: 22.08.2025)
- Proposed Visibility Splays (submitted: 07.10.2025)
- Revised Planning Statement (submitted: 20.10.2025)
- Site Location Plan (4485) (submitted: 22.08.2025)