

Delegated Report

Planning Ref: 25/00718/FUL
Applicant: Mr Christopher Whitby
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land adjacent 52 Main Street, Peckleton

Proposal: New gateway and access

Case Officer: Ashleigh Gade (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 application seeks full planning permission for the construction of an access point and installation of a gate at Land adjacent 52 Main Street, Peckleton.
- 2.2. The proposed access is located directly west of an existing access to the neighbouring field. The access would be oriented at 90-degrees to Main Street.
- 2.3. The proposed gate is to have a height of 1.3 metres and would be constructed of wood. It would replace an existing section of timber post-and-rail fencing and match the existing adjacent wooden gate to the neighbouring field.
- 2.4. The proposal would allow for direct access to the field from Main Street for farm servicing and vegetation management vehicles, which visit the site intermittently throughout the year.
- 2.5. The existing access to the field through the domestic garden and close to the existing dwelling at 50A Main Street would be abandoned in favour of the proposed access.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located partially within the settlement boundary of Peckleton and otherwise within the designated open countryside.
- 3.2. The application site comprises a field fenced into two distinct sections: a small field area to the rear of 50A and 52 Main Street and a larger field area east of 52 Main Street and adjacent to Main Street itself.

- 3.3. There are mature trees and hedgerow between the two internal sections of field and along the wider southern and northern boundaries of the site. The fields are otherwise enclosed by wooden agricultural fencing.
- 3.4. The fields are owned in association with the existing dwelling at 50A Main Street, and access to the field can currently only be gained through the land associated with the dwelling.
- 3.5. The site is proposed to be accessed from Main Street. Main Street is an adopted and classified 'C' road subject to a speed limit of 30mph.
- 3.6. To the north and west of the application site are residential properties within the Peckleton settlement boundary. To the east of the site is another field of comparable size, which has an existing gated access from Main Street. To the south of the site is a larger field forming part of an agricultural holding.

4. Relevant Planning History

Nil.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 No responses have been received.

6. Consultation

- 6.1 Leicestershire County Council (LCC) Highways, the Local Highway Authority, had no objection to the proposal subject to two conditions.
- 6.2 Hinckley and Bosworth Borough Council (HBBC) Environmental Services (Pollution) had no objection to the proposal.
- 6.3 No response was received from Peckleton & Stapleton Parish Council.

7. Policy

- 7.1 Core Strategy (2009):
- Nil.
- 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 DM10: Development and Design
 - Policy DM17: Highways and Transportation

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

8. Appraisal

- 8.1. The key issues in respect of this application are:
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Assessment Against Strategic Planning Policies

- 8.1 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.
- 8.2 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.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.
- 8.4 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. Nevertheless, in accordance with Paragraph 232 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 Council will protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. To ensure this, Policy DM4 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 of 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.
- 8.6 The proposed development is not a form identified as sustainable in points (a) through (e) of Policy DM4. However, this does not mean that the development is not sustainable. Importantly, Policy DM4 also requires that development meets five further requirements to be considered sustainable development. These are discussed in detail in subsequent sections of this report.
- 8.7 It is therefore considered that the proposal is offered no support by Policy DM4 of the SADMP and is unsustainable in principle, subject to the assessment of all other material considerations. Other material considerations are to be set out in subsequent sections of this report.

Design and Impact upon the Character of the Area

- 8.8 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.
- 8.9 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 The proposal involves the creation of a new access point from Main Street. The Local Highway Authority (LHA) have sought to control through condition the hard surfacing of the access with tarmacadam from the edge of the highway to the access gates, for a length of 9 metres and width of 4 metres.

- 8.12 The proposed access gates to the field are to have a maximum height of 1.3 metres and will be of wooden construction. The visual presentation of the gates will match that of the existing adjacent gates to the neighbouring field.
- 8.13 The proposed vehicle access therefore introduces a total of 36 square metres of tarmacadam to the rural setting which is not considered to be so significant as to adversely impact the surrounding rural character.
- 8.14 The wooden gates are typical of a countryside setting and consistent with other field accesses seen in the same views from Main Street.
- 8.15 It is therefore considered that the proposal would not have a detrimental impact upon the intrinsic value, beauty, open character, and landscape character of the countryside and would be of a scale and materiality consistent with the character of the surrounding area. The proposal is considered to be in accordance with Policies DM4(i) and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.16 Paragraph 135(f) of the NPPF requires that planning decisions ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.17 Policy DM10(a) and (b) of the SADMP state that 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.
- 8.18 The proposed access benefits the residents of 50A Main Street by providing access to the field in their ownership without driving farm and maintenance vehicles directly by the existing dwelling. The Applicant has provided written details outlining the risk of damage, as well as details of previously incurred damage, to the existing dwelling from the passing of these vehicles.
- 8.19 The proposal would therefore improve the residential amenity of the existing occupiers of 50A Main Street by allowing for access to the field to come directly from Main Street.
- 8.20 The proposed access is located to the east of an existing dwelling at 52 Main Street which is in separate ownership to the field. The existing dwelling at 52 Main Street is located a minimum of 50 metres from the location of the access and gate.
- 8.21 The Applicant has indicated that the access would primarily be used for farm vehicle access to remove waste from the field and for vegetation maintenance vehicles accessing to prune hedgerows. The use of the access would be only intermittent each year.

- 8.22 Given the separation distance between the dwelling at 52 Main Street and the projected low intensity of movements through the proposed field access and gate, it is not considered that the proposal is likely to adversely impact the residential amenity of the nearest residents.
- 8.23 There are no other residential properties in close proximity to the proposed access.
- 8.24 It is therefore considered that the proposal would not adversely affect the privacy and amenity of nearby residents, in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.25 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.26 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.27 To support this, 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.
- 8.28 All proposals for new development 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).
- 8.29 The proposal involves creation of a new access onto a classified 'C' road, Main Street, Peckleton. Main Street is subject to a speed limit of 30mph.
- 8.30 The proposed access has a width of 4 metres and a length of 9 metres from the highway boundary to the proposed wooden field gate. It is proposed that where the access be hard surfaced, it is to be surfaced with tarmacadam.
- 8.31 The proposal would separate the entrance of farm vehicles to the field from the domestic vehicles entering the associated residential site at 50A Main Street. As these movements are existing, the proposal does not result in any additional vehicular movements to and from the highway network.
- 8.32 The Local Highway Authority (LHA) have reviewed the proposal and are satisfied with the location of the access and the setback of the gate 9 metres from the highway in these site-specific circumstances. To ensure that access arrangements are sufficient,

the hard surfacing of the access from the highway boundary to the gate is to be controlled via the imposition of a suitably worded planning condition.

- 8.33 It is therefore considered that the proposal would not result in an unacceptable impact on highway safety or the road network, consistent with Policy DM17 of the SADMP and the requirements of 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 be granted, subject to the imposition of appropriate conditions and obligations.

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 51 of 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, as follows:

- Site Location Plan (submitted: 11.11.2025)
- Gate Plan (submitted: 11.11.2025)

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

3. The access arrangements as shown on Gate Plan, published to the LPA website on 11 November 2025 shall be completed in full. Once implemented, the access shall be maintained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

4. Notwithstanding the submitted plans, the access drive shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 9 metres behind the carriageway boundary within one month of the access being brought into use. Once provided, it 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 the National Planning Policy Framework (2024).

Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you 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.