

Delegated Report

Planning Ref: 25/00555/FUL
Applicant: Mr Guy Stripp
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Stoke Fields Farm, Hinckley Road, Stoke Golding

Proposal: Proposed agricultural building

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 agricultural building to accommodate hay storage at Stoke Fields Farm, Hinckley Road, Stoke Golding.
- 2.2. The proposed building measures 10 metres in width by 22.8 metres in depth, with a resulting footprint of 228 square metres. It has an eaves height of 4.7 metres and a gable roof form with a ridge height of 6.3 metres.
- 2.3. The proposed building is to open-sided on the eastern elevation and clad on the three remaining elevations with profiled steel cladding. The building is to have a fibre cement roof. The colour finish of the building is to be dark green.
- 2.4. The proposed building is sited to the east of the existing cluster of buildings on the Stoke Fields Farm site, including existing agricultural buildings used for the storage of agricultural machinery.
- 2.5. The development is to be accessed via the existing internal driveway and turning areas which provide access to the rear of the dwelling and existing agricultural buildings on site. The existing manoeuvring area is located to the south-west of the proposed building and would be extended slightly to provide access to the open south-western elevation of the proposed building.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located in the designated open countryside, on the eastern edge of the village of Stoke Golding.

- 3.2. The application site comprises an existing hard-surfaced access drive including entrance gates adjacent Hinckley Road, and sections of existing fields located to the south and east of an existing cluster of buildings associated with Stoke Fields Farm.
- 3.3. The wider Stoke Fields Farm site contains a large residential dwelling which was extended through the conversion of former agricultural buildings within the past four years, as well as a cluster of agricultural buildings and a pond to the east of the dwelling, a private equestrian area to the south, and fenced paddocks to the north, east and south.
- 3.4. Stoke Fields Farm was stated not to be in operation as a farm in 2022, when the application was made to extend the existing dwelling into the proximate redundant agricultural buildings. The lapse in agricultural use was explained at the time to have pre-dated the current owner's purchase of the land by at least 3 years and was due to the dilapidation and subsequent abandonment of the site.
- 3.5. It is understood from information provided to the Local Planning Authority in support of this application that the agricultural use of the site has re-commenced since 2022. The agricultural use of the site at the time of writing is in the form of the growing and cutting of hay.
- 3.6. The application site gains access from Hinckley Road which is an adopted and classified 'C' road subject to a speed limit of 30mph.
- 3.7. Public Right of Way Footpath U2 crosses the Stoke Fields Farm through the northern field and past the existing pond, to the east of the existing agricultural buildings on the site and to the north-east of the proposed agricultural building. The footpath travels between Hinckley Road in the north and Stoke Road in the east.
- 3.8. The existing pond on site located to the north of the proposed agricultural building is an identified Great Crested Newt breeding pond.
- 3.9. To the west of the application site is land recently developed for residential purposes. The residential development here comprises 70 dwellings. To the north of the site beyond Stoke Fields Farm is older residential development within the Stoke Golding settlement.
- 3.10. To the south and west of the Stoke Fields Farm site are further agricultural fields.

4. Relevant Planning History

- **25/00065/AGDO**

Application to determine if prior approval is required for a proposed erection of an agricultural building for storage of hay and fodder
Prior Approval Refused
25.02.2025

- **22/00045/FUL**

Proposed demolition of existing single storey extensions, barn, garages, stables and storage outbuildings. Erection of new extensions to farmhouse with reconstruction of hayloft barn to form kitchen/family room and erection of new games room. Conversion of existing dutch barn to form stables/store and double garage, with sustainable timber cladding enhancement works to replace poor quality façade materials and re-roofing of farmhouse with traditional tile materials

Planning Permission

21.07.2022

- **21/00681/FUL**

Outdoor manege (retrospective)

Planning Permission

07.09.2021

- **21/00680/FUL**

Replacement tarmac access road, with gates, walls and piers (retrospective)

Planning Permission

02.09.2021

- **08/00893/GDO**

Proposed agricultural building

General Development Order

08.10.2008

- **02/01413/GDO**

Erection of pole barn

General Development Order

06.02.2003

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 A total of two responses were received in response to the proposal. The responses were in objection to the scheme.

5.3 The objections received are summarised as follows:

- The site is adjacent to settlement and semi-urban areas.
- The Design Statement for previous applications on the site clearly stated it was in residential use only and not in use as a farm.
- The site has a manege and contains several horses and is clearly used for equestrian purposes.
- The potential increase in animal odour generated by agricultural use on the site may impact amenity for residents in neighbouring residential areas.

- Assessment of likely intensity should be made and appropriate restrictions be placed on the site to mitigate amenity impacts.
- The site is of insufficient size to accommodate the sheep and cattle that the statement states are intended to be raised.
- The coming and going of large farm machinery indicates that the property is being used for commercial contracting purposes.
- It is clearly intended that the site will trade in hay to operate the contracting business.
- The implications of farm machinery accessing the site through Hinckley Road and the wider village has been brushed over in the application.
- The existing access to the property is not suitable for use of large modern tractors and trailers.
- The proposed building would be alien to the surrounding landscape and the scale is inappropriate adjacent a residential area.
- The Biodiversity Information does not take account of the existing menage or the new track to the barn.

6. Consultation

- 6.1 Leicestershire County Council (LCC) Ecology are satisfied that the development site itself does not provide suitable habitat for bats or Great Crested Newts (GCN). Nonetheless, an informative is recommended related to good practice mitigation to ensure protection of mobile species during construction.

LCC Ecology have noted that the proposal does not involve any new lighting, and that due to the surrounding habitat's suitability for foraging and roosting bats, no new lighting should be installed without prior approval by the LPA.

LCC Ecology support the submitted BNG information. A Biodiversity Gain Plan should be provided prior to commencement and a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. A condition is also recommended for the provision of a Biodiversity Enhancement Layout.

- 6.2 LCC Highways, the Local Highway Authority (LHA), consider that the trip generation details provided demonstrate that two-way trips would be of a small-scale nature. The LHA consider this de minimis in the context of the existing operation of the site.

LCC Highways have confirmed that there have been two recorded Personal Injury Collisions (PICs) within 500 metres of the site in the last 5-year period. Neither of these PICs involved turning manoeuvres nor were they located at the site access. As such, the LHA are satisfied that the proposal would not exacerbate any existing highway safety issues.

LCC Highways have noted that Footpath U2 starts from the site access and crosses the site. Given the development is small in scale, the interaction with PRoW users is likely to be very limited and the risk to the public is considered to be minimal.

The LHA are therefore satisfied that the access is suitable for the scale of the development in these site-specific circumstances and the impacts of the development on highway safety would therefore not be unacceptable.

- 6.3 Stoke Golding Parish Council responded noting inconsistencies between this application and the 2022 dwelling extension application where the site was described as a family residence with private equestrian facilities that was no longer a working farm.

If the site remains residential and equestrian in nature, the Parish Council questions whether an agricultural building is appropriate or justified.

- 6.4 The following consultees advised that they had no objection to the proposal:

- LCC Minerals
- Hinckley & Bosworth Borough Council (HBBC) Environmental Services (Pollution)

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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 Stoke Golding Neighbourhood Plan (SGNP) (2024)

- Policy SG7: Countryside
- Policy SG10: Public Rights of Way Network
- Policy SG15: Design

- 7.4 National Planning Policies and Guidance:

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

- 7.5 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:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.1 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 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, decisions should apply a presumption in favour of sustainable development.

8.3 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). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.

8.5 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.

8.6 It is stated in Paragraph 85 of the NPPF that planning decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.7 Paragraph 88 of the NPPF requires that planning decisions enable:

- a) the sustainable growth and expansion of all types of businesses in rural areas;
- b) both through conversion of existing buildings and well-designed, new buildings;

- c) the development and diversification of agricultural and other land-based rural businesses;
 - d) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - e) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 8.8 This is supported by Policy SG7 of the Stoke Golding Neighbourhood Plan (SGNP) which lists the forms of development which will be supported in countryside locations. These forms of development include agriculture and forestry, as well as the development and diversification of agricultural and other land-based rural businesses.
- 8.9 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:
- 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
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- 8.10 The proposal is for a new agricultural building and therefore is not considered to be a form of development 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.
- 8.11 The Stoke Fields site has a history of active agricultural use. It is considered that information available to the Local Planning Authority (LPA) by way of development history as well as street view and aerial imagery demonstrate the site being in agricultural use until at least 2019.

- 8.12 Based on information submitted previously to the LPA, the use of the site for agricultural purposes was abandoned in the years prior to coming into the Applicant's ownership. This abandonment is claimed by the Applicant to have also involved the resultant dereliction of buildings on the site, including the farmhouse. It is suggested that in the years prior to the current ownership, the farmhouse was uninhabited.
- 8.13 It is understood that the site came into its current ownership in approximately 2021. Information previously submitted to the LPA characterises the site as being in some state of dilapidation at the time of the ownership change, and that the farmhouse dwelling itself was in need of repair.
- 8.14 In 2021 the LPA received and approved applications for replacement tarmac on the access road and entrance gates, walls and piers, and for an outdoor manege associated with private equestrian use of the site. In 2022, the LPA received and subsequently approved an application to demolish the existing single storey extensions on the farmhouse and to erect new extensions including the reconstruction of a hayloft and conversion of an existing Dutch barn to form stables, storage and garaging.
- 8.15 The Planning Statement submitted with the 2022 application referred to the agricultural buildings on the site as being associated with historic agricultural use and characterised them as vacant. It stated that the property was used only as a family residence with associated private equestrian use and was no longer a working farm. This abandonment of the agricultural use was put forth as justification for the demolition and conversion of a number of existing agricultural buildings on the site.
- 8.16 Notwithstanding the above, it is acknowledged that the information supporting the 2022 application demonstrated that the existing hay storage barn on the site at that time was in poor condition. The subsequent conversion of the hay barn building to residential use was supported by stabilisation and rebuilding works.
- 8.17 Further to the above, it has been stated by the Applicant in details provided to support this current application that the hay barn building converted under the 2022 application was, due to its size and layout, unlikely to have met modern agricultural storage and equipment requirements.
- 8.18 It is noted that the Applicant has confirmed that notwithstanding the break in active agricultural use the site remained registered with the Department for Environment, Food and Rural Affairs (DEFRA) as agricultural land during this time.
- 8.19 The use of land for agricultural purposes does not require planning permission as per Section 55(2)(e) of the Town and Country Planning Act 1990 (the Act). Section 336 of the Act defines the meaning of the term agriculture and includes "*seed growing*", "*the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land)*" and "*the use of land as grazing land*". It is therefore noted that the resumption or re-establishment of agricultural use at Stoke Fields Farm would not have required planning permission.

- 8.20 The Applicant has stated that the site is now in active agricultural use. The Planning Officer has visited the site and confirmed agricultural use of the field adjacent Hinckley Road for growing and cutting of hay on two occasions in February and September of 2025.
- 8.21 It is therefore considered that evidence demonstrates that the northern field, of approximately 1.4 hectares in size, has been in agricultural use for at least the last year. The Applicant also states that a portion of the southern field, of approximately 2 hectares in size, is in agricultural use for the growing and cutting of hay from April to August. The existing keeping of horses and donkeys for domestic purposes is maintained within the fields and rotated dependent upon which fields or portions of fields are being used at the time for the growing of hay.
- 8.22 Notwithstanding that the site is in agricultural use for the cutting of hay, the combined 3.4 hectares of fields used for hay production would not generally be considered to justify the need for an additional agricultural building of the proposed scale.
- 8.23 The Applicant has subsequently furnished the LPA with details of the agricultural contracting which they, as owners and residents of the Stoke Fields Farm site, undertake. The details provided demonstrate that the agricultural contracting business associated with Stoke Fields Farm provides field maintenance and hay cutting services to other agricultural land within the wider area.
- 8.24 It has been demonstrated that between April and November 2025 the agricultural contracting business cut 243 bales of hay on external sites. Of these, 80 bales are recorded to have been brought back to the Stoke Fields site, while a further 151 bales were unable to be brought back due to the lack of available hay storage. The details also demonstrate that the contracting business supplied bales of hay to three external sites. The Applicant has stated that the yield from the Stoke Fields Farm site itself is an average of 80 bales per year.
- 8.25 It is therefore considered that the site has been demonstrated to be in current agricultural use. The related undertaking of agricultural contracting work by the residents of the site is considered to be related to the wider agricultural business operated from Stoke Fields Farm and supported by policies which encourage the development and diversification of agricultural businesses. Between these operations, there is an evidenced demand for hay storage.
- 8.26 Though the proposal is offered no support by Policy DM4 of the SADMP, it is considered to be offered support by Paragraphs 85 and 88 of the NPPF as well as Policy SG7 of the SGNP. It is therefore considered that the proposal is offered some support in principle, subject to the assessment of all other material considerations. Other material considerations are set out in subsequent sections of this report.

Design and Impact upon the Character of the Area

- 8.27 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.

- 8.28 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.
- 8.29 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.
- 8.30 Policy SG15 of the SGNP states that only development that reflects the traditional character of Stoke Golding will be supported unless the development is of exceptional quality or innovative design. It states that development must also be in keeping with the scale, form and character of its surrounds, and integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the site.
- 8.31 The proposal is for an agricultural building with dimensions of 10 metres in width by 22.8 metres in depth. The building has an eaves height of 4.7 metres and a ridge height of 6.3 metres. It is located to the west of an existing cluster of buildings central to the Stoke Fields Farm site, which includes the farmhouse and a number of existing agricultural buildings.
- 8.32 The proposed building would be enclosed on three elevations with profiled steel cladding, with an open eastern elevation facing the existing internal driveway and manoeuvring area. The building has a gable roof form to be constructed of profiled fibre cement roofing.
- 8.33 The development site is located 175 metres south-east and 100 metres west of the nearest public highways. It is located 110 metres from the western site boundary which is sited adjacent to recent residential development, and views to the development site from this area are interrupted by vegetation and existing buildings on the site.
- 8.34 The development site is located approximately 25 metres south-west of Footpath U2 which crosses the associated northern field and passes through vegetation surrounding the existing pond north-east of the proposed building. Notwithstanding this visibility from the Public Right of Way, the proposed agricultural building would be viewed in the context of the existing surrounding agricultural use.
- 8.35 The existing agricultural buildings on the site are also readily visible from Footpath U2 and are of comparable scale to the proposed building. The proposed building has a ridge height only 0.2 metres taller than two adjacent existing buildings, a Dutch barn and a profiled steel clad agricultural building with a gable roof form.
- 8.36 It is therefore considered that the proposal would reflect the agricultural vernacular of surrounding buildings and would be appropriately designed for a building within a

cluster of buildings on a working farm. The proposal is not considered likely to have a detrimental impact upon the intrinsic value, beauty, open character, and landscape character of the countryside and is in keeping with the scale and form of its surrounds, consistent with Policy SG15 of the SGNP and Policies DM4(i) and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.37 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.
- 8.38 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.
- 8.39 Policy SG15 of the SGNP states that development must ensure the amenities of residence in the area are not significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.40 The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.41 The closest residential dwelling to the proposed building is located approximately 120 metres to the west. The nearest residence is located along Barton Close and forms part of a larger residential development on this land to the west.
- 8.42 Most dwellings within the area of residential development to the west are separated from the site of the proposed building by existing vegetation, other dwellings within the estate, or other buildings within the Stoke Fields Farm site.
- 8.43 At the culmination of Hodges Close and Firebrace Drive some views between any vegetation or other buildings may be possible. These views would be at a distance of approximately 130 metres and it is noted that there are already larger rural buildings located closer to these dwellings than the proposed building, which is to be expected given the adjacency to the designated open countryside.
- 8.44 The proposed use of the building for the storage of hay associated with off-site contracting would result in additional farm vehicle movements along the access driveway. The existing access driveway gains access from Hinckley Road and passes to the east of dwellings fronting private drives extending from Barton Close.
- 8.45 The adjacent dwellings along Barton Close are separated from the farm driveway at distances between 15 to 20 metres. A row of low hedgerow and intermittent trees

lines the western boundary of the application site between the driveway and the dwellings on Barton Close.

- 8.46 Notwithstanding the additional vehicle movements adjacent to residential properties, trip generation details provided show the increase in number of journeys would not be significant. It is estimated that per year an additional 9 journeys would be made. The highways impact of these additional journeys is assessed in the following section of this report.
- 8.47 It is noted that HBBC Environmental Services (Pollution) have reviewed the proposal and had no objections.
- 8.48 Given the separation distance of the proposed building from neighbouring residential properties and the use for hay storage, it is not considered the proposal would give rise to undue amenity impacts. Furthermore, the increase in journeys along the existing hard-surfaced farm driveway are considered to be reasonable for the operation of an agricultural use within the designated countryside and would not be of a frequency that would be unreasonably disruptive to nearby dwellings.
- 8.49 It is therefore considered that the proposal would not adversely affect the privacy and amenity of nearby residents, in accordance with Policy SG15 of the SGNP, Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.50 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.
- 8.51 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.
- 8.52 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.
- 8.53 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.54 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).

- 8.55 The development utilises the existing access driveway from Hinckley Road. The driveway is hard surfaced with tarmacadam and has existing entrance gates.
- 8.56 The proposal utilises the existing vehicle manoeuvring area to the rear of the existing dwelling and agricultural buildings on the site which would be connected to the south-western open elevation of the proposed agricultural building.
- 8.57 The development does not impact any existing parking areas on the site and would not reduce the parking areas available to the existing farmhouse or surrounding outbuildings or agricultural buildings.
- 8.58 It has been established that there will be farm vehicle movements to and from the site associated with the agricultural contracting business and the storage of hay within the proposed building. The Applicant has provided trip generation details confirming that the increase associated with the use would total 9 additional journeys per year.
- 8.59 The Local Highway Authority (LHA) have reviewed the proposal and have advised that the increase to two-way trips would be considered de minimis given the small-scale nature. Further, they consider the proposal to have a minimal risk to the public where Footpath U2 crosses the site access from Hinckley Road.
- 8.60 It is therefore considered that the proposal would not result in an unacceptable impact on highway safety or the road network and would retain the existing level of on-site parking, consistent with Policies DM17 and DM18 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, Proposed Block Plan, Drg No. 25-03-005 100-01 Rev A (submitted: 12.02.2026)
- Proposed Roof Plan, Floor Plan, Elevations, Block Plan, Drg No.25-03-005 200-01 Rev A (submitted: 19.02.2026)

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 materials to be used on the development shall accord with the materials specified within the submitted plans and details.

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

4. The building shall be used for the purposes of agriculture and for no other purpose including any other purpose in Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To ensure that the proposed development is compatible with existing development in the locality and in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to any works above slab level, a Biodiversity Enhancement Layout for protected, Priority and threatened species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements;
and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the Local Planning Authority to discharge its duties under Paragraph 187(d) of the NPPF 2024 and S40 of the Natural Environment and Rural Communities Act 2006 (as amended).

6. Prior to commencement a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:
 - a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;

- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, Section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via email at building.control@blaby.gov.uk or call 0116 272 7533.
2. To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:
 - a) trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
 - b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
 - c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and

- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.
3. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions