

Delegated Report

Planning Ref: 24/00662/FUL
Applicant: Mr Stephen Shepherd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: The Dairy Market Bosworth Road
Dadlington

Proposal: Erection of replacement stable block

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a replacement stable block, and a storage and tack room to the north of The Dairy, Market Bosworth Road, Dadlington. Both structures are constructed with a timber clad finish and the roof material is to be confirmed.
- 2.2. The three-bay replacement stable block externally measures 11.6m in width by 4.5m in depth, which creates a total footprint of 52sqm. The development features a pitched roof that has a ridge height of 3.2m and an eaves height of 2.2m.
- 2.3. The storage and tack room structure is 2m to the north of the stables and is sited in a southeast-to-northwest direction. The structure externally measures 6.5m in width by 4.6m in depth, which creates a total footprint of 29.3sqm. The building has a pitched roof with a ridge height of 3.3m and an eaves height of 2.2m.
- 2.4. The scheme has been revised following concerns raised by the Case Officer in relation to its harm to the character of the area. Originally, the replacement structure formed four stables and externally measured 17m in width by 7m in depth, which created a total footprint of 95.8sqm. The building featured two pitched roofs with a ridge height of 4.9m and an eaves height of 2.2m. Three windows were proposed on the eastern elevation that faced onto the public highway.

3. Description of the Site and the Surrounding Area

- 3.1. The 1,228sqm application site is located outside of any identified settlement boundary within the countryside and the boundaries of the designated Bosworth Battlefield. The site is also highlighted as a Local Wildlife Centre (LWC) and within

the Impact Risk Zone of a Site of Special Scientific Interest (SSSI), Kendall's Meadow, which is 840m to the southwest of the site.

- 3.2. The site itself consists of an existing stable block and associated hardstanding, and a grassed manège that are bordered by timber post and railing fencing. The site is accessed via, and visually prominent from, Market Bosworth Road, which is an adopted and classified 'C' Road that is subject to the National Speed Limit.
- 3.3. Planning permission 17/00888/FUL approved an outbuilding for three stables, and a tack room and hay store and externally measured 14.9m in width by 6.3m in depth, which created a total footprint of 65.7sqm. The approved plans featured a pitched roof that had a ridge height of 3m and an eaves height of 2.4m. The stables were constructed from pre-treated timber 110mm walls, and a timber roof on galvanised steel hangers.
- 3.4. Despite being a retrospective planning application, it is noted that the existing structure within the site has not been constructed in accordance with the approved plans. As seen on site and within the existing floor plans submitted within this application, the existing structure is actually a three-bay timber stable block that externally measures 11.2m in width by 3.7m in depth, with a total footprint of 40.6sqm. The structure has a metal corrugated sheeted pitched roof that is 3.1m in height and overhangs the front of the structure by 1.2m.
- 3.5. To the north, northeast, and west of the site is open agricultural fields. Footpath T55 runs north-to-south 200m to the west of the site. To the east of the site is Ashwood Farm, which feature an existing bungalow and a commercial business. Beyond Ashwood Farm is further agricultural fields.
- 3.6. To the south of the site is a two-storey residential property, Lodge Farm, and a courtyard of agricultural outbuildings, which have been converted into three residential properties (The Granary, The Mill, and The Dairy) via planning permissions 04/00265/FUL and 05/00689/FUL. Upon undertaking a site visit, the Case Officer noted The Dairy was being utilised as a short-term holiday let. Beyond this collection of buildings is more agricultural fields.

4. Relevant Planning History

4.1 17/00888/FUL

- Creation of manege, and erection of associated stable block and hay store (retrospective)
- Permitted
- 04.07.2018

5. Publicity

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

5.2 No responses have been received.

6. Consultation

6.1 The Battlefields Trust noted that the application was not supported by an assessment of the significance of the battlefield site in respect of the application site, contrary to Paragraph 200 of the National Planning Policy Framework (December 2024). Therefore, the Battlefields Trust has recommended that the application is placed on hold until a suitable statement of significance is provided.

6.2 The Applicant submitted their Planning Statement on 04 September 2024, which highlighted that the development is sited in the same location as the existing stables. The Applicant also referred to the County Council's Archaeology Department's assessment of the application site within planning application 17/00888/FUL, which confirmed that the provision of a stables within this site was unlikely to result in a significant direct or indirect impact upon the archaeological interest or setting of any known potential heritage assets, including the Bosworth Battlefield.

6.3 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Ecology Department
- Local Highway Authority (LHA)

6.4 The County Council's Ecology Department have requested that the demolition of the existing structure is conducted outside of the breeding season (March to August) due to the potential for swallows to be present within.

6.5 Market Bosworth Society did not comment on the planning application. Sutton Cheney Parish Council did not respond to the planning application.

6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation

- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. **Appraisal**

8.1. The key issues in respect of this application are therefore:

- Principle of development
- 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.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

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

- 8.5 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.
- 8.6 The principal use of stables is regarded as an equestrian use for the accommodation of horses, and not an outdoor sport or recreational use or an ancillary building relating to such a use. Therefore, the proposed development does not relate to, or comply with, any of the criteria within Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable.
- 8.7 For example, the site benefits from planning permission for a stable block via planning application 17/00888/FUL and a stable block is existing within the site.
- 8.8 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.9 In light of the above, whilst the scheme is not supported by the criteria within Policy DM4 of the SADMP, due to the existing structure within the site, the principle of a replacement stable block in the same location as the original building is likely to be acceptable, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area:

- 8.10 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.
- 8.11 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.

- 8.12 The application site is located within a visually prominent area of Market Bosworth Road. It is considered that the size, scale, volume, design, and height of the existing stable building ensures that the structure does not appear overly prominent in the landscape. However, it is appreciated that the planning permission 17/00888/FUL permitted a larger stable building than what is currently on site.
- 8.13 In comparison to planning permission 17/00888/FUL, the two new structures are collectively 1.2m wider and 0.2m deeper than the approved stable block, which creates a 15.6sqm larger footprint within the site. Whilst the ridge height of the stable block is 0.2m higher the approved development and the storage and tack room is 0.3m higher, the eaves height of both structures is 0.2m lower than the stable block within 17/00888/FUL.
- 8.14 The Applicant has referred to the British Horse Society (BHS)'s recommendations for the minimum internal dimensions for stable blocks accommodating larger horses. It is noted that the approved development meets the BHS' recommended internal dimensions for horses.
- 8.15 Although the cumulative size and footprint of these two new buildings are slightly larger than what was approved via the 2017 planning permission, the provision of two structures rather than one large building is considered to reduce the bulk of built form within the site and its visual impact on Market Bosworth Road.
- 8.16 In addition, the proposal only features a very minor increase in the height of the structures within the site. The proposed heights are considered to ensure that the buildings are not overly prominent in comparison to the surrounding properties associated with Ashton Farm and the Lodge Farm Complex. In light of this, the scale and volume of the development is not considered to result in any significant adverse impacts to the character of the surrounding area.
- 8.17 Whilst the Applicant has stated the proposal shall utilise a timber cladding finish, the exact details of the materials to be used on this development can be secured via planning condition. Concerns are also expressed with regard to the Applicant's preferred roofing material but a condition is attached requiring details to be submitted.
- 8.18 By virtue of these factors, the proposal is considered to be acceptable in accordance with, Policies DM4 and DM10 of the SADMP.

Impact upon Residential Amenity:

- 8.19 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.20 The application site already features an existing stable block. By virtue of its size, scale, volume, massing, and use, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity.

8.21 Therefore, the scheme is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety:

8.22 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.

8.23 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

8.24 The Local Highway Authority (LHA) confirmed that the provision of a replacement stable block in this location was not considered to have a material impact on the public highway, subject to a planning condition that restricts the use of the site to the private use of the Applicant as per the previously approved stable block within the site.

8.25 Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG, subject to conditions.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused.

11. Recommendation

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

- Planning conditions detailed at the end of this report:

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Existing Site Plan (submitted: 07.11.2024)
- Proposed Floor Plan (Rev E) (submitted: 24.10.2024)
- Proposed Front Elevation (Rev F) (submitted: 24.10.2024)
- Proposed Rear and Side Elevations (Rev F) (submitted: 24.10.2024)
- Proposed Side Elevation (Rev F) (submitted: 24.10.2024)
- Proposed Site Plan (submitted: 07.11.2024)

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

3. No development above foundation level shall commence on site until representative sample of the types and colours of materials to be used on the roofs of the structures hereby permitted have been submitted to, and

approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The external elevations of the structures hereby permitted shall be clad in a timber finish.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The site and building shall only be used for the Applicant's family's horses and for ancillary storage. The site shall not be used for any events or any commercial or industrial purposes, including the use of the site for livery stables. Should the stables become redundant, the building shall be demolished, and the site restored to grassland unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has been granted on the basis that the building is required for the accommodation of the Applicant's family's horses. Should that use no longer be required then alternative uses are unacceptable and/or are unlikely to be supported in the interests of the amenity and character of the area in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

a. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.