

Delegated Report

Planning Reference 25/00034/FUL
Applicant(s) Mr and Mrs B Matthews
Ward Cadeby, Carlton, M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site Keeper's Cottage, Shackerstone Lane, Nuneaton
Proposal Proposed stable block with associated hard surfacing
Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for a new stable block and associated hard surfacing at Keeper's Cottage, Shackerstone Lane, Nuneaton.
- 2.2. Following extensive discussions between the Local Planning Authority and the Applicant in relation to the size of the development, the scheme accommodates two stables and externally measures 9.3m in width by 4.2m in depth, which creates a total footprint of 39.4sqm. The structure is constructed with timber cladding, brickwork, and plain roof tiles, and has a pitched roof with a ridge height of 3.5m and an eaves height of 3m. The development also includes 29.9sqm of associated concrete surfacing.
- 2.3. Originally, the proposal included a store and tack area and externally measured 8.1m in width by 11.4m in depth, which created a footprint of 63.5sqm. The scheme previously and a ridge height of 5.2m and an eaves height of 3m.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is in the designated open countryside to the 1.1km north of Shackerstone and 1.3km to the west of Odstone.
- 3.2. The site is within an area that is identified as being within the Risk Impact Zone of a Site of Special Scientific Interest (SSSI), a Historic Local Wildlife Site, a Mineral Safeguarding Area (MSA), and is in an area that has records of badger setts and water voles.

- 3.3. The application site is located within the Barton Village Farmlands Character Area within the Council's Landscape Character Assessment (2017). This Character Area is characterised by undulating landform which rises to the east that consists of a mix of arable and pasture farmland, which contributes to the area's rural and tranquil character.
- 3.4. The site itself comprises an area of agricultural land that is to the north of an existing dwelling, Keeper's Cottage, and its associated outbuildings. Keeper's Cottage is a 6.9m high, two-storey, red-brick built detached cottage that has a steep gabled roof. Based on the approved plans within application 14/01088/HOU, the dwelling is 22.9m in width by 4.4m in depth, which creates a total footprint of 130.4sqm.
- 3.5. The existing detached garage received prior approval for its conversion into a home office with a kitchenette area, gym, and shower room within application 24/00965/CLP. The 4.3m high garage externally measures 7.6m in width by 12.5m in depth, which creates a total footprint of 70.7sqm. A barn has also been constructed to the north of the application site, which received a certificate of lawful existing use via application 24/00799/CLE. The 3.2m high barn externally measured 5.6m in width by 15.5m in depth, which created a footprint of 85.6sqm.
- 3.6. The wider application site is wholly surrounded by open countryside, but the site is historically associated with, and situated northeast of, the Grade II* Listed Help Out Mill complex, which is separated from the site by a dismantled railway. There is no boundary treatment that separates the existing dwelling's residential garden from the wider open countryside to the north. The River Sence and Public Footpath Q73 are immediately adjacent to the southeast of the site.
- 3.7. The site is accessed by a 600m long private track onto Shackerstone Lane, which is an adopted road that is subject to the National Speed Limit. The private track provides access to Keeper's Cottage and the application site, the Help Out Mill complex to the west of the site, and Top House Farm to the southeast of the site.

4. Relevant Planning History

4.1 24/00965/CLP

- Garage to be converted to home office, gym and shower room, new window openings amended where required to suit new rooms.
- Permitted
- 25.02.2025

4.2 24/00799/CLE

- Certificate of lawful development for the existing development of a barn
- Permitted
- 22.10.2024

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 There have been no objections from the following consultants:
- Environment Agency
 - Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services
 - Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)
 - LCC as the Local Mineral and Waste Authority (LMWA)
- 6.2 Shackerstone Parish Council did not respond to the planning application.

Ecology

- 6.3 On 21 May 2025, the County Council's Ecology Department had a holding objection to the development as no ecological information had been submitted, and the Ecology Department were not satisfied that appropriate biodiversity net gain information had been supplied as part of the planning application. On 09 June 2025, the Applicant submitted revised a Biodiversity Impact Assessment and associated Biodiversity Metric.
- 6.4 On 09 July 2025, the Ecology Department confirmed that they were satisfied that sufficient ecological information was available to support the determination of the planning application because it provided certainty that the likely impacts on designated sites, protected and priority species and habitats with appropriate mitigation measures could be secured to make the development acceptable.
- 6.5 The Ecology Department was also satisfied that the post-intervention biodiversity net gain values were realistic and deliverable, subject to further details being secured as part of the deemed biodiversity gain condition.
- 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

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

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

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

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

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

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 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. 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.
- 8.5 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.6 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.
- 8.7 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.”*
- 8.8 This is supported by 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.

- 8.9 The Local Planning Authority acknowledges that that the riding of horses is widely regarded as a recreational pursuit. Whilst the riding of horses may entail a recreational activity that is undertaken by the rider, the principal purpose of stables is for the shelter and keeping of horses, which is not considered to be ancillary to a recreational use of land. This is because stables are an equestrian sui generis use. Fundamentally, the welfare of horses is not considered to be a recreational use.
- 8.10 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.11 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.
- 8.12 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.13 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.
- 8.14 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.
- 8.15 The proposal represents unjustified development in the countryside in principle and extends the built form associated with Keepers Cottage in a linear arrangement further into the designated open countryside, which is likely to result in harm to the character of the area.
- 8.16 However, it is acknowledged that the scheme is for the private use of the Applicant, and this can be secured via planning condition to prevent any intensification of the use of the site. In addition, the size, scale, and height of the proposal is limited, and it is considered to be of an appropriate size for the private use of the Applicant. There are no public viewpoints of the proposal, and the structure is smaller in size, scale, and height in than the other existing built forms within the wider site.
- 8.17 By virtue of these factors, the development is not considered to result in any significant adverse impacts to the character of the site, the surrounding area, or the designated open countryside. Therefore, the proposal is considered to comply with Policies DM4 and DM10 of the SADMP in these site-specific circumstances.

Impact upon Residential Amenity

- 8.18 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.
- 8.19 The proposal is for the private use of the dwelling, Keeper's Cottage, which is within the application site of this development, and this can be secured via planning condition to prevent any significant adverse impacts to the residential amenity of the existing dwelling. There are no other nearby residential properties in the vicinity for the application site and the proposal has a single storey massing. By virtue of these factors, the proposal does not 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

- 8.20 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.
- 8.21 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.
- 8.22 The proposal makes no amendments to the existing access to the site, nor the wider site's off-street parking provision. The scheme is for the private use of the Applicant, which can be secured via condition. In light of these factors, the development is not considered to result in a material impact on highway safety or the road network and is therefore considered to comply with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

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

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

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

- Proposed Layout & Elevations (04H) (submitted: 22.07.2025)
- Proposed Block Plan (06F) (submitted: 25.07.2025)
- Topographical Survey (01A) (submitted: 20.01.2025)

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. Prior to the first use of the development hereby permitted, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include, but not be limited to, the following:
 - (a) Purpose and conservation objectives for the proposed enhancement measures; and
 - (b) detailed designs or product descriptions to achieve stated objectives; and
 - (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); and
 - (d) persons responsible for implementing the enhancement measures; and
 - (e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: In order to enhance the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. 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 within 12 months of the building last being used for the stabling of any horse 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 (2024).

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. Your attention is drawn to the Biodiversity Net Gain note 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 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.