

Delegated Report

Planning Reference
Applicant
Ward

25/00187/FUL
Mr Jamie Anderson
Newbold Verdon with Desford & Peckleton



Application Site

Kirkby Old Parks Farm, Kirkby Lane, Newbold Verdon

Proposal

Erection of agricultural building for hay and tractor/machinery storage

Case Officer

Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of an agricultural building for the storage of hay, a tractor, and machinery at Kirkby Old Parks Farm, Kirkby Lane, Newbold Verdon. The agricultural building externally measures 25m in width by 36.5m in depth, which creates a total footprint of 914sqm. The structure has a pitched roof that has a ridge height of 8.4m and an eaves height of 6m. The scheme is faced with Juniper Green cladding. The Applicant states that the scheme is required to harvest hay from the land.

3. Description of the Site and the Surrounding Area

- 3.1. The 7,000sqm application site is located to the southeast of Newbold Verdon and the southwest of Desford outside of any identified settlement boundary in the designated open countryside within the Newbold and Desford Rolling Farmland Landscape Character Area (LCA). The site is wholly surrounded by agricultural fields, but one residential property is located to the west of the site, and two further bungalows are located to the southwest of the site on Newbold Road.
- 3.2. The site itself comprises includes a manège and land that has undergone significant degradation since 2020. The site is bounded by two large mounds of a considerable size on its northern and western elevations. Upon a site visit on 12 March 2025, the store featured two lorries, two horseboxes, and a considerable number of building materials. The site shares an existing gated vehicular access onto Kirkby Lane with the wider site and its associated uses.

- 3.3. The site access is adjacent to the confluence of Kirkby Lane, Newbold Road, and Brascote Lane, which are all adopted and classified 'C' roads that are subject to the National Speed Limit. The site is 320m from Kirkby Lane to the west. Public Footpath S26 runs northwest to southeast through the equestrian fields in the wider site.
- 3.4. The wider site is six hectares in size and features several large open fields that are currently used for equestrian purposes, an existing dwelling and its associated outbuildings, and an agricultural building. The agricultural building was approved via 10/00489/GDO to the rear of the existing dwellinghouse and its associated outbuildings within the wider site in 2010. This approved structure is 18.7m in length and 7m in width, with a total height of 4.6m.

4. Relevant Planning History

4.1 10/00489/GDO

- Erection of an agricultural building
- Permitted
- 18.08.2010

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was also posted within the vicinity of the site. No formal objections were received to the planning application.

6. Consultation

- 6.1 No objections were received from the Council's Drainage and Environmental Health Departments, nor Leicestershire County Council as the Local Highway Authority. Severn Trent had no objections to the scheme subject to the provision of a planning condition securing drainage details for the disposal of foul and surface water flows.
- 6.2 Leicestershire County Council's Ecology Department recommended that the application was refused because the development resulted in a significant net loss of habitat units (-78.35%) and hedgerow units (-76.5%), and the Applicant has failed to make any attempt to mitigate the effects of habitat degradation with on-site creation or enhancements. Therefore, the Applicant has failed to demonstrate that it can meet the mandatory requirement for 10% biodiversity net gain within the site and the application is therefore contrary to, and in conflict with, Schedule 7A (Biodiversity Net Gain in England) of the Town and Country Planning Act 1990, as well as Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
- 6.3 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)
- 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
- Planning balance

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.

- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. 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). 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.
- 8.5 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.
- 8.6 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.
- 8.7 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.

- 8.8 The Applicant has not stated that the agricultural barn is required in relation to an existing commercial agricultural use. 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.
- 8.9 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.
- 8.10 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP and represents new and unjustified development in the designated open countryside. As such, the application does not accord with Development Plan Policies 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

- 8.11 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.12 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.
- 8.13 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 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.16 As confirmed at Paragraph 8.10 of this Report, the proposal represents new and unjustified development in the designated open countryside, and results in harm to the character of the area in principle.

- 8.17 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 8.18 Page 6 of the Planning Statement suggests that Policy DM4 of the SADMP includes the erection of agricultural buildings. This is inaccurate.
- 8.19 Importantly, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) confirms that agricultural development on units of five hectares or more benefit from Permitted Development Rights for the creation of new agricultural buildings that are reasonably necessary for the purposes of agriculture.
- 8.20 The Planning Statement suggests that the wider site is 6ha in size, and the site has previously received prior approval for an agricultural building within the site in 2010. Therefore, if the proposal was reasonably necessary for the purposes of agriculture, the Applicant could have sought prior approval from the Local Planning Authority.
- 8.21 Importantly, whilst it is appreciated that agricultural buildings can be appreciated within common views of the countryside, the proposal is not considered to be for an agricultural purpose, nor is it connected to an established agricultural unit. The site features a manège and the wider site is utilised for equestrian uses. It is also noted that there is an existing agricultural building within the wider site that was approved in 2010 for the storage of agricultural machinery, materials, and food storage. The use of the site and the size of the wider site have not changed since this prior approval application, and the Applicant has failed to demonstrate within this application that a new barn is required in these site-specific circumstances.
- 8.22 Given the above, the proposal represents new and unjustified development of the open countryside, which is considered to result in permanent and significant adverse impacts to the character of the site and the surrounding area.
- 8.23 In comparison to the previously approved structure within the wider site, the new building is 6.3m wider and 29.5m deeper, which creates a total footprint that is 810sqm larger than the existing building. This is over six times the size of the previously approved development. In addition, the current proposal is almost double the height of the previous building. Based on the approved plans within planning application 24/00488/HOU, the new structure is also larger in height than the dwelling in the wider site. Therefore, the development is considered to represent an inappropriately sized structure that overdevelops the site. This is considered causes significant harm to the character of the area.
- 8.24 Whilst the proposal is bordered by two large mounds on the northern and western boundaries of the site, by virtue of its size, scale, height, bulk, and massing, the development is still considered to be visually prominent from wider views along Kirkby Lane and Public Footpath S26. This is considered to compound the significant harm of the proposal.

- 8.25 To summarise, although agricultural buildings can be appreciated within common views of the countryside, the Applicant has failed to demonstrate the proposal is for an agricultural use. Therefore, the scheme represents new and unjustified development in the designated open countryside. By virtue of its size, scale, height, bulk, and massing, the development is of a considerable size that overdevelops the site. This results in significant and permanent harm to the character of the site, the surrounding area, as well as the intrinsic value, beauty, open character, and landscape character of the countryside and the Newbold and Desford Rolling Farmland Landscape Character Area. These permanent adverse impacts are exacerbated the visual prominence of the development from the Kirkby Lane and Public Footpath S26. As a result, the scheme is contrary to, and in conflict with, Policy DM10 of the SADMP, and Chapters 12 and 15 of the NPPF.

Impact upon Residential Amenity

- 8.26 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.
- 8.27 The proposal is over 260m from the closest neighbouring residential dwelling. Although the dwelling within the wider site is not included within the red line boundary of the development, Page 2 of the Planning Statement confirms that it is the Applicant's residential property. As the residential property is within the blue line boundary of the site a planning condition can tie the property to the proposed development in order to prevent any potential significant adverse light, noise or air pollution impacts to their residential amenity. By virtue of these factors, the proposal does not result in any significant adverse impacts to residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.28 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. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.29 The scheme utilises an unamended existing access onto Kirkby Lane. The Local Highway Authority confirmed that, as of 03 April 2025, there have been no recorded Personal Injury Collisions within 500m of the site access on Kirkby Lane, Newbold Road or Brascote Lane, and the scheme is not considered to generate a material increase in the level for traffic using the existing site access or the surrounding highway network. Given the above, the development is not considered to result in any unacceptable impacts to highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP.

Planning Balance

- 8.30 In conclusion, the development results in significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside and the Newbold and Desford Rolling Farmland Landscape Character Area. As a result, the scheme is contrary to, and in conflict with, Policy DM10 of the SADMP, and Chapters 12 and 15 of the NPPF. This is considered to attract significant weight in the planning balance.
- 8.31 The Applicant has failed to demonstrate that the development is required in these site-specific circumstances, nor that the scheme has any benefits beyond their suggested private requirements. Therefore, this benefit attracts little weight in the planning balance.
- 8.32 In addition, the Applicant has failed to demonstrate that it can meet the mandatory requirement for 10% biodiversity net gain within the site and the application is therefore contrary to, and in conflict with, Schedule 7A (Biodiversity Net Gain in England) of the Town and Country Planning Act 1990, as well as Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). This is considered to attract significant weight in the planning balance.
- 8.33 Given the above, the significant harm of the development is considered to significantly and demonstrably outweigh the potential benefits of the scheme and is therefore recommended for refusal.

9. Equality Implications

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

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

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

10. Conclusion

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

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The scheme represents new and unjustified development in the designated open countryside. By virtue of its size, scale, height, bulk, and massing, the development is of a considerable size that overdevelops the site. This results in significant and permanent harm to the character of the site, the surrounding area, as well as the intrinsic value, beauty, open character, and landscape character of the countryside and the Newbold and Desford Rolling Farmland Landscape Character Area. These permanent adverse impacts are exacerbated by the visual prominence of the development from the Kirkby Lane and Public Footpath S26. The adverse impacts of the development significantly and demonstrably outweigh the potential benefits of the scheme in these site-specific circumstances. As a result, the scheme is contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Chapters 12 and 15 of the National Planning Policy Framework (2024).
2. The Applicant has failed to demonstrate that it can meet the mandatory requirement for 10% biodiversity net gain within the site and the application is therefore contrary to, and in conflict with, Schedule 7A (Biodiversity Net Gain in England) of the Town and Country Planning Act 1990, as well as Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 28.02.2025)
 - Biodiversity Metric Calculation (submitted: 14.03.2025)
 - Biodiversity Net Gain Report no. P2738_02 (submitted: 28.02.2025)
 - Landscaping Plan As Proposed Dwg no 2003 (submitted: 28.02.2025)
 - Parking Plan As Proposed Dwg no 2003 (submitted: 28.02.2025)
 - Planning Statement (submitted: 03.03.2025)
 - Plan as Existing Dwg no. 2002 (submitted: 28.02.2025)
 - Plan as Proposed Dwg no. 2003 (submitted: 28.02.2025)
 - Plan as Proposed Dwg no. 2004 (submitted: 28.02.2025)
 - Plan as Proposed Dwg no. 2005 (submitted: 28.02.2025)
 - Preliminary Ecological Appraisal Report no P27388_01 (submitted: 28.02.2025)
 - Site Location Dwg no. 2001 (submitted: 28.02.2025)
 - Statutory Biodiversity Metric Calculation (submitted: 14.03.2025)