

Delegated Report

Planning Ref: 25/00015/FUL
Applicant: Mr Richard Parkin
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Forest View Sibson Road Sheepy Parva

Proposal: Installation of above ground solar photovoltaic array (non-ground penetrating weighted tubs)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission for the installation of a 13 panel ground solar photovoltaic array at Forest View, Sibson Road, Sheepy Parva.
- 2.2. The proposed solar panels would measure 1.75 x 1.08 x 0.30 metres. They would be raised from the ground by the use of non-ground penetrating weighted tubs on an 18 degree pitch and would sit on a reclaimed bark base laid over a weed proof membrane, bounded by 0.25 metre exterior grade timber. The site area in question would measure approximately 182.37 square metres.

3. Description of the site and surrounding area

- 3.1. The application site relates to a detached two-storey residential dwelling situated within the countryside. The application dwelling hosts a predominant dual-pitched roof form and is accommodated by a vast amount of chimneys and dormers, a timber canopy porch, a detached triple garage, and a generous tarmac hardstanding. Paddocks, ponds and substantial amenity space can also be observed to the dwelling's surroundings. The site can be accessed to the north-east of Sibson Road, via a gated private driveway. It is finished in a mix of red brick, cream render and timber to the walls, grey tiles to the roof and painted/natural timber to the openings.
- 3.2. The site is bounded by residential development, a farm complex and agricultural fields.

4. Relevant planning history

95/00063/FUL

- Extension to dwelling
- Planning Permission
- 24.02.1995

08/01085/FUL

- Formation of new access
- Planning Permission
- 12.01.2009

11/00328/FUL

- Proposed extension and alterations with proposed new garaging
- Planning Permission
- 14.06.2011

12/00831/HOU

- Proposed extension and alterations with proposed new garaging (amended scheme)
- Planning Permission
- 16.11.2012

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. No comments have been received.

6. Consultation

6.1. Sheepy Parish Council:

'OBJECT

Please note, this response is based on documents available on HBBC Planning Portal as at 17th March 2025. Sheepy Parish Council kindly request that it is notified and consulted on any later changes to this application so as to ensure full compliance with the Sheepy Parish Neighbourhood Plan made May 2022.

Sheepy Parish Council has reviewed and OBJECTS to the above application 25/00015/FUL (Re-consultation) - Forest View Sibson Road Sheepy Parva, Installation of above ground solar photovoltaic array (non-ground penetrating weighted tubs)- as it considers that there is insufficient detail and several inaccuracies in the application, in order to make any judgements as to whether the application is in line or counter to the Sheepy Parish Neighbourhood Plan made May 2022, whose policies all applications should be aligned to and whose policies should be considered together.

Sheepy Parish notes that Re-consultation follows the submission of one replacement document viz 25/00015/FUL - Amended Plans-Proposed Layout Plans – Drg. 4171-01 Rev E with the assumption to address the 'Holding Object' from the Consultation Response by LCC Ecology. Sheepy Parish Council therefore will respect HBBC's wider planning regulation knowledge, not necessarily known by Sheepy Parish Council, on this matter.

HOWEVER, no attempt has been made to rectify the objections raised by Sheepy Parish Council through the initial consultation and hence Sheepy Parish Council's OBJECTION remains.

- *Reiterating and updating, for this Re-consultation, the points submitted by Sheepy Parish Council on 8 March 2025 for 25/00015/FUL. Sheepy Parish Council draws attention to the fact that the application is incomplete in that:*
- *No Design & Access Statement has been submitted by the applicant, yet on the Application Form (HBBC Reference 10/02/2025 -25/00015/FUL-1APP*

Public Form), the applicant has answered 'Yes' and 'Design and Access Statement' to the question 'Are you supplying additional information on submitted plans, drawings or a design and access statement?'

- The Amended Proposed Layout Plans, Elevations, Block, Site Location Plan, Drg No. 4177-01 Rev E (HBBC Reference 14/03/2025 -25/00015/FUL- Amended Plans- Proposed Layout Plans, Elevations, Block, Site Location Plan, Drg No. 4177-01 Rev d WHICH IS ACTUALLY REV E.) is clearly out of date and does not show the current state of development on the overall site, notably the additional garage erected to the south of the house.
- The Application Form (HBBC Reference 10/02/2025 -25/00015/FUL-1APP Public Form) states that the Site Area is 15.00 Sq. metres. This is clearly incorrect as referencing the 'Amended Proposed Layout Plans, Elevations, Block, Site Location Plan, Drg No. 4177-01 Rev E' (HBBC Reference 14/03/2025 -25/00015/FUL) the 13 panels shown have a combined area of 25.9 Sq. metres and the total area of the Site Area 'Proposed Solar Array Layout Plan' is 45.7 Sq. metres.
- The Application Form also states that 25 panels are to be installed which conflicts with 13 panels shown on – 'Amended Plans-Proposed Layout Plans – Drg. 4171-01 Rev E'.

Sheepy Parish Council suggests that it is not an onerous task for the applicant/architect to address the above points therefore, once again, respectfully suggest that HBBC Planning should not grant planning permission to a factually incorrect application as it believes it would not be legally compliant. END.'

6.2. HBBC Environmental Services (Pollution):

'No objection.'

6.3. LCC Ecology:

'Condition and Informative recommended

REASON FOR RECOMMENDATION PROVIDED:

- We have reviewed the above document as well as 'Proposed Layout Plans, Elevations, Block, Site Location Plan, Drg No. 4177-01 Rev G' (Drawing Room Architects Ltd, 2025).
- We find the documents acceptable.
- As there are medium distinctive habitats being created, a habitat management and monitoring plan (HMMP) condition is required to secure the land for 30 years.
- As there is a pond located nearby, a GCN working method statement is required.

BIODIVERSITY NET GAIN (BNG) SPECIFIC COMMENTS:

- Habitats = +0.0556BU (+21.30%)
- No irreplaceable habitats
- No Habitat degradation
- Agree on baseline habitat

- *Based on the current plans, the 10% Biodiversity Net Gain will be met through on-site creation.*

RECOMMENDED CONDITIONS TO BE APPLIED:

- *The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following: a) Description and evaluation of the features to be managed; b) Ecological trends and constraints on site that may influence management; c) Aims, objectives and targets for management - links with local and national species and habitat action plans; d) Description of the management operations necessary to achieving aims and objectives; e) Preparation of a works schedule, including annual works schedule; f) Details and a timetable of the monitoring needed to measure the effectiveness of management; g) Details of the persons responsible for the implementation and monitoring; h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain*
- *(To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)*
- *All materials associated with the carrying out of the development hereby approved shall be stored off the ground (for example on pallets) throughout the course of the development, including prior to the commencement of development, and all spoil/waste materials shall be removed from the site at the end of each working day, or stored in a skip*

RECOMMENDED INFORMATIVE TO BE APPLIED:

- *Great Crested Newts, a species fully protected by law, are known to breed in a pond within 200m of the proposed development, with several potential GCN ponds nearby, therefore there is a small possibility that a newt, or small numbers of newts could be present on the site. The applicant should therefore exercise due care during implementation of the proposed development, ensuring that all contractors are aware of the possibility of finding great crested newts, and stored materials are carefully removed by hand. Work should cease if a great crested newt is found, and advice from a licensed ecologist should be sought.'*

7. Policy

7.1. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S1: Countryside
- Policy S4: Renewable Energy
- Policy S5: Ecology and Biodiversity
- Policy S8: Design

7.2. Core Strategy (2009)

- Spatial Objective 12: Climate Change and Resource Efficiency

- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon ecology
 - Other matters

Assessment against strategic planning policies

- 8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the adopted Site Allocations and Development Management Plan (2016) provides a presumption in favour of sustainable development. Policy DM4 of the adopted Site Allocations and Development Management Plan (2016) sets out the circumstances in which development would be considered sustainable within the countryside, such as (section (d)) it relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development. Policy S1 of the Sheepy Neighbourhood Plan sets out the circumstances in which development would be considered sustainable within the countryside, such as (section H) its renewable energy in line with Policy S4: Renewable Energy.
- 8.3 In Spatial Objective 12 of the Core Strategy, it states that increasing the use of renewable energy technologies will be promoted.
- 8.4 There is a clear presumption in favour of renewable energy proposals supported by local policies. Therefore, the principle of the proposed development is considered to be acceptable. Compliance with the relevant sections of Policy DM2 and DM4 of the adopted Site Allocations and Development Management Plan (2016) and Policy S4 of the Sheepy Neighbourhood Plan will be assessed further in the following section.

Design and impact upon the character of the area

- 8.5 Policy DM2 of the adopted Site Allocations and Development Management Plan (2016) sets out the Borough Council's support for decarbonisation through appropriately designed and sited renewable energy and low carbon developments where development accords with other policies of this plan, with specific regard to DM11 and DM12. In this case, DM11 and DM12 are not relevant to the proposed

development as there would be no impact on the historic environment or any designated or non-designated heritage assets.

- 8.6 Policy DM4 of the adopted Site Allocations and Development Management Plan (2016) allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.
- 8.7 Policy DM10 of the adopted Site Allocations and Development Management Plan (2016) seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8 Policy S1 of the Sheepy Neighbourhood Plan sets out the circumstances in which development would be considered sustainable within the countryside, such as (section H) its renewable energy in line with Policy S4: Renewable Energy.
- 8.9 Policy S4 of the Sheepy Neighbourhood Plan seeks to ensure that ground-mounted solar panels are supported where they are located on brownfield or non-agricultural land, positioned in the landscape sensitively, their visual impact both individually and cumulatively has been fully addressed and assessed and that the installations are removed where they are no longer in use.
- 8.10 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals should be designed with evident care so as to respond positively to the character of the area in which it is located, respond to features of its setting, work with the scale, form and character of the area and have high levels of energy efficiency.
- 8.11 The proposal is for the installation of a 13 panel ground solar photovoltaic array within a large garden understood to be residential in nature. The proposed solar panels would measure 1.75 x 1.08 x 0.30 metres. They would be raised from the ground by the use of non-ground penetrating weighted tubs on an 18 degree pitch and would sit on a reclaimed bark base laid over a weed proof membrane, bounded by 0.25 metre exterior grade timber. The site area in question would measure approximately 182.37 square metres.
- 8.12 By way of their design the solar panels are low level and would not be highly visible from the street scene or public vantage points. The solar are sited 98.43 metres from the nearest highway and the agricultural fields bounding the site benefits from existing hedgerow borders with various trees. It is considered that the introduction of solar panels in the north-east area of the garden would not give rise to significant detrimental impacts to the character of the area.
- 8.13 Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.
- 8.14 By virtue of the above, the proposal is considered in accordance with Policies DM2, DM4 and DM10 of the adopted Site Allocations and Development Management Plan (2016) and Policies S1, S3 and S8 of the Sheepy Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the adopted Site Allocations and Development Management Plan (2016) states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.16 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals are designed with evident care so as to show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.17 The proposed development would be situated a minimum of 72.56 metres from the nearest neighbouring structure, whilst being bound by agricultural fields. It is therefore considered that the proposed development would not cause any significant harm to the amenity of any surrounding residential dwellings.
- 8.18 The application is not accompanied by any glint or glare study, however due to the relative remoteness of the application site in relation to any residential properties, the proposed roof mounted solar array is not considered to cause any significant adverse impact from glare.
- 8.19 By virtue of the above, the proposal is considered in accordance with Policy DM10 of the SADMP and Policy S8 of the Sheepy Neighbourhood Plan.

Impact upon ecology

- 8.20 Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.

On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly
- f) It has been adequately demonstrated that the irreplaceable habitat
- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.21 Policy S5 of the Sheepy Neighbourhood Plan seeks to ensure that development has appropriate regard for the network of local ecological features and habitats and that new development which impacts on existing ecological corridors and landscape features maintain and extend them for reasons of biodiversity thus, wherever possible, demonstrating overall net-gain.
- 8.22 The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to commencement of the development. However, the PPG is clear that BNG is no just a post-permission matter, that it is a material consideration and that when determining a planning application LPA's need to consider whether

the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.

- 8.23 The application has been accompanied by a Biodiversity Net Gain (BNG) small site metric along with supporting plans as the development is not exempt from mandatory BNG. The BNG metric has indicated a net gain over 10%, satisfying LCC Ecology, subject to a 30 year Habitat Monitoring and Management Plan (HMMP) condition being imposed as well as being subject to the national standard mandatory BNG 'pre-commencement condition'.
- 8.24 By virtue of the above, subject to conditions, the development would accord with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) and Policy S5 of the Sheepy Neighbourhood Plan.

Other matters

- 8.25 Sheepy Parish Council have objected to the application by way that a Design & Access Statement has not been submitted, that the proposed plans do not show the current state of development on the overall site (notably the additional garage erected to the south of the house), and that the application form provides inaccuracies on the proposed area and number of solar panels. The above matters have been addressed appropriately below;
- 8.26 The submission of a design and access statement is only mandatory for planning applications involving major development, developments in a conservation area of World Heritage Sites, and for listed building consents. Therefore, the application does not meet the threshold to provide such document.
- 8.27 The existing detached garage to the south of the site (constructed under permitted development) has not been identified within the submitted plans, nevertheless this is not considered to impact the overall outcome of the scheme.
- 8.28 Since the submission of the original application numerous revised schemes have been submitted to satisfy the statutory framework for BNG superseding the application form. Whilst it is noted that there are discrepancies between the application form and the revised proposed plans, the relevant documentation has been conditioned.

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.

10. Conclusion

10.1 The proposal is considered acceptable due to the limited impacts upon the character of the area and countryside, the amenity of neighbouring properties and the mandatory ecological requirements being met. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM2, DM4, DM6 and DM10 of the adopted Site Allocations and Development Management and Policies (2016) and Policies S1, S4, S5 and S8 of the Sheepy Neighbourhood Plan. The proposal is, therefore, recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined 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, as follows:

- Proposed Layout Plans, Elevations, Block, Site Location Plan, Drg No. 4177-01 Rev G as received by the Local Planning Authority on the 10th June 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM2, DM4, DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Policies S1, S4, S5 and S8 of the Sheepy Neighbourhood Plan.

3. Should the solar panel arrays hereby permitted no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then they shall be removed from the roof within 3 months after the end of the 6 months cessation period.

Reason: In the interests of visual amenity and to protect the character and appearance of the application dwelling and surrounding area in accordance with Policies DM2 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Preparation of a works schedule, including annual works schedule;
- f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- g) Details of the persons responsible for the implementation and monitoring;
- h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, Policy S5 of the Sheepy Neighbourhood Plan and DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. All materials associated with the carrying out of the development hereby approved shall be stored off the ground (for example on pallets) throughout the course of the development, including prior to the commencement of development, and all spoil/waste materials shall be removed from the site at the end of each working day, or stored in a skip.

Reason: To protect the general environment in accordance with the National Planning Policy Framework, Policy S5 of the Sheepy Neighbourhood Plan and DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.2 Notes to applicant

- a) **Your attention is drawn to the below Biodiversity Net Gain note on page 3 and 4 of this Decision Notice which explains that the development is subject to the statutory "biodiversity gain condition". A Biodiversity Gain Plan needs to be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of development.**
- b) Great Crested Newts, a species fully protected by law, are known to breed in a pond within 200m of the proposed development, with several potential GCN ponds nearby, therefore there is a small possibility that a newt, or small numbers of newts could be present on the site. The applicant should therefore exercise due care during implementation of the proposed development, ensuring that all contractors are aware of the possibility of finding great crested newts, and stored materials are carefully removed by hand. Work

should cease if a great crested newt is found, and advice from a licensed ecologist should be sought.

- c) 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.