

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

**WRITTEN STATEMENT ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

PLANNING APPEAL BY MR AND MRS A GIBSON

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE PROPOSED NEW
STABLE BLOCK WITH ASSOCIATED STORAGE AREA, FENCE AND LANDSCAPING
(RESUBMISSION OF 23/00392/FUL)**

AT:

65A NEWBOLD ROAD, BARLESTONE, NUNEATON, CV13 0DY

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE:
24/00054/FUL**

**THE PLANNING INSPECTORATE REFERENCE:
APP/K2420/W/24/3341198**

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1. **INTRODUCTION**

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for a proposed new stable block and associated storage area at 65A Newbold Road, Barlestone.

2. **DESCRIPTION OF THE APPEAL SITE, THE SURROUNDING AREA, AND THE PROPOSAL**

The Appeal Site

- 2.1. The appeal site comprises of 65A Newbold Road, which is an existing two-storey, red brick dwelling, as well as a detached garage, single-storey stables, an existing open front shed, and paddock land.
- 2.2. The existing open front shed externally measures 7.4m in width by 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The existing single storey stable block is to the northwest of the dwelling and externally measures 18m in width by 5.1m in depth. The stable block currently accommodates two stables and the storage of equestrian and agricultural equipment.
- 2.3. The existing paddock land, which is owned by the Appellants, is approximately 1ha in size, and the paddock land to the north, which is rented by the Appellants, measures in excess of 5ha. The paddock land owned by the Appellants is identified within the Barlestone Neighbourhood Plan (BNP) (2022) as a site of biodiversity significance and the paddock land to the north that is rented by the Appellants is classified as a Local Wildlife Site within the BNP. Both sites are also highlighted within Figure 12 of the BNP as part of a wildlife corridor through the area.
- 2.4. The appeal site, including the existing stable block and open front shed are located to the southeast of, and outside of, the identified settlement boundary for Barlestone which is a Stand Alone Key Rural Centre as identified in the Council's Core Strategy. However, the residential property, 65A Newbold Road, is within the identified settlement boundary. The site therefore lies within the countryside.
- 2.5. The site is accessed via a part-shared drive onto Newbold Road, which is a classified 'C' road that is subject to a 30mph speed limit. The site's southern boundary is well screened from the highway by existing mature landscaping comprising predominantly of tall conifer trees, but views of the site can be seen on Newbold Road from the west.
- 2.6. The property is set back from the highway and occupies an elevated position in relation to it. The location of the proposed development is adjacent to the highway boundary and also occupies an elevated position in relation to it by approximately 2m in comparison to the public footpath. The paddock to the west of the site slopes down towards to the two neighbouring dwellings, 61 and 63 Newbold Road. Beyond these neighbouring dwellings are allotment gardens.
- 2.7. To the north of the site there is Mill Farm cottage, which is separated from the site via a paddock, and beyond this is open agricultural fields. Further to the west of the site is more residential dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development, but beyond this is further open agricultural fields.

- 2.8. Planning permission 23/00392/FUL approved a new stable block with an associated storage area that externally measured 10m in width x 10m in depth, with a total footprint of 88.4sqm. The scheme featured two hipped roofs that have a ridge height of 3.3m, and an eaves height of 2.9m. The building was constructed with timber cladding, timber doors and windows, and a metal roof covering. The scheme included the provision of one stable, and a store and tack and feed room. To facilitate this development, the existing open fronted shed was removed from the site.

The Appeal Proposal

- 2.9. This appeal proposal seeks full planning permission for a new stable block with an associated storage area at 65A Newbold Road, Barlestone. The scheme includes the provision of two stables, a store/workshop, a tack and feed room, and a tractor/trailer store. The Appellants state that the scheme is for the keeping of horses and the agricultural equipment required to maintain their owned and rented paddock land. To facilitate this development, an existing open fronted shed is removed from the site.
- 2.10. The structure externally measures 16.7m in width by 14.5m in depth, which creates a total footprint of 160.6sqm. The scheme features two hipped roofs that have a ridge height of 5.4m and 4.9m respectively. The building is constructed with timber cladding, timber doors and windows, and Marley Eternit slate roof tiles.
- 2.11. The development is supported by additional new tree planting along the site's boundary with Newbold Road to provide extra screening. The details of this planting have not been provided within the refused planning application, nor this appeal.
- 2.12. This proposal is a resubmission of the approved planning application 23/00392/FUL but with additional floor space as the Appellants claim that the previously approved scheme fails to provide a building large enough to suitably accommodate their needs.

3. SITE HISTORY

3.1 23/00392/FUL

- Proposed new stable block with associated storage area
- Permitted
- 10.11.2023

3.2 16/00349/CONDIT

- Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access.
- Permitted
- 23.06.2016

3.3 15/01197/CONDIT

- Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes.
- Permitted
- 21.12.2015

- 3.4 **12/00954/FUL**
- Demolition of existing dwelling and erection of one new dwelling and detached garage
 - Permitted
 - 15.01.2013
- 3.5 **12/00006/FUL**
- Extension and alterations to dwelling and erection of garage
 - Permitted
 - 30.03.2012
4. **NATIONAL POLICIES**
- 4.1 National Planning Policy Framework (NPPF) (December 2023).
- 4.2 National Planning Practice Guidance (PPG).
- 4.3 National Design Guide (NDG) (2019).
5. **LOCAL POLICIES**
- 5.1 The Development Plan policies referred to for the purposes of the application were:
- 5.2 Core Strategy (2009):
- Policy 7: Key Rural Centre
 - Policy 11: Key Rural Centres Stand Alone
- 5.3 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 DM10: Development and Design
 - Policy DM17: Highway and Transportation
 - Policy DM18: Vehicle Parking Standards
- 5.4 Barlestone Neighbourhood Plan (2022):
- Policy H2: Settlement Boundary
- 5.5 Other Relevant Guidance:
- Good Design Guide (GDG) (2020)
 - Leicestershire Highways Design Guide (LHDG) (2022)
6. **THE CASE FOR THE LOCAL PLANNING AUTHORITY**
- 6.1 The planning application was refused on 13 March 2024 under delegated powers for the following reasons:
1. The development fails to complement or enhance the character of the surrounding area as a result of its size, scale, volume, and use of materials. This impact is exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the southwest. Given the above, the scheme causes significant harm to the rural character of the application site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is

considered to significantly and demonstrably outweigh any potential benefits of the scheme. As a result, the scheme is in conflict with, and contrary to, the Good Design Guide (2020), Policy H2 of the Barlestone Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016), the Good Design Guide, and Section 12 of the National Planning Policy Framework (December 2023).

- 6.2 It is considered that the main planning issues in relation to this appeal are the adverse effects of the proposed development on the character of the appeal site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside.
- 6.3 Within their Statement of Case, the Appellants re-assess the appeal scheme through the following factors:
- Is the site, scale, and volume of the building unacceptable?
 - Are the materials of the building unacceptable?
 - Would the proposal be visually prominent and cause significant harm to the rural character of the application site?
 - Is the proposal contrary to the Good Design Guide?
 - Is the proposal contrary to Policy H2 of the Barlestone Neighbourhood Plan?
 - Is the proposal contrary to Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document?
 - Other matters.

These concerns are addressed within this Statement of Case.

Clarity on the Requirements of Policy H2 of the Barlestone Neighbourhood Plan (BNP)

- 6.4 Paragraph 6.35 of the Appellants' Statement of Case suggests that they are unclear why the development does not comply with Policy H2 of the BNP. As identified at Paragraph 8.8 of the Delegated Officer's Report, Policy H2 of the BNP clearly states that:

"Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with Local and National Strategic Planning Policies."

- 6.5 For clarity, the principle of the development of a stable block that is the same size and scale as that within the planning application 23/00392/FUL is acceptable. This is in light of the previous assessment of the proposal, and ultimately its subsequent planning permission. However, the current appeal proposal is not the same size and scale of the previous development, and the approval of the previous planning permission does not suggest that the principle of a stable block that is significantly larger in comparison would be acceptable in these site-specific circumstances.
- 6.6 Therefore, it is unclear as to which part of Policy H2 of the BNP does not conflict with the appeal proposal. The development is on land outside of the defined settlement boundary and by virtue of its impact on the character of the site and the surrounding area is contrary to the Local and National Strategic Planning Policies that carefully control development in the countryside. Consequently, the scheme is contrary to, and in conflict with Policy H2 of the BNP. This is highlighted within the Delegated Officer's Report and emphasised further within this Statement of Case.

- 6.7 As highlighted at Paragraph 8.47 of the Delegated Officer's Report, the provision of a new stable block that replaces the existing open front shed is considered to be acceptable in principle, *"Subject to the assessment of all other material considerations."* This assessment of the development within the previous planning permission 23/00392/FUL is also evident in Paragraphs 8.24 to 8.26 of the Delegated Officer's Report prior to considering that the scheme was acceptable.
- 6.8 In summary, whilst the provision of a stable block in this location is likely to be acceptable in principle in light of the previously approved planning application 23/00392/FUL, the acceptability of the principle of development is still subject to assessment of all other material considerations. As such, the scheme is unacceptable and contrary to Policy H2 of the BNP because the proposal does not comply with the Local and National Strategic Policies that control development in the countryside.

Impact upon the Character of the Surrounding Area and the Open Countryside

- 6.9 Section 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.
- 6.10 Notably, Paragraph 135(a) and (c) of the NPPF require development to, *"Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,"* and to be, *"Sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change,"* respectively.
- 6.11 Fundamentally, and in accordance with Paragraph 139 of the NPPF, development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 6.12 The Good Design Guide confirms that:
- "One of the key factors for design in the Borough is acknowledging that it is predominantly rural. The area's urban and rural settlements interact with a significant landscape backdrop... To protect this natural landscape, environment, development should recognise the intrinsic character and beauty of the countryside."*
- 6.13 In accordance with this, the Good Design Guide highlights that:
- "Care should be taken to design the right scale and form for the right place."*
- 6.14 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(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."*

- 6.15 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. 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.
- 6.16 Paragraph 6.37 of the Appellants' Statement of Case suggests that, *"The Council have accepted that the appeal proposals comply with the first element of Policy DM4, which sets out acceptable uses within the countryside."* On the contrary, it is very evident within both Delegated Officer's Reports of planning applications 24/00054/FUL (Paragraph 8.13) and 23/00392/FUL (Paragraph 8.10) that the proposed developments do not relate to, nor comply with, any of the criteria of Policy DM4 of the SADMP.
- 6.17 Nevertheless, Policy DM4 of the SADMP also requires that developments meet five further requirements to be considered as sustainable development. Development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 6.18 The Local Planning Authority consider that Policy DM4(i) of the SADMP is the principal policy consideration in determining the development's compliance with Policy DM4 of the SADMP in these site-specific circumstances.
- 6.19 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.
- Context and Assessment of the Appeal Site and the Surrounding Area
- 6.20 Paragraph 14.3 of the SADMP states that, *"The Borough Council will ensure that all new development helps to create an attractive and safe environment that is in keeping with the character of the location in which is situated."* This is also in accordance with C1 of the NDG, which suggests that well-designed new development should, *"Understand and relate well to the site and its wider context."*
- 6.21 The Good Design Guide notes that the main approaches to Barlestone maintain their relationship between built form and the open countryside through, *"Focusing development on one side of the street."*

- 6.22 In this instance, it is evident that the development is focused on the southern side of Newbold Road, as opposed to the location of the appeal site on the northern side of the public highway.
- 6.23 As a result, two of the main design objectives for Barlestone are to:
- “Protect the main approaches to the village with the visual links to the countryside, exploring ways of reintroducing more rural and agricultural vernacular forms,”*
- and,
- “Avoid extensions to ribbon development along main routes such as Newbold Road.”*
- 6.24 At Paragraph 6.16 of the Appellants’ Statement of Case, it is suggested that, *“The conclusions reached by the Council bear no resemblance to the situation on the ground.”* This is strongly refuted by the Local Planning Authority.
- 6.25 As confirmed previously within the Statement of Case at paragraph 2.4, the appeal site is outside of the identified settlement boundary of Barlestone in the designated open countryside.
- 6.26 In spite of this, is noted that the Appellants only confirmed this once in their entire Statement of Case. This comment is at Paragraph 8.45, after previously suggesting at Paragraph 6.25 that the appeal site, *“Does not consist of open countryside.”* In light of the absence of discussion of the appeal site’s location in the countryside, and the disparity within the Appellants’ own discussion of the site, the Local Planning Authority consider that the Appellants have failed to appropriately understand appreciate the character of the site and its wider context.
- 6.27 Although the appeal site is close to the settlement boundary of Barlestone, the photographs that the Appellants have supplied within Appendix 1 of their Statement of Case clearly demonstrate the rural character of the appeal site and the limited scale of the non-residential development within the site.
- 6.28 The Appellants have attempted to justify their development by suggesting that the proposal is, *“Positioned in the eastern part of the site where other built development is proposed,”* and that the building is, *“Significantly lower than the main two-storey dwelling,”* within Paragraph 6.29 and Paragraph 6.30 respectively.
- 6.29 The built form that the Appellant refers to is the existing stable block, which is significantly smaller in size, height, and volume than the appeal proposal, and the 8.4m high two-storey residential property within the site, which is set back from Newbold Road.
- 6.30 65A Newbold Road is a materially different use to the proposed use of the appeal scheme. Therefore, the Local Planning Authority does not consider the size of the existing dwelling within the site to be sufficient justification for the height of the development. This is because the proposal is not for, nor for an outbuilding associated with, a residential use. It is also acknowledged that the existing stable block and the open front shed, which are the only non-residential structures within the site, do not feature slate roofs.

- 6.31 Whilst the Appellants have suggested at Paragraph 6.12 of their Statement of Case that the submitted drawings indicate that a metal roof covering 'could' be used, this is simply not the intention of the Appellants. This is because the submitted Application Form clearly states that the scheme shall be constructed with Marley Eternit Slate Roof Tiles. It is also blatant that a metal covering could be utilised in light of planning permission 23/00392/FUL.
- 6.32 Although the Appellants suggest that an appropriately worded planning condition could prevent the use of slate roof tiles, the Appellants preferred solution demonstrates a clear lack of consideration for the discussion between the two parties within the process of determining planning application 23/00392/FUL for the use of metal roof cladding within the approved permission, which was to ensure that the development was an acceptable height. The Appellants have not provided any justification within planning application 24/00054/FUL, nor within their Statement of Case as to why the structure needs to be larger in height, nor how this is necessary to enable the Appellants to have a, "*Suitable level of accommodation.*"
- 6.33 In light of the above, it is considered that increasing the scheme's 'harmony' and association with the residential property in the site through its use of a slate roof separates the development from the rural character of the existing stable block and open fronted shed. Therefore, the use of slate roof tiles within these site-specific circumstances are considered to exacerbate the domestic appearance of the building that is contrary to the rural appearance of the site and the surrounding area on this northern side of Newbold Road.
- 6.34 Whilst the Appellants have implied that the, "*Totality of the materials and design of the building,*" need to be considered within the determination of the character of the structure, it is noted that Appellants have relied on the four openings of the structure, none of which are visible from the southern elevation and only two are prominent from the southwest, and the timber cladding of the building to demonstrate this. Nevertheless, the Local Planning Authority do not consider that these two factors demonstrate the, "*Totality,*" of the building. For example, this assertion at Paragraph 6.10 of the Appellants' Statement of Case provides no discussion of the size, scale, volume, or height of the property.
- 6.35 Moreover, it is noted that there is no further example of equestrian or agricultural structures outside of the site that are visually prominent like the appeal site and in such close proximity to Newbold Road in the surrounding area. As confirmed within Paragraph 8.9 of the Delegated Officer's Report for the approved planning application 23/00392/FUL and Paragraph 8.12 of the Delegated Officer's Report for 24/00054/FUL, "*The application site is not utilised for, nor in association with, a commercial agricultural business to justify the provision of additional agricultural storage space in principle.*" This statement has not been refuted by the Appellants.
- 6.36 Furthermore, the Appellants have agreed with the Local Planning Authority at Paragraph 6.19 of their Statement of Case that the appeal site is visually prominent from the west of Newbold Road. This is highlighted within the reason for refusal for contributing to the significant harm of the development to the character of the surrounding area, which the Appellants have not sought to disagree with.
- 6.37 This visual prominence is evident within the image on Page 17 of the Appellants' Statement of Case, which shows hay bales in a similar location to the proposed development that appear almost larger than the tractor from this vista.

- 6.38 Given that the Appellants confirmed on 14 September 2023 (c.f. Appendix 1) that the tractor was 2.85m in height, this emphasizes the significant prominence and impact that the proposed development, which is over double the height of the tractor with a height of 5.4m, will have on the character of the site and the surrounding area.
- 6.39 As demonstrated by the hay bales, due to the proposal's position closer to the viewpoint, it is also likely that the structure will appear larger in reality than it is within the submitted plans. As per the assessment within Delegated Officer's Report, this is likely to exacerbate the significant harm that the scheme causes to the rural character of the application site, the surrounding area, and the wider intrinsic value, beauty, open character, and landscape character of the countryside.
- 6.40 In addition, given the 2m disparity in land levels between the appeal site and the public highway, whilst the south of the site features existing mature landscaping, it is not considered that this fully addresses the harm of the experience of the proximity and the prominence of the scale and built form of an effectively 7.4m high structure that is adjacent to the public highway. This harm would also significantly increase in the winter months. Therefore, contrary to the assertions of the Appellants and their assessment of the conclusions of the Delegated Officer's Report, the experience and visual prominence of the built form and scale of the structure is clearly a major contributing factor to the significant harm of the development on the character of the surrounding area.
- 6.41 Whilst the Appellants have proposed landscaping around the development to support their scheme, it is not considered that the presence of the existing mature vegetation address the concerns of the Local Planning Authority, which were expressed at Paragraph 8.27 of the Delegated Officer's Report. It is noted that the Appellants have not refuted the concerns of the Local Planning Authority.
- 6.42 To reaffirm the views of the Local Planning Authority, plants cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form. It is also not considered that new planting could appropriately screen a 5.4m high structure. Nevertheless, as per the Appellants' remarks within Paragraph 6.15 of their Statement of Case, if the Appellants wished to rely on their assertion that the landscaping can be relied upon to provide adequate screening to the proposal, detailed evidence and justification should have been provided to support such a conclusion.
- 6.43 In conclusion, the Appellants have failed to appropriately acknowledge, nor appreciate the context of their appeal site, nor the fact that their appeal site is within the designated open countryside. This is patent by the Appellants' lack of engagement with, and justification for their proposal in accordance with, Local and National Strategic Planning Policies that control development in the countryside. Instead, the Appellants have misguided themselves and sought to justify their scheme through comparing its size, scale, volume, footprint, height, and design with the two-storey dwellinghouse within the site, which has a materially different use and character.
- 6.44 Consequently, the Appellants desire to create 'harmony' between the proposal and the dwelling through the use of a slate roof, in a site where there is an absence of non-residential properties utilising such a finish, is considered to provide the development with a domestic appearance in these site-specific circumstances. This

is contrary to the rural appearance of the site and the surrounding area on this northern side of Newbold Road and results in significant harm to the character of the site and the surrounding area.

6.45 Principally, the Appellants have agreed that the appeal site is visually prominent from the west of Newbold Road, which is confirmed by several images within their Statement of Case. This visual prominence significantly contributes to the extent of the proposal's harm to the character of the surrounding area. Moreover, due to its noticeably higher land levels in comparison to the public highway, this is considered to increase the severity of this impact on the character of the site and surrounding area. The experience of the prominence of an effectively 7.4m high structure in such close proximity to Newbold Road also has a detrimental impact to the experience of the public highway immediately to the south of the site.

6.46 Ultimately, whilst the Appellants' have proposed landscaping around the development to support their scheme, the Appellants have failed to appropriately justify how this addresses the concerns of the Local Planning Authority relating to the height and scale of the proposal and the unreliability of vegetation planting to screen development.

6.47 Given the above, prior to the full assessment of the scheme's size, scale, massing, volume, footprint, and height, the development is not regarded to be well designed in its context, which is contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, Section 12 of the NPPF, and the Good Design Guide.

Comparing the Appeal Proposal to Previously Approved Development

6.48 In Paragraph 6.5 of the Appellants' Statement of Case, they concur with the Local Planning Authority that, "*The proposed building is larger and taller than that which was previously approved.*" This is an understatement. The Local Planning Authority consider the design of the appeal proposal to be drastically larger in comparison to the previously approved scheme within planning permission 23/00392/FUL.

6.49 The difference between the two schemes is detailed within Paragraph 8.24 of the Delegated Officer's Report. Nevertheless, for emphasis, this appeal development is over three-times the footprint of the existing structure, and nearly twice the footprint of the approved scheme, which is larger than the combined footprint of all the outbuildings and non-residential structures within the site. In addition, the scheme is 2.1m higher than the approved development, which is over 60% larger in height. This is not considered to be a, "*Modestly sized,*" development in light of the context of the site, the requirements of the site, nor the character of the surrounding area.

6.50 To justify this significant increase in size, scale, volume, and height, the Appellants have referred to the allowed appeal decision of planning application 22/00021/FUL at Sheepy Parva Farm, Wellsborough Road, Sheepy Parva for the provision of a stable block and an agricultural barn.

6.51 Firstly, the Local Planning Authority considered this appeal decision during the determination of planning application 24/00054/FUL at Paragraphs 8.50 to 8.52 within the Delegated Officer's Report. Notably, the Appellants have not provided any further commentary on the Local Planning Authority's assessment of these applications within their Statement of Case.

6.52 Again, for emphasis, the appeal site within 22/00021/FUL did not feature any existing stables and the proposal was located on an existing area of concrete hard standing to the rear of the built-up area of the site, which already featured a number

of agricultural buildings from its prior use as a working farm. Consequently, as per Paragraph 7 of the appeal decision of planning application 22/00021/FUL, the development was considered to be acceptable because of its, *“Proximity to, and adjacent to, existing buildings on the site,”* so the scheme would therefore, *“Not appear incongruous within the site complex in terms of massing and materials of construction.”*

- 6.53 In comparison, neither the application site, nor its character have benefited from, nor currently feature, any commercial agricultural uses, and the current proposal is incongruously larger than all existing non-residential structures within the site. It is also noted that the Appellants have tried to compare the height of the approved barn within 22/00021/FUL, which the Inspector considered to be, *“Extremely modest in overall height,”* to their current proposal at Paragraph 6.7 of their Statement of Case. For clarity, whilst the approved agricultural barn is 0.8m taller than the current proposal, this appeal scheme is not for an agricultural barn, and the appeal site does not benefit from a commercial agricultural use, or any form of use, that requires one. Given the stark differences in the circumstances of both sites, it is not considered that the stables within this appeal proposal can be compared to this approved development.
- 6.54 Moreover, it is noted that although the stables within this approved planning application contained seven stables and a tack/ feed storage area, yet it is only 7sqm larger in footprint than the current proposal and 93sqm smaller in volume, 3.6m smaller in width, and 0.88m smaller in height.
- 6.55 As per Paragraph 4.3 of the Appellants’ Statement of Case, the Appellants require two additional stables and a, *“Suitable level of accommodation for the storage of machinery and equipment with maintain the land that they own and rent in the immediate area or for associated ancillary equestrian activities such as storage of tack and feed.”* The requirements of the Local Planning Authority are assessed in Paragraphs 8.53 to 8.58 of the Delegated Officer’s Report, and it is acknowledged that the Appellants have not responded to this assessment within their Statement of Case.
- 6.56 In summary, and for emphasis, it is noted that approximately half the existing storage block within the appeal site is utilised for the storage of equestrian and agricultural equipment and that the proposed development can accommodate the requirements of the Appellants in only a third of its total footprint. Furthermore, there is no sufficient justification for the increase in height of the scheme given the only large piece of agricultural equipment is the tractor, which was accommodated in the approved scheme with a significantly lower ridge height. As per Paragraph 8.58 of the Delegated Officer’s Report, the Appellants have demonstrated that:
- “The use, management, and maintenance of their owned and rented paddock lands, including the storage of their tractor, can be, and has been, facilitated within the confines of their existing built structures for over 20 years. Therefore, given that there is no intensification or change of use of this paddock land, it is not considered that the size and scale of the proposal is justified in these site-specific circumstances.”*
- 6.57 In light of the above, and the allowed appeal decision 22/00021/FUL it is considered that the appeal proposal is of a disproportionate size, scale, footprint, volume, and height to its required use, and is considered to be of such a size that is incongruous to, and fails to complement or enhance the character of, the surrounding area. Consequently, the appeal proposal causes significant harm to the character of the

site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside.

7. CONCLUSION

- 7.1 To summarise, Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.
- 7.2 Whilst it is acknowledged that the Development Plan was adopted prior to the publication of the latest NPPF, as a result of the strong consistency with the wording of the NPPF, due weight should be given to the policies within the Development Plan, such as Policies DM4, and DM10, of the SADMP, in accordance with Paragraph 225 of the NPPF.
- 7.3 As Paragraph 11(d) of the NPPF has been triggered, planning permission should be granted to development unless adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.4 There is no commercial agricultural use within the appeal site and the proposal does not intensify, nor change the use of, the appeal site and its associated paddock land. Therefore, there is no economic benefit to the development, with the exception of the very limited and short-term construction costs of the scheme. As a result, the economic benefits are offered little weight in the planning balance.
- 7.5 In addition, the development is for the private use of the Appellants to provide two additional stables and associated storage space within their appeal site. It is evident that, based on the lack of further justification in light of the Local Planning Authority's comments in the Delegated Officer's Report, that the needs of the Appellants can be provided in a significantly smaller structure, such as that approved within planning permission 23/00392/FUL. Therefore, the social benefits of the scheme are offered negligible weight in the planning balance.
- 7.6 On the other hand, the appeal proposal is considered to be cause significant and detrimental harm to the character of the site, the surrounding area and the intrinsic value, beauty, open character, and landscape character of the open countryside. This is evident by the disproportionate and incongruous size, scale, footprint, volume, and height of the appeal proposal, which fails to complement or enhance the character of the surrounding area. Importantly, the Appellants have agreed that the appeal site is visually prominent from the west of Newbold Road, and it is evident that this visual prominence significantly contributes to the extent of the proposal's adverse impact to the character of the surrounding area. This harm is considered to attract significant weight in the planning balance.
- 7.7 As a consequence of all these factors, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the appeal proposal. As a result, the scheme does not comply with, and is in contrary to, the requirements of Local Design Policies, such as Policies DM4, and DM10 of the SADMP, and Government Design Policies, such as Sections 12 and 15 of the NPPF. In accordance with Paragraph 11(d) of the NPPF, it is requested that the appeal is dismissed because the benefits of this development do not outweigh the irreparable, significant adverse harm that the development has on the rural character of the site, and the surrounding area, and the intrinsic value and beauty of

the open character and landscape character of the countryside when assessed against the policies in the NPPF taken as a whole.

- 7.8 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions and reasons suggested below.

8. **CONDITIONS**

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:

- Block Plan, Roof Plan and Street Scene 11_2679_25 A (submitted: 17.01.2024).
- Existing Elevations 11_2679_24 (submitted: 17.01.2024).
- Proposed Floor Plans and Elevations 11_2679_26 (submitted: 17.01.2024).
- Site Location Plan (submitted: 17.01.2024).
- Topographical Survey 11_2679_19 (submitted: 17.01.2024).

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

3. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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 development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with David Granger drawing number 11.2679.A. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

5. The appeal site and building shall only be used for the Appellants' 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 and associated storage building no longer be required for the stabling of horses, the development hereby permitted shall be demolished and removed from the site, and the site shall be restored to grassland within 12 months of the stables no longer being required, 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 Appellants' horses. Should that use no longer be required then alternative uses are unacceptable and/or unlikely to be supported in the interests of the amenity of the character of the area in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). Although the level of traffic likely to be generated by stables is acceptable in highway safety terms, a more traffic-intensive livery within the site would be inappropriate due to the limitations of the vehicular access, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

9. APPENDICES

9.1 (See separate documents)

9.2 **Appendix A:** Agent Discussion of the Use of the Proposal (14 September 2023).