

Planning Committee 2nd December 2025
Report of the Assistant Director Planning and Regeneration

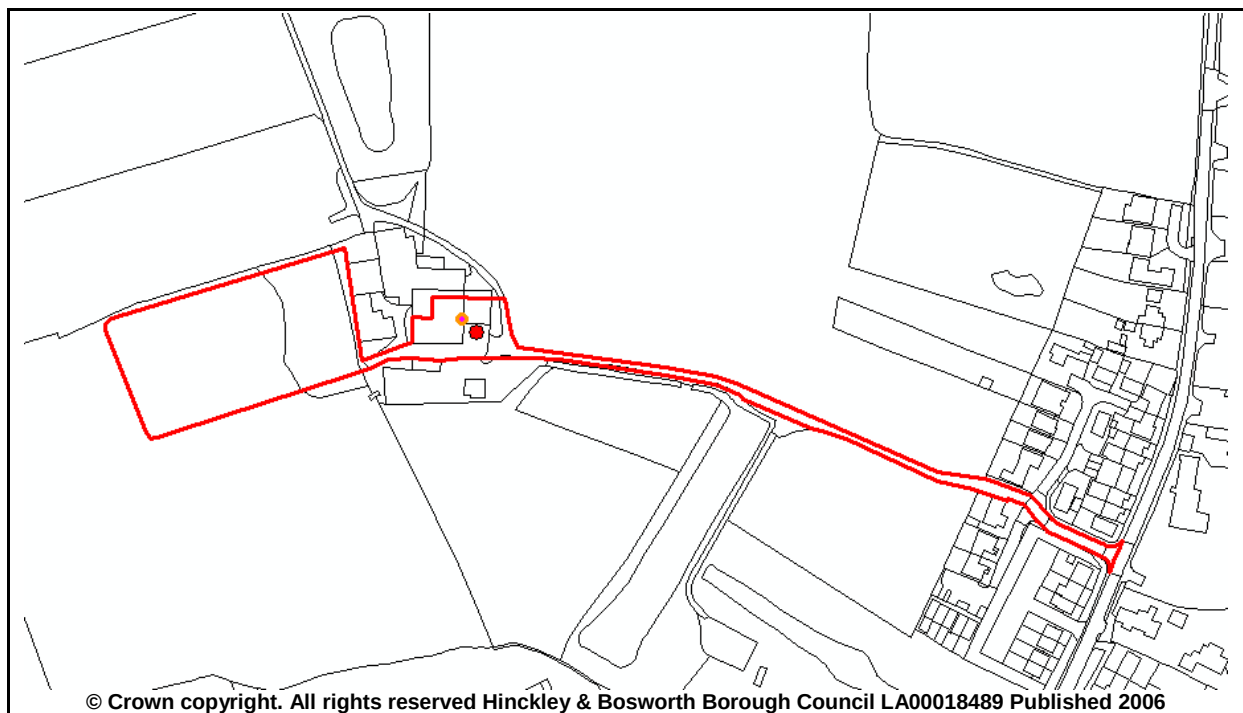
Planning Reference 25/00542/FUL
Applicant(s) Mr R Davies
Ward: Twycross & Witherley with Sheepy



Hinckley & Bosworth
Borough Council

Site Trout Ponds Farm, Twycross Road,
Sheepy Magna

Proposal Proposed change of use of existing livery buildings to storage and distribution (Use Class B8) and formation of hardstanding area for agricultural use



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report; and
- That the Head of Planning be given powers to determine the final detail of planning conditions; and
- Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted details.

2. Planning Application Description

- 2.1.** This planning application seeks full planning permission for the change of use of existing livery buildings to Use Class B uses (storage and distribution) in connection with the Applicant's arboricultural business at Trout Ponds Farm, Twycross Road,

Sheepy Magna (now referred to as 'Holly Lodge Farm') and the formation of 2,590sqm of hardstanding, 2,182sqm of which is associated with the existing agricultural use of the site. No external alterations are proposed to the existing structures.

- 2.2. The Planning Statement states that the Applicant operates a tree works and arboriculturist contracting business, which consists of carrying out works off-site and then storing the equipment at the site. Paragraph 3.1 of the Planning Statement confirms that the use of the building for a livery use is redundant.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the northwest of, and outside of, the identified settlement boundary of Sheepy Magna in the designated open countryside, including the Sheepy Magna and Surroundings Landscape Sensitivity Area and the Sence Lowlands Character Area. The site is wholly surrounded by open agricultural fields and the trout ponds, which are to the north, and southeast of the site. The trout ponds to the southeast of the site are identified as a local heritage asset.
- 3.2. The wider built form of Sheepy Magna is located to the east and south of the application site. The site is accessed via a 200m long private access track into Rodney Gardens and then Twycross Road to the east. The Sheepy Magna Playing Fields are located to the south of the site. Public Footpath T13 runs 113.8m to the south of the site in an east-to-west direction and 260m to the west of the site in a north-to-south direction.
- 3.3. The site itself comprises an existing agricultural building that was converted into a livery stable in 2002 and associated hard standing to the east and open agricultural fields to the west. The site forms part of the wider Holly Lodge Farm complex, which is not within the red line boundary of this application site. Holly Lodge Farm includes a farmhouse dwelling and a complex of a variety of agricultural buildings. The livery building forms part of this complex of agricultural buildings, which are all attached and form a 'u' shaped courtyard to the west of the livery building. The attached buildings to the north have recently received prior approval for their change of use into Use Class B8 uses via application 25/00495/P3CR. The structures on the opposite side of the courtyard to the west are disused and are in a severe state of disrepair.

4. Relevant Planning History

4.1 25/00495/P3CR

- Notification to determine if Prior Approval is required for the change of use of agricultural barns to storage and distribution (Class B8)
- Permitted
- 11.08.2025

4.2 02/00853/COU

- Change of use of agricultural building to livery stables with alterations
- Permitted
- 13.09.2002

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. A further round of consultation was undertaken following the submission of revised plans.
- 5.2 In total, public responses were received from eight separate addresses who objected to the development for a variety of reasons including noise and disturbance to neighbouring residential amenity, damage to the public highway, highway safety and increased traffic concerns via the existing access through Rodney Gardens, harm to the character of the area, child safety, and drainage concerns.
- 5.3 No further responses have been received.

6. Consultation

- 6.1 There have been no objections from the Hinckley and Bosworth Borough Council's Environmental Services Department (subject to conditions) and Drainage Department, or Leicestershire County Council as the Local Highway Authority (subject to conditions) or the Minerals and Waste Planning Authority.
- 6.2 Sheepy Parish Council did not object nor support the planning application, but the Parish Council requested that the operations within the site and the site access were not significantly further intensified to the extent that they are likely to have an adverse impact on the residents of Rodney Gardens and nearby highway safety.
- 6.3 The County Council's Ecology Department had a holding objection to the development subject to the Applicant demonstrating that the proposal meets the mandatory biodiversity net gain requirements.
- 6.4 The Applicant has since submitted a Preliminary Ecological Appraisal, and a Biodiversity Net Gain Assessment and an associated metric to overcome the Ecology Department's concerns. A response from the County Council to the Applicant's latest information was not received prior to the publication of the Committee Report. However, the Officer recommendation for the determination of this development is subject to Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted details.
- 6.5 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 12: Rural Villages

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 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S1: Countryside
- Policy S2: Public Rights of Way Network
- Policy S6: Water Management
- Policy S8: Design
- Policy S17: Rural Economy

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

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

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

Principle of Development

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

- 8.3 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, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Sheepy Parish Neighbourhood Plan (SPNP). 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 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.
- 8.6 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.
- 8.7 The scheme involves the change of use of an existing building and supports the diversification of a rural business. However, it has not been demonstrated that the proposal significantly contributes to the diversification of a rural business, nor that the development shall lead to the enhancement of the immediate setting.

- 8.8 Notwithstanding this, Policy S1 of the SPNP highlights that the development and diversification of agricultural and other land-based rural businesses, and employment development may be considered sustainable in countryside locations. In addition, Policy S17 of the SPNP confirms that small scale business and enterprise development through the conversion of existing buildings will be supported where it meets the requirements of Policies DM5 and DM20 of the SADMP, and the other policies of the SPNP.
- 8.9 Importantly, Policy DM4 of the SADMP 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 proposal is offered some support by Policy DM4 of the SADMP, and Policies S1 and S17 of the SPNP. As such, the acceptability of the principle of the development is 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 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.
- 8.12 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.
- 8.13 Policy S8 of the SPNP states that development proposals should respond positively to the character of the area and work with the scale, form, and character of the location to make a positive contribution to the street scene.
- 8.14 The development makes no amendments to the external appearance of the existing structure proposed for conversion. The existing building has previously had a commercial use as a livery stable and the wider site forms part of an established agricultural use. It is also noted that 974.1sqm of floor space within the wider agricultural complex has already received prior approval for its conversion into a Use Class B8 use.
- 8.15 As a result, the conversion of the existing livery stable into a commercial storage and distribution use is not considered to result in any significant adverse impacts to the character of the surrounding area in principle, nor result in any significant intensification in the use of the site.
- 8.16 Although a significant area of hardstanding is proposed for the existing agricultural use and the proposed Use Class B8 use, no structures are proposed within this area of the site, the hard standing is over 110m from any public views, and the development shall be viewed in the context of the existing agricultural buildings within the wider Holly Lodge Farm site.

- 8.17 It is considered that planning conditions can be also utilised to confirm the precise material of the hardstanding and to ensure that the proposed hard standing is utilised for the proposed uses as detailed within the submitted Parameters Plan to ensure a satisfactory form of development.
- 8.18 By virtue of these factors, the development is not considered to have a significant adverse effect on the designated open countryside in these site-specific circumstances. Therefore, the proposal is acceptable in accordance with Policies DM4 and DM10 of the SADMP and Policy S8 of the SPNP, subject to planning conditions.

Impact upon Residential Amenity

- 8.19 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.20 Policy S8 of the SPNP states that development proposals should show appropriate regard for the amenities of neighbouring properties including daylight, sunlight, air quality, noise pollution, and light pollution.
- 8.21 The scheme includes no amendments to the external appearance of the existing building. Therefore, the proposal is not considered to result in any material overlooking or overbearing impacts or any loss of privacy or loss of light to neighbouring residential amenity.
- 8.22 There is an existing dwelling within the wider Holly Lodge Farm site. Based on the Application Form and Paragraph 3.1 of the Planning, Design, and Access Statement, the Applicant lives in this property. Whilst a planning condition could tie the proposed use to the occupiers of this dwelling, in light of the existing commercial use of the wider site for equestrian and agricultural uses, and the recent prior approval for the conversion of other structures within the site into a Use Class B8 use, this is not considered to be reasonable or necessary in these site-specific circumstances.
- 8.23 The proposed Use Class B8 use is for the storage of equipment associated with the Applicant's arboricultural contracting business and the works associated with this business are predominantly offsite. Nevertheless, a Use Class B8 use is limited to commercial uses associated with storage and distribution. It is considered that a planning condition can be utilised to limit the working hours of the proposed use to prevent any noise and disturbance to neighbouring residential amenity at unsociable hours.
- 8.24 Whilst concerns have been raised by members of the public in relation to the development's potential noise and disturbance impacts on neighbouring residential amenity, it is noted that, beyond the existing dwelling within the wider site, there are no residential properties within 210m of the application site in any direction.
- 8.25 Furthermore, the existing site has an established commercial agricultural use, and the existing structure has previously been utilised as part of a commercial livery

stable, and neither of these uses are restricted by planning conditions in relation to their size and scale of operation. In addition, 974.1sqm of floor space within the wider agricultural complex has already received prior approval for its conversion into a Use Class B8 use.

- 8.26 Given the above, and subject to the use of planning conditions, it is not considered that the proposal results in any significant adverse impacts to neighbouring residential amenity as a result of light, noise, disturbance, or air pollution in comparison to the existing use of the site. This is supported by the fact that no objections have been received from the Council's Environmental Services Department.
- 8.27 By virtue of these factors, the proposal does not result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP and Policy S8 of the SPNP.

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. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.29 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.30 The site is accessed via an existing and unamended access onto Rodney Gardens. This access preceded the residential development that was constructed there in approximately 2017, and the site access has historically been utilised by large vehicles typically associated with farming and forestry operations such as tractors and trailers.
- 8.31 Given the above, Leicestershire County Council as the Local Highway Authority (LHA) have confirmed that the existing access arrangements are suitable for the proposed scale of development.
- 8.32 The LHA have reviewed its own Personal Injury Collision (PIC) data and identified three PICs within 500m of the site's access in the last five years. All three were classed as 'slight' in severity, only one of these involved a turning manoeuvre, and none of these PICs were in the immediate vicinity of the access where it joins Twycross Road.
- 8.33 Therefore, the LHA can find no patterns or trends and are of the opinion that there are no existing highway safety issues that are likely to be exacerbated by the proposals.
- 8.34 The Applicant has confirmed that the existing farm creates 68 two-way trips a day, with four arrivals and five departures within the AM and PM peak times. The Applicant

has also provided TRICS data based upon 455sqm of a Use Class B8 warehousing use, which demonstrated 29 two-way trips daily with one trip in each of the AM and PM peak times.

- 8.35 In light of the existing use of the site, which would generate trips in its own right, and the small scale of the proposed development, the LHA considered the scheme to be acceptable in these site-specific circumstances.
- 8.36 The Applicant has stated that no HGVs are required to visit the site for the proposed use, and the Proposed Site Plan includes eight off-street vehicle parking spaces that accord with the minimum dimensions detailed in Figure 44 of the LHDG.
- 8.37 The LHA have confirmed that this is acceptable. Whilst the LHA requested that the Applicant considered passing bays within the site, the County Council acknowledged that this a site management issue rather than a highway safety concern.
- 8.38 By virtue of these factors, the impacts of the development on highway safety are not considered to be unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not considered to be severe. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

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

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions detailed at the end of this report; and
- That the Head of Planning be given powers to determine the final detail of planning conditions; and
- Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted details.

11.2 Conditions and Reasons

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

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

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

- | | |
|--|-------------------------|
| • Existing Floor Plans (101A) | (submitted: 03.06.2025) |
| • Existing & Proposed E & W Elevations (102) | (submitted: 03.06.2025) |
| • Existing & Proposed N & S Elevations (103) | (submitted: 03.06.2025) |
| • Existing Site (100C) | (submitted: 18.08.2025) |
| • Location Plan (001D) | (submitted: 18.08.2025) |
| • Proposed Floor Plan (201A) | (submitted: 03.06.2025) |
| • Proposed Parameters Plan (210A) | (submitted: 18.08.2025) |
| • Proposed Site Plan (200D) | (submitted: 18.08.2025) |

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

3. Prior to the commencement of the hardstanding works hereby approved details of the proposed surfacing material shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

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

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan (200D) (submitted: 18.08.2025). Thereafter the onsite parking (and turning) provision shall be kept available for such uses 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 Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and with the National Planning Policy Framework (2024).

5. The development shall be carried out in full accordance with the recommendations for habitats, bats, and nesting birds as detailed in Table 4.1 in Section 4 (Potential Impacts and Recommendations) of the Preliminary Ecological Appraisal (submitted: 12.11.2025).

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

6. The development hereby permitted shall not be used other than for purposes falling within agricultural use and Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and in strict accordance with the Proposed Parameters Plan (210A) (submitted: 18.08.2025).

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

7. The use hereby approved shall be restricted to the following operating hours:

Monday to Friday 08:00 – 18:00
No working on weekends and bank holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory propositi test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
5. All businesses have a duty of care to ensure that any waste is handled safely and within the law. Please ensure that there is adequate space on the property to store the waste containers for the business.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/ waste is commercial waste. For this reason, it has to be legally discarded in a certain way via a trade waste service or transfer service and cannot be disposed of through the residential service. Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.

Businesses should arrange their own business/ trade waste collection service. If you give your waste to someone else, you must be sure that they are authorised to take it, transport it, and recycle or dispose of it safely.