



# PLANNING, DESIGN AND ACCESS STATEMENT

## Site Address:

Crown Farm  
Bagworth Road  
Nailstone  
Leicestershire  
CV13 0QL

Prepared for: Mr R Higgott

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# Introduction

**EASTING:** 442788

**NORTHING:** 307566

**CURRENT USE:** Sui Generis (Agricultural)

**AUTHORITY:** Hinckley and Bosworth

## SITE ADDRESS

**Crown Farm, Bagworth Road, Nailstone, Leicestershire, CV13 0QL**

\_\_\_\_\_ This statement supports a full planning application for the change use of six agricultural buildings to storage and distribution (Class B8).

The purpose of this statement is to review the prevailing planning policies and other material considerations that are relevant to the determination of the planning application and to present a case for the granting of planning permission.

The site is located off Bagworth Road, between the Hinterland Villages of Brome and Oakley and within the open countryside. The site comprises seven agricultural buildings with six being proposed for change of use. The six buildings proposed for the change of use have a total floorspace 2,581m<sup>2</sup>.

Crown Farm is currently a mixed arable and cattle operation, with 108 acres of arable land surrounding the farmhouse owned by the applicant and a further 225 acres of grazing on licence at Theddingworth in the Welland Valley.

The site is accessed from the B585 Bagworth Road which is subject to the national speed limit (60mph). The village of Nailstone lies approximately 0.5 miles to the west. A public bridleway and Nailstone Wood lie to the north of the application site. There is a further public footpath to the south of Crown Farm (Ivanhoe Way).

## Planning History

|                                                                      |           |            |
|----------------------------------------------------------------------|-----------|------------|
| 20/01290/FUL                                                         | Withdrawn | 19/04/2021 |
| Change of Use to Storage (Class B8)                                  |           |            |
| 21/00664/FUL                                                         | Withdrawn | 21/03/2022 |
| Proposed Change of Use from Agricultural to Storage and Distribution |           |            |



# Proposal



\_\_\_\_\_ This statement supports a full planning application for the change use of five agricultural buildings to storage and distribution (Class B8).

The application proposes the change of use of modern farm buildings to storage and distribution (use class B8); No additional built development is proposed.

The proposal maintains the existing northern boundary hedge and includes supplementary planting, with a native planting area in the north-western corner as part of the National Forest initiative. Additionally, the plans illustrate a range of new boundary hedge screening.

The proposal outlines enhancements to the access, including widening and hard surfacing, as well as moving the current gates 30 metres away from the highway. The site layout offers 22 car parking spaces, featuring four electric charging stations, a space for storing six cycles, and designated areas for HGV parking and unloading.





# Policy

Hinckley & Bosworth  
Borough Council

\_\_\_\_\_ This section sets out the relevant local and national planning policies.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states *"if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. The development plan for this proposal consists of Hinckley & Bosworth's Core Strategy (2009) and Site Allocations and Development Management (2016).

## CORE STRATEGY 2009 – (CS)

### Policy 12 – Rural Villages

Policy 12 states Nailstone is classed as a rural village, allowing only particular development.

### Policy 21 – National Forest

Policy 21 aims to support proposals which contribute to the delivery of the National Forest Strategy; ensuring the setting and character of the countryside and forest is protected.

## SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT – 2016 (SADMP)

### Policy DM1 – Presumption in Favour of Sustainable Development

Policy DM1 employs a presumption in favour of sustainable, looking to approve applications that accord with The Local Plan without delay, unless material considerations indicate otherwise.

### Policy DM4 – Safeguarding the Countryside and Settlement Separation

Policy DM4 aims to protect the open, intrinsic character of the countryside, considering development sustainable where there is a clear contribution to economic growth, job creation and/or diversification of rural business; also supporting proposals which involve the change of use of existing buildings which enhances the immediate setting.

#### Policy DM6 – Biodiversity and Geological Interest

Policy DM6 states development proposals must demonstrate how they conserve and enhance natural features and geological value.

#### Policy DM7 – Preventing Pollution and Flooding

Policy DM7 focuses on preventing pollution and protecting development from flooding. It requires development proposals to ensure no adverse impacts on water quality, ecological value, and drainage function, and implement containment solutions for pollutants.

#### Policy DM10 – Development and Design

Policy DM10 outlines the conditions for design; it requires that developments do not significantly affect nearby residents' privacy and amenity, while enhancing the character of the area and utilizing compatible building materials. The policy also emphasizes energy conservation, landscaping, sustainable drainage, and safety measures.

#### Policy DM15 – Redundant Rural Buildings

Policy DM15 supports development outside settlement boundaries for repurposing abandoned rural buildings, provided the applicant proves the building's non-viability, structural integrity for conversion and proportionate alterations. The policy also emphasises that such development must improve the immediate setting.

#### Policy DM17 – Highways and Transportation

Policy DM17 relates to highways and transportation in development proposals. It supports developments that ensure highway safety, minimize the need for travel, and mitigate adverse transport impacts.

#### Policy DM18 – Vehicle Parking Standards

Policy DM18 pertains to vehicle parking standards in new developments. It mandates an appropriate level of parking based on site location, available transport modes, and design.

#### Policy DM20 – Provision of Employment Sites

Policy DM20 states, outside the settlement boundaries, the creation of new B2 and B8 employment sites are permissible only if no suitable alternatives are identified within settlement boundaries, on previously developed land, adjacent to existing employment areas, or adjacent to settlement boundaries.

## NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

### Paragraph 2

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

### Paragraph 38

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Paragraph 47

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

### Paragraph 84

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

### Paragraph 85

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and

exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

#### Paragraph 111

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Paragraph 130

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

#### Paragraph 174

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

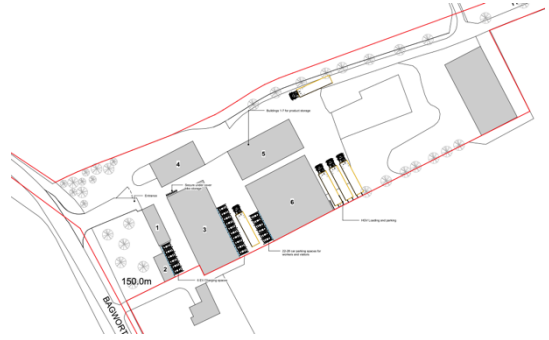
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

#### Paragraph 179

To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>62</sup>; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity

# » Planning Justification



\_\_\_\_\_ This section assesses the proposal against relevant planning policies and other material considerations.

## Principle of Development

The proposal site was subject of a previous application under reference 21/00664/FUL. The earlier application, virtually identical to the current submission, also sought to change the use of the same six agricultural buildings to a B8 use class.

The application was recommended for approval by officers. Subsequently, during the Hinckley & Bosworth Planning Committee on 16<sup>th</sup> November 2021, members resolved to approve the application subject to the completion of a Section 106 agreement.

Due to the intended occupier failing to conclude on an agreed deal to purchase the land, the application was withdrawn prior to the Section 106 agreement being completed.

As such, whilst the permission was not formally granted, a proposal synonymous to this application was scrutinised by officers and committee members and was found to be acceptable in all respects, subject to conditions and Section 106.

Consequently, since this application follows the same strategy as regards the proposed change of use, landscaping, and access, the proposals must be viewed favourably. Whilst the permission was not granted in 2021, the recommendation for approval and subsequent committee resolution is a material consideration in the context of this application.

Regarding planning policy, the site is in the open countryside, beyond the settlement boundary of Nailstone. As per Policy DM20 of the SADMP, establishing employment sites in such locations is only acceptable if no alternative suitable sites can be found within settlement boundaries, on previously developed land, or land adjoining existing employment areas or settlement boundaries. Consequently, this proposal is not supported by Policy DM20.

However, Policy DM15 of the SADMP allows for the re-use and/or adaptation of redundant rural buildings outside settlement boundaries, provided the building is no longer viable in its current use, it is structurally sound and capable of conversion and any proposed extensions are proportionate to the size, scale, mass, and footprint of the original building and is situated within the original curtilage. All development proposals for the re-use of rural buildings should result in an enhancement of its setting.

Policy DM4 of the SADMP seeks to protect the open countryside and safeguard it from unsustainable development. The Policy goes on to specify certain types of development that are deemed to be sustainable. Criterion 'b' and 'c' are applicable to this proposal.

Criterion 'b' states proposals involving ***"the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting"*** will be considered sustainable.

Criterion 'c' states that development will be considered sustainable where ***"it significantly contributes to economic growth, job creation and/or diversification of rural businesses."***

Currently, Crown Farm is a functioning farm. However, due to ill health, the landowner plans to retire, and there is no family available to continue the farming operation.

Due to the size of the holding at Crown Farm, being 108 acres, it is unlikely to be viable as a standalone modern agricultural unit. Whilst there has been some interest in the land from neighbouring farms to improve the viability of their own holdings, there is little benefit for them in obtaining additional remote buildings. The buildings will therefore become redundant unless a suitable alternative use is established.

The proposal represents the diversification of a soon-to-be redundant rural business, contributing to economic growth and job creation.

As evidenced by the planning history, the buildings are relatively new, in good condition, and suitable for reuse. The proposal does not include any extensions or additional buildings; instead, it enhances the surroundings through additional landscaping, featuring 260m<sup>2</sup> of native planting near the road.

The proposal therefore complies with Policy DM4 and DM15.

Paragraph 84 of the NPPF indicates that the rural economy can be supported by the growth of business in rural areas through conversion of existing buildings and the development and diversification of agricultural businesses. It advises that planning authorities should recognise that for sites to meet local business needs in rural areas they may have to be found beyond existing settlements and in locations that are not well served by public transport. Such developments should ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.

Concluding on the principle of development, the planning officer dealing with 21/00664/FUL provided:

***"Taking into consideration these policies and advice in the NPPF, there are no in principle objections to the re-use of the buildings at Crown Farm for B8 purposes, subject to an enhancement of the setting and consideration of detailed impacts as a result of the development, such as the visual impact on the countryside and the impact on highway safety."***

### Impact Upon the Character and Appearance of the Area

Policy DM10 indicates that development will be permitted providing it meets good standards of design, complementing and enhancing the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

Policy 21 of the Core Strategy states that within the National Forest, new developments will be required to reflect the Forest context in their accompanying landscape proposals.

Policy DM4 of the SADMP states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development. Suitable development is subject to the enhancement of the setting, provided it does not have a significant adverse effect or does not undermine the physical and perceived separation and open character between settlements.

The site lies wholly within the Charnwood Fringe Settled Forest Hills Landscape Character Area; described as rolling land with plateaus, characterised by linear villages and scattered farms with predominantly arable land. Hedgerows and scattered trees enclose fields.

There are no proposed changes to the physical infrastructure of the farm.

No landscape features such as trees or hedgerows will be affected. The northern hedgerow will be retained and enhanced. This, together with planting on the southern and western boundaries, will provide screening, softening views of the development and enhancing visual amenity.

Regarding this matter, and noting that the landscape mitigation proposed is identical to that in 21/00664/FUL, the officer concluded:

***"There would be no implications on the physical or perceived separation and open character between settlements as a result of the change of use of the existing buildings and there would be enhancements to its setting as a result of new planting, including views from the nearby public rights of way. Some of the proposed planting to link the site with Nailstone Wood and provide screening from the bridleway is outside the application site and would therefore require a Section 106 Agreement to secure it. However, the landscaping of the application site itself, including tree planting to the front of the buildings and the 260sqm new native planting can be secured through a condition of any permission granted.***

***The proposal is therefore considered to comply with the requirements of Policies DM4 and DM10 of the SADMP and Policy 21 of the Core Strategy and would not have an adverse impact on the character and appearance of the area."***

## Ecology

Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

The existing buildings are not suitable habitat for protected species such as bats. The establishment of wildlife aids such as bird and bat boxes can be secured by condition, where practical, to aid nature conservation and biodiversity.

The retention and enhancement of existing ecological features along with planting of new trees, hedgerows and shrubs ensures boundaries are strengthened, wildlife corridors are enhanced, and the overall landscape value of the site is increased.

The proposal therefore complies with Policy DM6 of the SADMP.

### Impact on Residential Amenity

Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

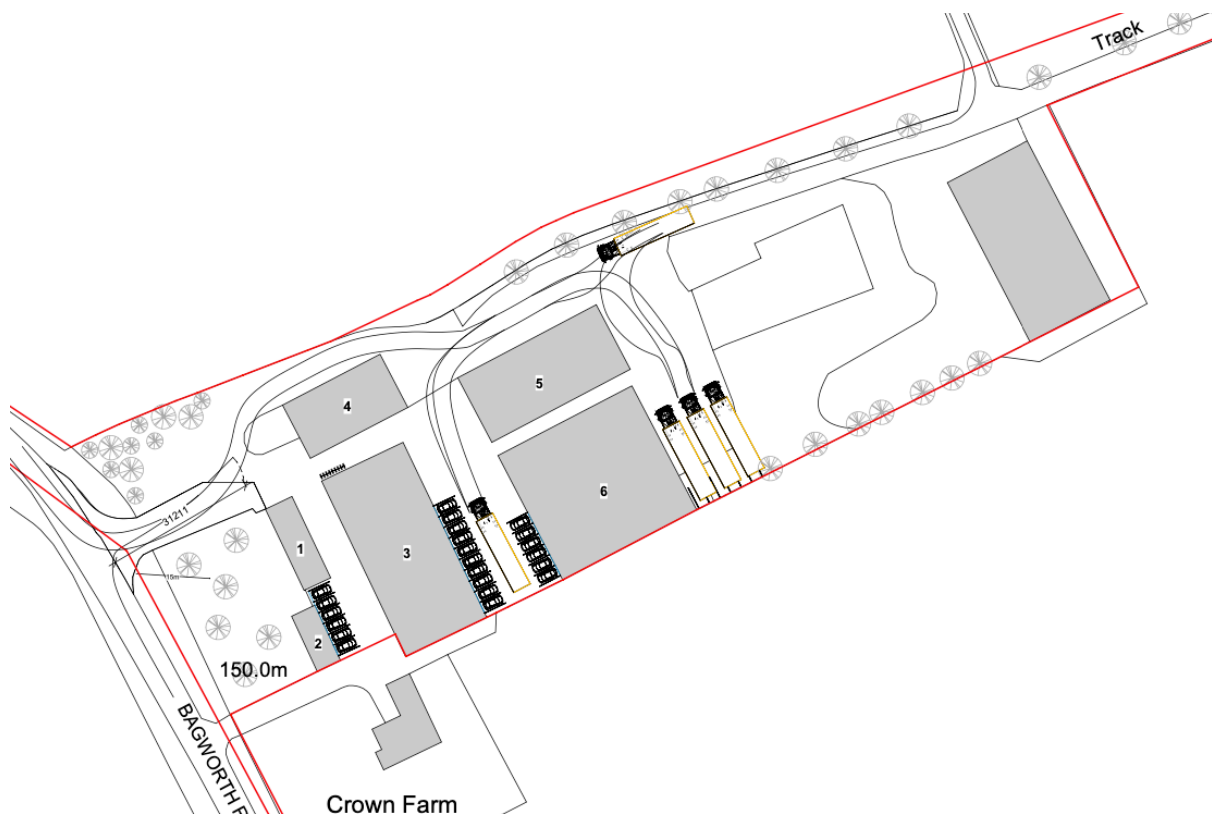
There are no non-ancillary dwellings in the immediate area and Nailstone village is approximately 0.5 miles away. There will be no direct impact on neighbouring residential amenity in terms of loss of light, privacy, noise and odour as a result of the development of a B8 use at Crown Farm.

The proposal therefore complies with Policy DM10 of the SADMP in terms of its impact on neighbouring residential amenity.

### Highways

Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.

The site is located on Bagworth Road, which has a national speed limit of 60mph. Visibility splays of 2.4m x 156m to the left and 2.4m x 213m to the right are achievable and can be secured by condition.



The site entrance will be expanded to 7.3 metres, accompanied by the installation of a hard-bound surface and the repositioning of the existing gates to 30 metres from the main road. These modifications will enable large vehicles, including HGVs, to pull off the highway safely.

The proposed site layout offers adequate parking and hard standing areas to accommodate the expected type and volume of traffic that would be generated.

21/00664/FUL received the following final consultation response from the Local Highways Authority:

***"The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report."***

The proposed mitigation is identical to that previously proposed. The proposal is therefore demonstrably compliant with Policy DM17 and DM18 of the SADMP and paragraph 111 of the NPPF.

### Flood Risk and Pollution

The site is within Flood Zone 1, the lowest risk of flooding.

A B8 use is unlikely to result in excessive noise or pollution because of industrial processes, particularly when contrasted with the existing use.

The lighting proposals for the development will incorporate luminaires with full horizontal cut-off shields to reduce light spill and the brightening of the night sky, thus reducing night-time visual intrusion. The inclusion of security lights will be strictly controlled to reduce light pollution to the surrounding residential areas and interference with roosting birds and bats in adjacent mature trees.

21/00664/FUL received no objection from HBBC Environmental Services.

The proposal would not have an adverse impact on flooding or pollution risk and so complies with Policy DM7 of the SADMP.

### Planning Balance

The site is located outside any settlement boundary and within the open countryside.

The proposal is not supported by Policy DM20 of the SADMP; however, it is for a change of use of redundant agricultural buildings. Policy DM4 of the SADMP provides that developments of this nature are considered to be sustainable. Furthermore, Policy DM15 of the SADMP also supports the re-use of redundant rural buildings and therefore the principle of the proposed change of use is acceptable.

The proposal would result in an overall enhancement of landscape character, with increased screening and softening some views of the site with new planting.

The proposal also improves the biodiversity on and around the site, enhancing wildlife corridors and proposing the installation of wildlife aids.

The proposed layout, changes to access and resultant impact on the local highway network are considered acceptable.

The site is within Flood Zone 1 and the proposals will not result in excessive noise or pollution.

The application is in every way identical to the previously withdrawn application 21/00664/FUL. Before its withdrawal, both the officers and the members of the Planning Committee had concluded that:

***"The proposal complies with Policies DM1, DM4, DM6, DM7, DM10, DM15, DM17 and DM18 of the Site Allocations and Development Management Policies DPD (2016) and advice within the NPPF."***

There has been no material change in circumstances since the previous decision. The application has been assessed against the development plan and been found to accord to the plan when read as a whole. There are no material considerations that justify taking a decision that is not in accordance with the development plan.

Accordingly, the application should be approved.