

Delegated Report

Planning Ref: 26/00306/FUL

Applicant: Trivett

Ward: Twycross, Sheepy & Witherley

Site: Drayton Barn Farm, Chapel Lane, Witherley



Hinckley & Bosworth
Borough Council

Proposal: Erection of boarding kennels, solar panels and associated works

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for the erection of boarding kennels, solar panels and associated works. The kennel building itself comprises of two-dog and single dog kennels, and a kitchen area, for safe storage and preparation of the dogs food and medication. Then main kennel block building comprises of a footprint of 126.6m². There is an adjacent covered area on site for the dogs to exercise.

3. Description of the site and surrounding area

- 3.1. Witherley Boarding Kennels and Cattery is located on the southern side of Drayton Barn Farm, which operates as a mixed arable and livestock farmstead. The site is located outside of the defined settlement boundary and is therefore located in the countryside. The closest residential dwelling, not within control of the applicant, is approximately 250m to the south and 444m to the northeast.
- 3.2. The development is located within Flood Zone 1 and is not located in a designated conservation area nor in the setting of a listed building.

4. Relevant planning history

16/00799/FUL

Erection of agricultural building (Cattle Shed)
Planning permission
04.11.2016

00/01009/GDO

Extension to agricultural store
09.11.2000
General Development Order

00/00161/FUL

Erection of kennels
Planning permission
27.04.2000

97/00349/FUL

Erection of single storey building to provide cat boarding accommodation
Planning permission
19.05.1997

95/00924/FUL

Erection of kennels and enclosures for stray dogs
Planning permission
29.01.1996

93/01064/FUL

Additional boarding kennels
Planning permission
02.02.1994

5. Publicity

- 5.1. Neighbours were notified of the application via letter, and a site notice was placed within the vicinity of the site.
- 5.2. No comments were received.

6. Consultation

- 6.1. Witherley Parish Council
- 6.2. No comments were received.
- 6.3. Leicestershire County Council (LCC) Highways
- 6.4. No objections.
- 6.5. Leicestershire County Council (LCC) Ecology:
- 6.6. No objections subject to conditions included at the end of this report.
- 6.7. Hinckley & Bosworth Borough Council (HBBC) Environmental Health
- 6.8. No objections.
- 6.9. Hinckley & Bosworth Borough Council (HBBC) Drainage
- 6.10. Notes to applicant have been recommended by HBBC Drainage, and have been included at the end of this report.
- 6.11. Hinckley & Bosworth Borough Council (HBBC) Waste
- 6.12. No comments received.
- 6.13. National Grid
- 6.14. No comments received.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (SADMP) (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (GDG) (2019)
- National Design Guide (2019)

8. Appraisal

8.1. The application site is located within the countryside outside of any defined settlement boundary. The key issues in respect of this application therefore are:

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage and flood risk
- Ecology and biodiversity net gain
- Planning balance

Principle of development

8.2. Paragraph 3 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 national decision making policies within the NPPF are material planning considerations in planning decisions.

8.3. Paragraph 15 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 17 of the NPPF. Therefore, in accordance with Chapter 4 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4. Policy S3 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. It also states that Policy S5 should be applied for developments outside of the settlement boundary.

8.5. With regards to the Development Plan, the site lies outside of the settlement boundary within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes, 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; or It relates to the provision of accommodation for a rural worker
- 8.6. The development is considered to be in line with Policy DM4(c) in which the development would contribute to the further diversification of a rural business. The development site is now a mixed use site, with arable farming still existing alongside a kennels and cattery business, which is not an uncommon use within rural settings.
- 8.7. Policy S5 of the NPPF also states only certain forms of development should be approved outside settlements, the types of development acceptable are set out in a list. Applicable development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. The only applicable form of development listed in Policy S5 is:
 - b) development for rural businesses and services, including tourism, where a location outside settlements is shown to be necessary;
- 8.8. The development would be reasonably necessary to be located within the proposed location, given the existing kennel business operation and a diversification of the wider farmstead. The development by its nature does generate noise and is best suited to be located outside of settlement boundaries where there is less likely to be impacts on residential amenity through noise disturbance.
- 8.9. Policy DM2 of the SADMP also confirms that planning applications for the development of renewable energy and low carbon domestic installations at the domestic, community and commercial scales will be supported where, all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape noise and visual and cumulative impacts.
- 8.10. It is considered that the proposal provides an extension to the existing dog boarding kennel business and supports rural diversification through the proposal. As such the development is considered to be acceptable in principle and in accordance with Policy DM4 of the SADMP, and Policy S5 of the NPPF (2026).

Design and impact upon the character of the area

- 8.11. Policy DM2 of the SADMP also confirms that planning applications for the development of renewable energy and low carbon domestic installations at the domestic, community and commercial scales will be supported where, all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape noise and visual and cumulative impacts.
- 8.12. Policy DM4 of the SADMP confirms that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.13. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.

- 8.14. Policy DP3 of the NPPF (2026) states that development proposals should respond to their context, so that they integrate with and enhance their surroundings. Policy DP3 (a-g) outlines the principles of which should be adhered to within development proposals.
- 8.15. The development is for a kennel block, adjacent to two existing and lawful kennel blocks. The design of the block matches that of the existing two kennels, and as such would not look out of character within its surrounding and retain the same pattern of built form within this area of the development site.
- 8.16. As part of the development additional hedgerow planting has been included to reduce and perceived impact on the countryside – it is also considered that through the design of the building, the kennels would appear agricultural in nature and would not be detrimental to the rural vernacular of the site.
- 8.17. The proposed solar panels measure approx. 3.15m in height and will be located south of the existing kennels blocks, behind an existing area of mature hedgerow and planting. The development would not be considered to be highly visible from public vantage points and as such would have no impact on the character of the area.
- 8.18. The development therefore is considered to be acceptable and would have no impact on the character of the area, the development is in accordance with Policy DM4 and DM10 of the SADMP and Policy DP3 of the NPPF (2026).

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the SADMP confirms the requirements of which permitted developments must achieve. DM10 (a) and (b) confirm that any development must not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.20. HBBC Environmental Health were consulted as part of this proposal and have confirmed that they have no objection to the application.
- 8.21. The development is located adjacent to 2no. existing kennels, and located within the wider setting of an agricultural and existing farmstead. The closest dwelling to the site is located within the farmstead, and when considering the existing noise generated from the existing kennels and wider site, it is not considered that the additional of the proposed kennel block would exacerbate noise impacts to an unacceptable level. The development by its very scale and location would give no detrimental impacts on neighbouring residential amenity.
- 8.22. Overall, it is considered that the proposal would have no impact on residential amenity, causing no detrimental impacts on loss of light, loss of privacy, overbearing or noise impacts. As such, the proposal is considered in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.23. Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.

- 8.24. 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.
- 8.25. Policy TR3 of the NPPF (2026) confirms that development should be located in sustainable locations, and stipulations are set out within section a-e of what needs to be included and mitigated as part of proposals.
- 8.26. LCC Highways have confirmed as part of the consultation response that the site access is considered to be suitable for the proposed development and that the LHA has no pre-existing highway safety concerns in relation to the site. The LHA did identify that as part of the proposal, the development could generate up to 34 additional trips per day, however, this is not considered to have a severe impact on the highway in their view.
- 8.27. The LHA confirmed they are satisfied with the level of off-street parking for both staff and customers.
- 8.28. The proposal therefore complies with Policies DM17 and DM18 of the SADMP, and Policy TR3 of the NPPF (2026).

Drainage and flood risk

- 8.29. Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.30. The development site is located with Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.
- 8.31. HBBC Drainage have provided a note to applicant which is included within this report. The proposal is considered to be in general accordance with Policy DM7 of the adopted SADMP.

Ecology and biodiversity net gain

- 8.32. Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 8.33. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.34. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
 - a. The need and benefits of the development in that location clearly
 - b. It has been adequately demonstrated that the irreplaceable habitat
 - c. Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.

- 8.35. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.36. LCC Ecology have been consulted as part of this application and have confirmed that following the submission of additional information throughout the application process, they are now satisfied that the development proposal is acceptable subject to planning conditions included at the end of this report. The planning conditions relate directly to a Construction and Environmental Management Plan (Biodiversity), lighting regarding bats, a Habitat Monitoring and Management Plan and a note to applicant regarding nesting birds.
- 8.37. The proposal is therefore considered to be in accordance with Policy DM6 of the SADMP.

Conclusions

- 8.38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.39. Annex A of the NPPF confirms that the policies within the framework are material considerations which must be taken in account in decision-making. It goes on within section 2 to state that development plan policies which are materially inconsistent with national decision-making policies should be given very limited weight, except where they have been examined and adopted against the updated framework (2026). Other development plan policies should be given reduced weight simply because they were adopted prior to the publication of this framework.
- 8.40. The proposal demonstrates the diversification of a rural business, and as such would be in accordance with Policy DM4 of the SADMP. The development is located outside of the settlement boundary but is compliant with NPPF Policy S5 (d).
- 8.41. The development is of an acceptable design and relates well to the wider context of the site, and as such would be in accordance with Policy DM10 of the SADMP and Policy DP3 of the NPPF.
- 8.42. The development proposes one additional boarding kennel, which would have some minor economic benefit during construction and through business rates.
- 8.43. There are no known harms arisen from this development, and the development is wholly compliant with Policies DM2, DM4, DM6, DM7, DM10, DM17 and DM18 of the SADMP, and Policies S5 and DP3 of the NPPF (2026), and as such should be recommended for approval.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

10. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

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

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

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

- Proposed Elevations and Floor Plans, Drg No.ALS102 - PP01
- Proposed BNG Site Plan, Drg No.ALS102 - BG01
- Proposed Site Plan, Drg No.ALS102 - SP01

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 materials to be used on the hereby approved development shall match that described within the submitted Application Form.

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. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- A. Identification of potentially damaging construction activities on retained habitats:

- B. practical measures and sensitive working practices to avoid or reduce impacts during construction on amphibians, badgers, birds, reptiles, and hedgehogs
- C. timing of works to avoid harm to nesting birds
- D. responsible persons for overseeing sensitive works
- E. use of protective fencing where required to safeguard hedges, trees.

The approved CEMP shall be adhered to and implemented throughout the construction period of each phase, unless otherwise agreed in writing by the LPA.

Reason: To protect biodiversity during construction of the development, in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the National Planning Policy Framework 2026 and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

5. No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

Reason: To ensure that the development is in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

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

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

Reason: To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

11.3 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e. soakaways, previous paving, filter drains, swales, etc, and the minimisation of paved area, subject to satisfactory porosity 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. Any proposed access drives, parking and turning area, 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 Environmental Agency guidance on the permeable surfacing of front gardens).
3. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.