

Delegated Report

Planning Ref: 26/00556/FUL

Applicant: G Bevin

Ward: Newbold Verdon, with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land Off Archers Lane, Archers Lane, Peckleton

Proposal: Change of use of existing agricultural shed to mixed agricultural and leisure use associated with the dog walking paddock, including customer welfare facilities, foul water drainage and septic tank

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 change of use of an existing agricultural shed located within the site to a mixed agricultural and leisure use, associated with the dog walking paddock, including customer welfare facilities, foul water drainage and septic tank.

2.2. The proposed facilities included:

- A covered viewing area for customers;
- A sheltered waiting area during periods of adverse weather;
- Customer toilet facilities;
- Welfare facilities associated with the operation of the approved dog park.

3. Description of the site and surrounding area

3.1. The site is located off Archers Lane, Peckleton which is approximately 2.1 miles from Desford and 4.0 miles from the market town of Earl Shilton. The site is within a countryside location. The land parcel is on a local dog walking route. The site is bound by hedgerows.

3.2. The site is surrounded by farmland on all sides. The nearest residential properties are 250 metres to the south in Peckleton Village and are separated from the site by open fields.

3.3. The applicant had previously used the land to produce free range broilers but had to stop due to the rising cost of production. The chickens were kept in movable hutches that rotated round the fields. The dog paddock was a diversification away from this agricultural use in order to bring an income to the applicant given the rising cost and difficulties the broiler industry is facing.

4. Relevant planning history

26/00477/AGDO

Notification to determine if prior approval is required for a new hardstanding to facilitate the movement of agricultural vehicles and machinery

GDO	Prior	Approval	Refused
23/06/2026			

24/01081/CONDIT

Application to vary condition 6 on planning permission 22/01229/FUL, amendment to opening hours
Planning permission
19/02/2025

24/00227/DISCON

Application to discharge C7 (Landscaping), C8 (Waste), attached to planning permission 22/01229/FUL
Discharged
03/04/2024

22/01229/FUL

Proposed change of use from agricultural to a secure dog walking paddock with associated fence and parking
Planning permission
10/11/2023

5. Publicity

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

6. Consultation

- 6.1. Kirkby Mallory, Peckleton and Stapleton Parish Council
- 6.2. No comments were received.
- 6.3. Hinckley & Bosworth Borough Council (HBBC) Environmental Health
- 6.4. No objections.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (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
- 7.2. 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 accordance with Policy DM4 (b-c), as the development utilises the partial change of use of the building on site, and results in the diversification of a rural business delivering improved facilities for the dog walking business.

- 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 forms 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;

c) The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces;

- 8.8. The development includes a minor change of use within an existing building, in relation to the existing dog walking business on the site. The proposal is therefore considered to be acceptable in principle and in accordance with Policy DM4 of the SAMDP and Policy S5 of the NPPF.

Design and impact upon the character of the area

- 8.9. 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.
- 8.10. 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.
- 8.11. Policy DP3 of the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.
- 8.12. The key visual alterations to the site include the amended to the north elevation of the existing unit on site. This includes removing a small section of breeze block wall and timber render. This section of the site is not visible from public vantage points owing to the orientation of the buildings and significant mature boundary treatments located on all borders of the site.
- 8.13. The septic tank is proposed to be located east of the existing building on site, and owing to the nature of the development, this would have a negligible impact on the character of the area and countryside.
- 8.14. It is considered that the development, by nature of the change of use, would have no detrimental impact on the character of the area, nor the intrinsic value and beauty of the open countryside. As such the proposal is considered in accordance with Policies DM4 and DM10 of the adopted SADMP, and Policy DP3 of the SADMP.

Impact upon neighbouring residential amenity

- 8.15. 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.
- 8.16. The nearest property is over 200 metres away on Main Street, Peckleton, with significant and well established boundary treatments located between these residential dwellings and the development site.
- 8.17. The proposal does not create any significant changes to the existing approved dog walking facility on site, and the inclusion of the proposed facilities alongside the septic tank are not considered to have any impact on neighbouring residential amenity. HBBC Environmental Health have been consulted as part of this application and have also confirmed they have no objection to the scheme.
- 8.18. 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

- 8.19. 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.
- 8.20. 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.
- 8.21. The development does not propose any increase in customers visiting the site, and by way of the development, it is not anticipated that this would lead to an increase in trips to the site. The development does not impede on the existing off-street car parking provision, and as such there would be no impact on highways or parking provision.
- 8.22. The proposal therefore complies with Policies DM17 and DM18 of the SADMP.

Drainage and flood risk

- 8.23. Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.24. 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.
- 8.25. The proposal is considered to be in general accordance with Policy DM7 of the adopted SADMP.

Ecology and biodiversity net gain

- 8.26. 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.
- 8.27. 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.
- 8.28. 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.
- 8.29. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.30. No ecological impacts are anticipated as part of this proposal, with the main alteration to the agricultural building being a larger opening to allow for a covered viewing area. The site is also exempt from mandatory biodiversity net gain due to the de minimis exemption.
- 8.31. The proposal is therefore considered to be in accordance with Policy DM6 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.

10. Conclusion

- 10.1 The development is located outside of the defined settlement boundary. However it is considered to be in accordance with Policy DM4 and DM10 of the SADMP given the change of use of an agricultural building for the purposes of further diversification of a rural business, and its limited impact on design and the character of the area. And the development is also considered to be in accordance with Policy S5 of the NPPF, being a development for a rural business, which by its very nature, is required to be located outside of the settlement boundary.
- 10.2 There are no known detrimental impacts on the development and the development does not cause detrimental impacts to the character of the countryside, neighbouring amenity nor highways safety.
- 10.3 Overall, it is considered that the benefits of the proposal demonstrably and significantly outweigh any harm.
- 10.4 By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM4, DM6, DM7, DM10, DM17 and DM18, of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026). The proposal can therefore be supported.

11. 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:

- Site Location Plan Drg No. 2609-A-00-PL-(10)010
- Proposed Site Plan Drg No. 2609-A-00-PL-(10)-111 Rev A
- Proposed Plans and Elevations Drg No. 2609-A-00-EL-(23)-101 Rev A

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).

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.