

Delegated Report

Planning Ref: 24/00213/FUL

Applicant: Mr Ian Fenny (Davidson Equestrian)

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Inglenook Farm, Leicester Road, Barwell, Leicestershire

Proposal: Retention of timber stables

1. Recommendations

1.1. 1.1 Grant retrospective planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks retrospective planning permission to retain 11 timber stables. There is no planning history or permission for the stables. The stables are in a courtyard arrangement and measure 2.3m at the eaves, 2.8m at the ridge, 18.5m in width and a maximum 20m in length/depth. The proposed external materials consist of timber boarding and roofing, and the stables have been constructed in a traditional style.

3. Description of the site and surrounding area

- 3.1 The application site lies adjacent to Leicester Road to the south east of Barwell less than a kilometre from the centre of the village. The site lies in a predominantly rural area characterised by agricultural and leisure uses. The wider Inglenook Farm site comprises a series of agricultural buildings, an existing house and an equestrian use. The site falls within the countryside and within the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, to the southeast of Barwell, south west of Earl Shilton and directly north of the A47.

4. Relevant planning history

23/00131/FUL	Proposed replacement and extension of existing barns and erection of new detached barn	Permission – 06.04.2023
08/01170/FUL	Retention of horse exerciser	Permission - 20.03.2009
08/00807/FUL	Proposed new stable and retention of existing stable	Permission – 05.01.2009
07/01482/FUL	Erection of chicken pens, fence and replacement stables	Permission – 04.03.2008
07/00261/CLU	Certificate of lawful existing use for manège	Permission - 11.04.2007

5. Publicity

- 5.1. The application has been publicised by sending out letters to one neighbouring property and a site notice was erected next to the site access.

One objection has been received making the following comments:

- Horses exercising around streets of Earl Shilton causing traffic, congestion and foul waste on streets.
- LCC Highways comment that horses don't need to be taken off site, this is not the case.

6. Consultation

- 6.1 Barwell Parish Council – No objection.
- 6.2 HBBC Drainage – No objection.
- 6.3 LCC Highways – No objection.
- 6.4 HBBC Pollution – No objection.
- 6.5 HBBC Waste – No objection.
- 6.6 LCC Ecology – No comment.

7. Policy

- 7.1 Core Strategy (2009)
- Policy 3: Development in Barwell
 - Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 7.2 Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Open Space and Recreation Study (2016)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

- Highway Impact

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3 The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. The Core Strategy identifies Barwell as an urban area supporting Hinckley as the sub-regional centre.
- 8.5 Policy 6 of the Core Strategy states that the following land uses will be acceptable in the Green Wedge, provided the operational development associated with such uses does not damage the function of the green wedge:
 - (a) Agriculture, including allotments and horticulture not accompanied by retail development
 - (b) Recreation
 - (c) Forestry
 - (d) Footpaths, bridleways and cycleways
 - (e) Burial grounds
 - (f) Use for nature conservation

Furthermore, any land use or associated development in the Green Wedge should:

 - (a) Retain the function of the Green Wedge
 - (b) Retain and create green networks between the countryside and open spaces within the urban areas
 - (c) Retain and enhance public access to the Green Wedge, especially for recreation and
 - (d) Should retain the visual appearance of the area
- 8.6 The application site is located within the countryside approximately 0.5km south of the southern boundaries of Barwell and Earl Shilton. Policy DM4 of the adopted SADMP relates specifically to development proposals in the countryside and states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list several categories of development that would be considered sustainable in the countryside subject to meeting several other criteria.
- 8.7 Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as buildings for outdoor sport and recreation purposes, or which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside. This is echoed in Policy 6 of the Core Strategy which allows for recreation uses in the Green Wedge which retain the function of the green wedge, retain its green networks, retain and enhance public access, and retain the visual appearance of the area. Whilst Policy DM4 and Policy 6 of the Core Strategy were adopted over five

years ago both policies remain consistent with the NPPF in protecting the intrinsic character and beauty of the countryside, and significant weight can still be applied to the policies.

- 8.8 Notwithstanding that the application site is located in the countryside; the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP provides a presumption in favour of sustainable development and recognises that recreational uses can contribute to the social role by improving the health and wellbeing of the participants. Whilst the recreational use of the stables is tampered to a degree to the private use of the site by the applicants and those paying for livery, there is considered to be a degree of recreational use which by virtue of the proposal could not readily be provided within or adjacent to the settlement boundary. It is also a material consideration that existing equine uses have been granted on the site and this proposal would in part support/diversify/extend these existing uses. Policy DM4 of the SADMP supports certain forms of development in the countryside subject to there being no adverse impact on the appearance or character of the landscape, it being in keeping with surrounding development, it being effectively screened by landscaping and there being no adverse impact on highway safety.
- 8.9 Policy 6 of the Core Strategy accepts recreational uses in the Green Wedge subject to a number of criteria, including the retention of the visual appearance of the area. The stables are large in scale but are well screened from public vantage points in the area, and are considered to be of a design and scale which is proportionate to the wider equestrian/recreational activities on the site. The development would not interrupt any green networks in the area, nor would any public access to the Green Wedge be restricted by virtue of the proposals. It is therefore not considered that the stables would damage the function of the Green Wedge.
- 8.10. Furthermore, in line with Policy DM4 of the SADMP, the proposal relates to a development to support outdoor recreation purposes and is not considered to adversely impact upon the intrinsic value of the open character of the countryside.
- 8.11 In summary, the principle of development is considered acceptable in this case as the proposal meets the criteria for sustainable development under Policy DM4 of the SADMP and Core Strategy Policy 6.

Design and impact upon the character of area.

- 8.12 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.13 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14 Whilst large, the form and scale of the proposed stable block is broadly similar to other rural buildings within the site and would be viewed in context with these rather than seen as a large, isolated building. The stable block is well screened on all sides by mature trees and hedgerows, and is set back from Leicester Road by 40m. Glimpses of the stables may be possible during winter months, however these views would be in the context of the existing buildings associated with the existing equestrian use. Lastly, it is considered that the scale, design and materials of the proposed stable block are appropriate to the character of the area and the scale of the existing operation.

- 8.15 In summary, it is considered that the proposed development would not cause unacceptable harm to the character of the surrounding area with regard to scale, mass and design. The proposal therefore complies with Policy DM10 of the SADMP in this regard.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 (a) and (b) of the SADMP states development will be permitted if 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.
- 8.17 No representations have been received regarding the proposal. The nearest residential property (not associated with the business) is White Oaks, over 300 metres southwest of the application site. It is not considered that possible additional trips associated with the development would result in adverse impacts in respect of noise and disturbance over and above that already experienced by the residential, agricultural/equestrian function of the site. Therefore, the proposal is considered to be in accordance with Policy DM10 in relation to residential amenity considerations.

Highway Impact

- 8.18 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.19 The LHA has been consulted and no concerns or objections have been raised. The Applicant is proposing to utilise the existing access onto Leicester Road. The Applicant has not provided any detailed visibility splay drawings. However, the LHA have undertaken their own assessment and find that 2.4m by 65m is achievable in both directions over land within highway control, this is in accordance with Table DG4 of Part 3 of the Leicestershire Highway Design Guide (LHDG), therefore the LHA do not require the Applicant to submit any drawings regarding vehicular visibility splays. The LHA have also taken into account that given the accesses location, vehicles travelling within the vicinity of the site are likely to be travelling at slower speeds than posted due to the proximity of the roundabout to the south.
- 8.20 There have been no Personal Injury Collisions recorded along the entire length of Leicester Road within the last 5 years. The LHA are aware that the proposals are retrospective. Given there have been no reported incidents at the location of the site access, the LHA are satisfied the proposals are unlikely to introduce any new highway safety issues within the vicinity.
- 8.21 The Design & Access Statement states that a number of stables as to be used for external livery and also horses owned by the Applicant. The Applicant has stated within the Application Form that there are 10 off street car parking spaces associated with the proposals. Whilst the LPA's website indicates there is a 'Parking Plan', this appears to be the same as 'As Built Site Plan', drawing number 4070 – 02 and provides no additional information such as the location of the parking. However, taking the site into consideration as a whole, the LHA are satisfied there is adequate space within the site for the quantum of parking required for the size of the development, this can be conditioned as such. The LHA have taken into consideration that once at the site, horses would rarely need to be taken off the site given the existing facilities and access to fields at the location.

- 8.22 In summary, it is considered that the proposal is acceptable in highway terms subject to conditions and satisfies Policy DM17 and DM18 and the requirements of the NPPF.

9. Conclusion

- 9.1 The proposal represents an equestrian use in the countryside which is acceptable in this instance taking into account the existing equestrian operations and business within the site. Its scale, siting, form and materials are appropriate, and the development would not have an adverse visual impact on the area, nor would it damage the function of the Green Wedge. There would be no significant adverse impact on neighbouring residential amenity or highway safety (subject to conditions). Therefore, the proposal complies with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP and Policy 6 of the Core Strategy.

10. Equality implications

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 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.
- 10.5 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).

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - As Built Plans and Elevations: Dwg No. 4070-01, received 07/03/2024.
 - Site Location Plan: Dwg. No. 4070-02, received 07/03/2024.

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

2. The Applicant will ensure ten off-street car parking spaces made available for the proposals at all times within the site. These shall be maintained and kept available 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 in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).