

Planning Statement

**65A Newbold Road, Barlestone, CV13
0DY**

**Proposed new stable block and
associated storage area**

Client Name: Mr and Mrs A Gibson

Date of Issue: January 2024

Local Authority: Hinckley and Bosworth Borough Council

Prepared by: J J M Planning Ltd



J J M Planning

Independent Planning Consultancy Services

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1.0 Introduction and background

- 1.1 This planning statement has been prepared on behalf of Mr and Mrs Gibson in support of a planning application for the erection of a proposed new stable block with associated storage area at 65A Newbold Road, Barlestone.
- 1.2 This statement should be read in conjunction with the accompanying documents which include:
 - Plans submitted by DGAD Ltd;
 - Application form.
- 1.3 This statement describes the application site, the locality and comments on the relevant Development Plan and national policy framework policies. It goes onto provide an assessment of the proposal in relation to the relevant policies.
- 1.4 The application site measures 1303 square metres and is rectangular in shape and includes for an existing open fronted shed. The wider site comprises of 65A Newbold Road, which is an existing two storey dwelling, as well as a detached garage, a single storey building encompassing two stables and associated paddock land to the west. The applicant also rents further paddock land to the north of the proposed site.
- 1.5 The existing open fronted shed externally measures 7.4m in width x 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The single storey stable block is to the northwest of the dwelling and externally measures 18m in width x 5.1m in depth. The existing paddock land which is owned by the applicant measures 1 acre and the paddock land to the north which is rented measures in excess of 5 acres.
- 1.6 To the north of the site is Mill Farm cottage, which is separated from the site via the existing paddock land, and beyond this is open agricultural fields and allotment land. Further to the west of the site is more residential dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development fronting onto Newbold Road.
- 1.7 The application site is located to the southeast of, and outside of, the identified settlement boundary for Stand Alone Key Rural Centre, Barlestone. However, the residential property, 65A Newbold Road, is within its identified settlement boundary.
- 1.8 The application site is not located in a Conservation Area and is not located in close proximity to any Listed Buildings. There are no trees on the application site that would be affected by the proposed development. Up to date photographs of the site are included in Appendix 1.

1.9 The site and its surroundings are shown in more detail on the image below:



2.0 PLANNING HISTORY

- 2.1 The application site and the wider plot have been subject to the following planning applications:

23/00392/FUL - Proposed new stable block with associated storage area – Permitted 10 November 2023.

16/00349/CONDIT - Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access – Permitted 23.06.2016.

15/01197/CONDIT - Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes – Permitted 21.12.2015.

12/00954/FUL - Demolition of existing dwelling and erection of one new dwelling and detached garage – Permitted 15.01.2013

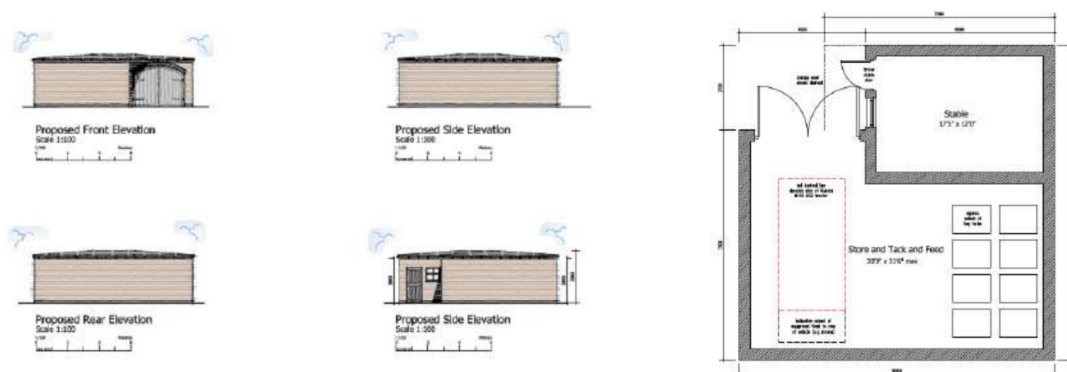
12/00006/FUL - Extension and alterations to dwelling and erection of garage – Permitted 30.03.2012

3.0 PROPOSED DEVELOPMENT

- 3.1 Planning application 23/00392/FUL was recently submitted and approved by HBBC for a proposed new stable block with associated storage area. When the application was originally submitted consent was sought for the erection of a tractor store, store/workshop, tack and feed room and two stables as shown on the images below:



- 3.2 During the course of the application, officers raised concern over the acceptability of the proposal and requested amended plans. Amended plans were received which amended the size and design of the proposed building. Planning permission was subsequently granted for a single stable along with a store/tack/feed room as shown on the images below:



- 3.3 The approved scheme fails to provide a suitable level of accommodation for the applicant's needs. The applicant and his family currently own four horses, two of these are stabled on the site in the existing stables and the other two are having to be stabled off site due to the lack of suitable stables on site. In addition, the approved building does not provide a suitable level of accommodation for the storage of machinery and equipment associated with maintaining the land that they own and rent in the immediate area or for associated ancillary equestrian activities such as storage of tack and feed for four horses.
- 3.4 Therefore, the current proposal seeks planning permission for a proposed new stable block with associated storage area that is similar to that which was originally

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4.0 MAIN ISSUES

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 requires that when dealing with an application for planning permission, Local Planning Authorities must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section S38(6) of the Planning and Compensation Act 2004 requires that decisions on planning applications should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 4.2 Having regard to the above, it is considered that the main issues raised by the application are:
1. Principle of the development
 2. Design and visual amenity
 3. Other matters
- 4.3 The main planning policies that are relevant to these main issues are included in Section 5.0 below.

5.0 Planning policy

- 5.1 The (revised) National Planning Policy Framework (2023) (NPPF) confirms that it does not change the statutory status of the development plan as the starting point for decision making. It also confirms its status as a material consideration in determining planning applications. The NPPF continues to advise that proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF also advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 5.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3 The policy context for this application is provided by the development plan and national planning policy in the NPPF as well as Planning Practice Guidance issued in April 2014 (as subsequently amended) (PPG). The development plan includes the Core Strategy (adopted 2009) (CS) and the Site Allocations and Development Management Policies DPD (adopted 2016) (SADMP).
- 5.4 Those policies which are the most important for determining this planning application are set out below:

Core Strategy (2009)

- 5.5 No relevant policies found within the Core Strategy.

Site Allocations and Development Management Policies DPD (2016)

- 5.6 *Policy DM1 – Presumption in Favour of Sustainable Development* repeats the presumption in favour as found in the Framework.
- 5.7 *Policy DM4 – Safeguarding the Countryside and Settlement Separation* seeks to protect the intrinsic value, beauty, open character and landscape character from unsustainable development and lists suitable sustainable development, subject to satisfying certain criteria.
- 5.8 *Policy DM10 – Development and Design* provides a series of design-based criteria to which new development is required to meet.

- 5.9 *Policy DM17 – Highways and Transportation* confirms that development proposals should be in accordance with highways design standards as set out in the most up to date guidance adopted by the relevant Highway Authority.
- 5.10 *Policy DM18 – Vehicle Parking Standards* confirms that new development proposals will be required to provide an appropriate level of parking provision justified by assessment.

The National Planning Policy Framework 2023 (NPPF)

- 5.11 Paragraphs 7-10 of the NPPF state that at the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective, a social objective, and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant, and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built, and historic environment, including making effective use of land.
- 5.12 Amongst other things, paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.13 Paragraph 47 of the NPPF indicates that 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.
- 5.14 Paragraphs 55-57 set out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

- 5.15 Paragraph 115 of the NPPF states that 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.
- 5.16 Paragraphs 123 and 124 of the NPPF seeks to make the effective use of land. It states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.17 Paragraphs 131-135 of the NPPF seeks to achieve well-designed places. It states the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place using streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.18 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 states that Local Planning Authorities should ensure that floor risk is not increased elsewhere when determining planning applications.
- 5.19 Paragraphs 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It also requires a contribution towards remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 5.20 Paragraphs 185-186-181 is concerned with habitats and biodiversity and seeks to protect and enhance. It advises that development which results in significant harm to biodiversity should be refused unless it can be adequately mitigated, or, as a last resort, compensated for. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

- 5.21 Paragraphs 189-191 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Other Policy and Guidance

- 5.22 Although not having the formal status and weight of adopted planning policy there are a number of other pieces of guidance relevant to decision-making within Hinckley and Bosworth including:
- National Planning Practice Guidance - March 2014 (as amended)
 - The Conservation of Habitats and Species Regulations 2017
 - Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
 - National Forest Strategy 2014-2024
 - National Design Guide – October 2019
 - Leicestershire Highways Design Guide (Leicestershire County Council)

6.0 PLANNING ASSESSMENT

The principle of development

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 6.2 The application site is located outside of the limits to development and within the countryside. Policy DM4 of the SADMP protects the countryside from unsustainable development. The policy provides a list of uses which are considered sustainable and these are listed below:
- 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 diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/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.
- 6.3 The riding of horses is widely regarded as a recreational pursuit and it is accepted that horses need to be sheltered. Policy DM4 does allow for recreational uses within the countryside and it abundantly clear that stables cannot be sited in urban areas. The Council have this position on other similar proposals across the Borough. The Council concluded the following in respect of planning application 22/00115/FUL in August 2022 for the erection of 3 stables, a corner tack room and hay barn:

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. Policy DM4 of the SADMP supports certain forms of development in the

countryside including those for sport or recreation 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. The keeping of horses is generally acceptable in principle in countryside locations and the provision of stables for the health and welfare of horses is not unreasonable. 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.

- 6.4 Indeed, the acceptability of providing a building on the site for use as a stable block and for associated storage areas has already been found to be acceptable by the Council as part of the previous approval on the site. The officer report for 23/00392/FUL (provided in Appendix 2) stated that:

Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.

Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.

The proposed development is considered to be compliant with the relevant national and local policy.

- 6.5 A recent appeal decision in HBBC in December 2023 (APP/K2420/W/23/3321728) stated the following:

The usage of the field for horses is an acceptable usage in the open countryside and can be seen on numerous occasions in various countryside areas in other locations. There is little doubt that this, combined with the stables, which relate to the welfare of the horses, is an equestrian use, but again, is not an unusual sight.... As such, I do not find conflict with policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

- 6.6 The original application was not accompanied by a planning statement. It is accepted that some further justification of the need for a larger building within the countryside would be helpful to the Council in order for them to fully understand the proposal.
- 6.7 The officer report considers that the total stabling capacity at the current site is 4 but this is not inaccurate. There is an existing single storey building on the northern boundary of the site as shown below:



- 6.8 This includes for two stables in the left hand side of the building but the topography of the ground alters to the right hand side of the building resulting in lower doors heights that are not suitable for use as stables for large horses. Therefore, the current building only provides suitable equestrian accommodation for two horses. The remainder of the building is used for the storage of equestrian and agricultural equipment only as the height of the building precludes its use for the storage of larger machinery and equipment.
- 6.9 The previous officer report considered that the total stabling capacity at the site should be restricted to no more than five. It is unclear as to what methodology has been used to establish the acceptable extent of stabling on the site but the current proposal seeks planning permission for the erection of two modestly sized stables to supplement the two existing stables that are provided on the site. The provision of four stables on the site would be less than the five stables which the Council have previously confirmed to be acceptable.
- 6.10 The applicant and his family currently own four horses. Two are kept on the paddock and stabled in the existing stable building. The horses have access to the land owned by the applicant but also to land to the north of the existing site that is rented on a long term agreement from the Holden's. Appendix 3 contains a map of the land in question and Appendix 4 contains an email which sets out the current arrangements and provides support for the proposed development from the Holden's.
- 6.11 The remaining two horses are unable to be kept on site because of a lack of suitable stable accommodation. The other horses are stabled off site at Gnarley Farm in Osbaston stable yard which is not the most efficient arrangement for the applicant. In addition, it also results in unnecessary vehicle movements to and from the application site to the off-site stables in order to tend to the horses. The proposal provides an opportunity for all horses to be stabled on the site.
- 6.12 The building would also contain an area for housing the applicant's machinery and equipment which are required to manage and maintain the 6 acres of owned/rented farmland/paddock. The range of equipment typically required to manage such land comprises as follows:-

- Tractor and trailer
- Grassland management machinery: chain harrows, mower, topper, roller and sprayer
- Hedge cutter
- Fencing equipment (e.g. post knocker) and spares (i.e. post & rail and chicken wire etc)
- Storage is also required for other sundry items, such as small tools etc

- 6.13 The internal storage space of the building to accommodate all of the above, as well as tack and feed storage space, is approximately 6.6 metres x 16.1 metres. As noted above, there is a whole range of machinery and equipment required for the management of the land, which in the main needs to be housed under cover to protect the capital investment and minimise deterioration. It is considered that the accommodation provided within the building is required for the management and maintenance of the land. The building is suitably sited for the ongoing management of the land and the security of the machinery etc within the building along with the stabling of horses as outlined above.
- 6.14 Having regard to all of the above, it is considered that the principle of the development is acceptable and in accordance with Policy DM4 of the SADMP and the advice in the NPPF.

Design and Impact upon the Character of the Area

- 6.15 The second element of Policy DM4 contains a series of criteria that are used to assess the impact of a proposal on the countryside. These are listed below in italic and an assessment against each of the criteria is provided below:
- 6.16 *i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside;*

The Council have accepted as part of the previous application that a building measuring a maximum length of 10 metres, a maximum depth of 10 metres and with an eaves height of 2.85 metres and a ridge height of 3.3 metres is acceptable in terms of visual impact. The officer report for the previous application stated that the proposed building, *'is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the open countryside'*. The main issue regarding the acceptability of the current proposal is whether the proposed larger building would alter the previous conclusions reached by the Council.

- 6.17 The previously approved building had a footprint of 87 square metres, an eaves height of 2.85 metres and a ridge height of 3.3 metres. The currently proposed building would have a footprint of 159 square metres, an eaves height of 2.53 metres and a ridge height of 4.88 metres. It is accepted that the proposed building

is larger and taller than that which was previously approved. However, the proposals still represent a modestly sized dual agricultural and equestrian use structure in comparison to the size of the land in question and in relation to the scale and height of surrounding built development.

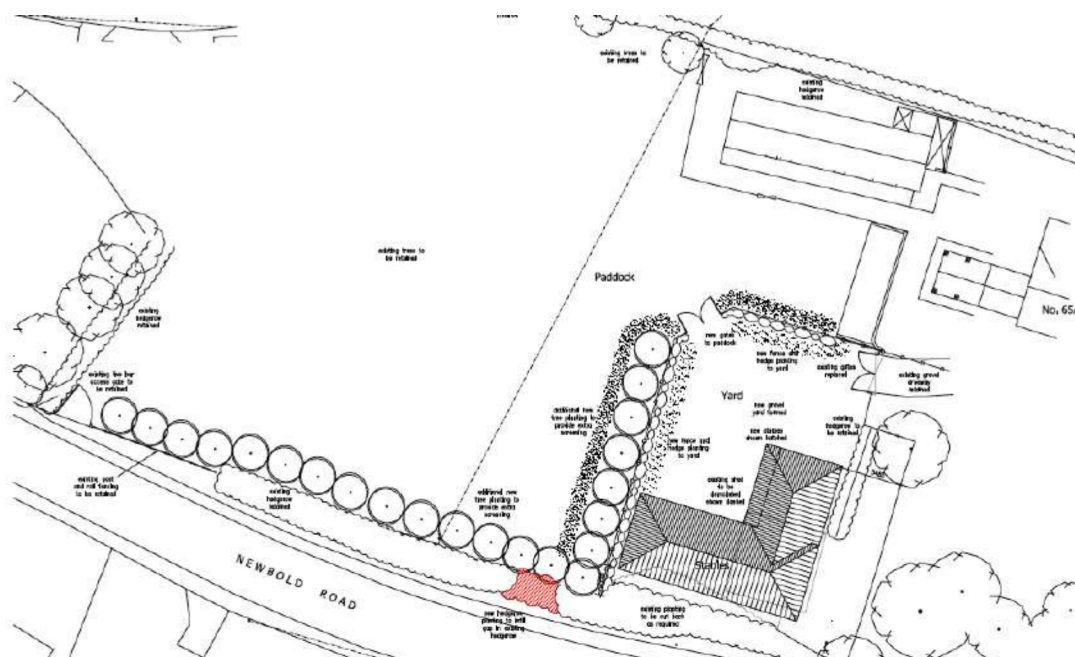
- 6.18 The proposed structure would be highly screened from the surrounding area. The submitted plans include an indicative street scene from Newbold Road which demonstrate that the existing mature landscaping on the site frontage would substantially screen the proposed development. The level of screening and the lack of views from the south and east of the site is made clear from the photographs below:



- 6.19 It is accepted that there are more open views of the application site from the west of Newbold Road given a break in the landscaping. This is demonstrated by the photograph below:



- 6.20 In order to provide additional screening of the proposed development, the scheme includes for additional hedge and tree planting along the southern perimeter of Newbold Road and also immediately to the west of the proposed stables as shown by the site plan extract below:



- 6.21 The Council's original officer report raises concern regarding the screening offered by the existing vegetation on the southern boundary. These concerns are not well founded as the existing mature hedge and trees have been in place for a significant period of time, provide extensive screening and can be controlled through appropriately worded planning conditions (if required). In addition, the proposal seeks to provide additional landscaping inside of the existing landscaping which would further bolster the level of screening and provide additional screening from views from the west.
- 6.22 *ii) It does not undermine the physical and perceived separation and open character between settlements; and*

The proposal is located within Barlestone and is not located between existing settlements. In dealing with planning application 23/00392/FUL for a similar proposal, the Council did not identify any issues with this element of the policy. There are no planning grounds for a different conclusion to be reached as part of this application.

- 6.23 *iii) It does not create or exacerbate ribbon development;*

It is considered that the proposal would not create or exacerbate ribbon development and the site is well contained by existing and proposed landscaping. In dealing with planning application 23/00392/FUL for a similar proposal, the Council did not identify any issues with this element of the policy. There are no

planning grounds for a different conclusion to be reached as part of this application.

- 6.24 *iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9;*

The site is not located in the Green Wedge.

- 6.25 *v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21*

The site is not located in the National Forest.

- 6.26 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.

- 6.27 The proposed stable block and storage area is single storey in height and to be constructed in timber cladding, metal roof covering and timber windows and doors. The height of the building is considered to be subservient to taller built development on the site and the selected palette of materials is considered to strike an acceptable balance between the existing agricultural buildings on the site and the sites location in the countryside. If the Council consider that the use of timber cladding was an inappropriate material and that brick should be utilised then this can form an appropriately worded planning condition in line with the advice in paragraph 55 of the NPPF.

- 6.28 Having regard to all of the above, it is considered that the visual impacts of the proposal and the impact on the countryside is acceptable and in accordance with Policy DM4 and DM10 of the SADMP and the advice in the NPPF.

Other matters

- 6.29 The original officer report (included in Appendix 2) concluded that issues in respect of residential amenity, highway safety, ecology, flooding and trees were all deemed to be acceptable. The amendments proposed in relation to this application would have no bearing on the previous conclusions reached regarding the acceptability of the proposal. Having regard to this, no further assessment is deemed necessary in relation to these aspects of the development.

6.0 Conclusions

- 6.1 At the heart of the NPPF is a presumption in favour of sustainable development such that development proposals that are in accordance with the development plan should be approved. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Section S38(6) of the Planning and Compensation Act 2004 requires that any decision on a planning application should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 6.2 This planning statement has demonstrated that the principle of the development is acceptable in light of Policy DM4 of the SADMP. The Council have accepted this position on similar applications across the Borough and this has recently been confirmed at appeal by approval of a similar application.
- 6.3 The planning statement has also gone on to demonstrate that the visual impact and design of the development is acceptable in light of Policy DM4 and DM10 of the SADMP. The proposal would be single storey in height, only modestly large than an existing structure already granted planning permission and would be heavily screened by existing and proposed landscaping. On this basis, it is clear that the proposals would not have a significant detrimental impact on the character and appearance of the countryside.
- 6.4 Subject to the imposition of conditions and/or mitigation measures where necessary, the proposed scheme would not result in any significant adverse impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties, highway safety, biodiversity or flooding. There are no other material planning considerations that indicate that planning permission should not be granted.
- 6.5 In conclusion, the proposal is in accordance with the relevant policies of the development plan, in accordance with the NPPF taken as a whole and the presumption in favour of sustainable development. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.
- 6.6 In accordance with S38(6) of the Planning & Compensation Act (2004), S70(2) of the Town & Country Planning Act (1990) (As Amended) and the advice throughout the NPPF and PPG, planning permission should be granted in accordance with the terms of the application.

Appendix 1 – Photographs of the site

























Appendix 2 - 23/00392/FUL officer report

Delegated Report

Planning Ref: 23/00392/FUL
Applicant: Mr and Mrs A Gibson
Ward: Barlestone Nailstone And Osbaston

Site: 65A Newbold Road Barlestone Nuneaton



Proposal: Proposed new stable block with associated storage area

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for a new stable block with an associated storage area at 65A Newbold Road, Barlestone. The scheme includes the provision of one stable, and a store and tack and feed room. To facilitate this development, an existing open front shed is removed from the site.
- 2.2. The structure externally measures 10m in width x 10m in depth, with a total footprint of 88.4sqm. The scheme features two hipped roofs that have a ridge height of 3.3m, and an eaves height of 2.9m. The building is constructed with timber cladding, timber doors and windows, and a metal roof covering.
- 2.3. The Planning Officer raised concerns regarding the scale of the development and its likely impact on the intrinsic value, beauty, open character, and landscape character of the countryside. Following the discussion of these concerns with the Applicant, the Applicant significantly reduced the size and scale of the development.
- 2.4. Originally, the new stable block externally measured 18.1m in width x 15.1m in depth, which created a total footprint of 188sqm. The development also initially utilised two hipped roofs that had a ridge height of 5m, and an eaves height of 3.2m.

3. Description of the Site and the Surrounding Area

- 3.1. The application site comprises of 65A Newbold Road, which is an existing two-storey, red brick dwelling, as well as a detached garage, a single-storey stables, an existing open front shed, and paddock land.
- 3.2. The existing open front shed externally measures 7.4m in width x 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The single storey stable block is to the northwest of the dwelling and externally measures 18m in width x 5.1m in depth.
- 3.3. The application site is located to the southeast of, and outside of, the identified settlement boundary for Stand Alone Key Rural Centre, Barlestone. However, the residential property, 65A Newbold Road, is within its identified settlement boundary.
- 3.4. The site is accessed via a part-shared drive onto Newbold Road, which is a classified 'C' road that is subject to a 30mph speed limit. The site's southern boundary is well screened from the highway by existing mature landscaping comprising predominantly of tall conifer trees, but views of the site can be seen on Newbold Road from the west.

- 3.5. The property is set back from the highway and occupies an elevated position in relation to it. The location of the proposed development is adjacent to the highway boundary and also occupies an elevated position in relation to it by approximately 2m in comparison to the public footpath. The paddock to the west of the site slopes down towards the two neighbouring dwellings, 61 and 63 Newbold Road. Beyond these neighbouring dwellings are allotment gardens.
- 3.6. To the north of the site there is Mill Farm cottage, which is separated from the site via a paddock, and beyond this is open agricultural fields. Further to the west of the site is more residential dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development, but beyond this is further open agricultural fields.
- 4. Relevant Planning History**
- 4.1 **16/00349/CONDIT**
- Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access.
 - Permitted
 - 23.06.2016
- 4.2 **15/01197/CONDIT**
- Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes.
 - Permitted
 - 21.12.2015
- 4.3 **12/00954/FUL**
- Demolition of existing dwelling and erection of one new dwelling and detached garage
 - Permitted
 - 15.01.2013
- 4.4 **12/00006/FUL**
- Extension and alterations to dwelling and erection of garage
 - Permitted
 - 30.03.2012
- 5. Publicity**
- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 No responses have been received.
- 6. Consultation**
- 6.1 There have been no objections from the following consultants:
- Barlestone Parish Council
 - Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Environmental Services' Pollution Officer
 - HBBC's Waste Management Officer
 - Leicestershire County Council (LCC)'s Ecology Unit
 - The Local Highway Authority (subject to conditions)

6.2 On 17 May 2023, the Local Highway Authority requested clarity as to whether the stables are to remain in the private ownership of the Applicant, or whether they are for a commercial use. The LHA also requested that the Site Location Plan was revised so that the access route to Newbold Road is shown fully within the red line boundary of the site.

6.3 The Applicant confirmed that the scheme was for the private use of the Applicant on 14 September 2023, and then submitted a revised Site Location Plan on 25 October 2023. On the basis that the stables are to remain private, which was recommended to be secured via planning condition, the LHA advised that it had no objection to the use of the existing access without any further works on 03 November 2023.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.2 Site Allocations and Development Management Policies (SADMP) 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)
- Leicestershire Highway Design Guide (LHDG) (2022)

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, and that the NPPF is a material planning consideration in planning decisions.

8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

- 8.3 Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(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."
- 8.7 This is supported by 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. Policy DM4 of the SADMP only considers residential 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".
- 8.8 Whilst the riding of horses may entail a recreational activity that is undertaken by the rider, the principal purpose of stables is for the shelter and keeping of horses, which is not considered to be ancillary to a recreational use of land. This is because stables are equestrian sui generis use and, fundamentally, the welfare of horses is not considered to be a recreational use.
- 8.9 Furthermore, the application site is not utilised for, nor in association with a commercial agricultural business to justify the provision of additional agricultural storage space in principle.

- 8.10 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.11 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.12 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, 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

- 8.13 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.14 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.15 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.
- 8.16 As highlighted previously within this report, the proposal lies outside of the identified settlement boundary of Barlestone and does not fall under any of the exception categories allowed by Policy DM4 of the SADMP and is therefore unacceptable in principle.
- 8.17 Although the site's southern boundary benefits from being well screened from the highway by existing mature landscaping, vegetation cannot be relied upon to provide permanent or substantial buffers to views. This is because it can be removed without planning permission, it is susceptible to disease, and it is ever evolving and reliant on regular maintenance to retain a consistent form. Furthermore, views of the development are likely to be visible from the south-western site boundary of the site via Newbold Road.
- 8.18 Moreover, there is already an existing 90sqm stable block within the site that is 18m in width and 5.1m in depth, which is a major material consideration within this application. This is because the Applicant has not provided any justification as to why they require further stabling, and how the increased provision of stabling is acceptable for a singular residential use.

- 8.19 Nevertheless, the Applicant has reduced the capacity of the current proposal to one additional stable, which increases the total stabling capacity of the site to five. This is considered by the Local Planning Authority to be the limit to the acceptable capacity of stabling that is in association with a single residential use.
- 8.20 Notwithstanding this, the proposed structure is only 2.6m wider and deeper than the existing structure within the site, which increases the footprint of the buildings on site by 34.4sqm. Whilst this is slightly over half the footprint of the original structure, as the scheme replaces an existing structure within this location, the provision of a new dual agricultural and equestrian use structure for the private use of the Applicant that is slightly larger than the existing building is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the open countryside in these site-specific circumstances.
- 8.21 In addition, the proposal retains a limited height of 3.3m, which is only 0.2m higher than the existing structure within the site. Given the massing of the existing building and the limited visibility of the structure from the street scene, this is not considered to be unacceptable in these site-specific circumstances.
- 8.22 Although existing mature landscaping cannot be relied on for permanent and substantial buffers to views of the development from Newbold Road, the Applicant has proposed additional fencing and hedge planting to the north and west of the development. This is considered to reduce the impact of the development and improve the character of the site. However, due to the lack of detail of this landscaping, a landscaping scheme is secured via planning condition to ensure that appropriate landscaping is achieved within the site.
- 8.23 Moreover, the scheme is for the private residential use of the Applicant, which is secured via planning condition, and is therefore the proposal is not considered to result in any significant intensification of the use of the site.
- 8.24 To summarise, the development causes harm in principle to the open countryside, contrary to Policy DM4 of the SADMP. Whilst there is an existing stable block within the site, the development does not increase the capacity of stabling within the site beyond a reasonably acceptable scale for a singular residential use. As the scheme is for a private residential use, the scheme does not cause any significant intensification of the site, which reduces its impact on the character of the countryside and the surrounding area.
- 8.25 Moreover, whilst the development is slightly larger than the existing structure it replaces, it is sited in a similar position to this existing building and retains its limited height and volume, which is considered to further reduce its impact on the character of the countryside and the surrounding area.
- 8.26 By virtue of its design, proposed use of materials, size, scale, massing, volume, and siting, the development is considered to be acceptable in these site-specific circumstances and is likely to respect the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.27 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.28 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.
- 8.29 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.30 The development is 25m away from the host dwelling and over 60m from the nearest neighbouring dwelling to the west of the site. Therefore, it is not considered that the development results in any loss of light, overbearing or overshadowing impacts to neighbouring residential amenity.
- 8.31 To safeguard the residential amenity of surrounding neighbours, the development is limited to the private use of the Applicant, which is secured via planning condition.
- 8.32 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to residential amenity and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.33 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that 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.
- 8.34 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)).
- 8.35 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.36 The development utilises the existing residential access onto Newbold Road, which is a part-shared access with 65 Newbold Road. The proposal makes no amendments to this access.
- 8.37 Based on the available records to the Local Highway Authority (LHA), there have been no recorded Personal Injury Collisions within 500m either side of the site access within the last five years.

- 8.38 On the basis that the stables are used for the private use of the Applicant, the LHA have no objection to the use of the existing access without any further works. This is because the existing access is used to access the Applicant's land at present, and the LHA do not consider it possible to demonstrate that a proposal for a private use is likely to lead to an intensification in the use of the access. However, to ensure that the scheme does not result in an unacceptable intensification of the site and its access, this secured via planning condition.
- 8.39 Furthermore, on the basis that the stables are used for the private use of the Applicant, the LHA consider the gravel yard shown within the Proposed Site Plan to be sufficient for vehicle parking and turning.
- 8.40 In light of the above, and subject to planning conditions, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.
- 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 The proposed development is considered to be compliant with the relevant national and local policy as it:
- Is an appropriate scale and design.
 - Does not have an adverse impact upon the character and appearance of the area.
 - Does not have a significant adverse impact upon residential amenity.
 - Does not have a significant adverse impact upon highway safety.
 - Provides sufficient vehicle parking spaces for off-street parking.

- 10.2 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 outlined at the end of this report.

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:

- Proposed Floor Plan and Elevations 11 2679 23 E (submitted: 25.10.2023).
- Proposed Site, Roof, and Block Plan 11 2679 22 F (submitted: 25.10.2023)
- Site Location Plan (submitted: 25.10.2023)
- Topographical Survey – Drg No. 11.2679.19 (submitted: 24.04.2023)

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 external elevations of the development hereby permitted shall accord with the materials outlined within the Proposed Floor Plan and Elevations 11 2679 23 E (submitted: 25.10.2023).

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 application site and the structure hereby permitted shall be used for the private use of the Applicant's family's horses only and for ancillary storage. Neither the application site, nor the structure hereby permitted shall be utilised for events, nor for any commercial or industrial purposes, including for its use as livery stables. Should the stables become redundant the building shall be demolished and the site restored to grassland unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has been granted on the basis that the building is required for the accommodation of the Applicant's family's horses and should that use no longer be required then alternative uses are unacceptable or unlikely to be supported in the interests of the amenity and character of the area in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. The development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with Proposed Site, Roof, and Block Plan 11 2679 22 F (submitted: 25.10.2023). 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 the National Planning Policy Framework (2023)

6. The development hereby permitted shall not be first used until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

a. **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. This development is for a private stable block that is outside of the identified settlement boundary of Barlestone in the open countryside. In these site-specific circumstances, the Local Planning Authority do not consider that the application site is a suitable location for a residential dwelling.
3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
5. 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).

Appendix 3 - Long term rent land



Appendix 4 - Email of support from Holdens

----- Original Message -----

From: [REDACTED]

To: "

Sent: Friday, 5 Jan, 2024 At 16:00

Subject: [REDACTED]

To whom it may concern,

Please be advised that as the owners of the land directly behind the Gibson's, that they have had use of our fields as grazing for their horses for a great many years now. The field directly behind them is owned by myself (which they have direct access to from their property), and the fields beyond that are owned by my mother ([REDACTED]) of which there are also many areas of access to via the field.

This works for us as neighbours in a symbiotic way that gives their horses access to ample grazing and good conditioned fields throughout the year, and for us it means that we are able to drastically reduce our mowing and maintenance requirements in both cost and frequency. Given that my mother has 6 acres and that I have nearly 3, I'm sure you can appreciate that any way we are able to reduce maintenance is beneficial.

Both myself and my mother fully support their plans for the proposed upgrade to the Gibson's stable block and truly hope that you will consider their growing need of additional space for their horses and tractor equipment. This request is not only very reasonable but makes sense from a security point of view and aesthetically from the roadside.

Should you wish to discuss this further, then please do not hesitate to contact me.

Kind Regards,

[REDACTED]