

Delegated Report

Planning Reference 26/00205/P3CR
Applicant(s) Mr Peter Blood
Ward Ambien



Hinckley & Bosworth
Borough Council

Application Site Poplar Farm, Sheepy Road, Sibson

Proposal Notification to determine if Prior Approval is required for the change of use of agricultural buildings Units 1 and 2 to Use Class B8 commercial units

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant Prior Approval

2. Planning Application Description

- 2.1. This application seeks to confirm whether prior approval is required for the change of use of agricultural buildings Units 1 and 2 to Use Class B8 (storage and distribution) uses at Poplar Farm, Sheepy Road, Sibson via Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

3. Description of the Site and the Surrounding Area

- 3.1. The application site comprises agricultural buildings within Poplar Farm that are located to the north of Sheepy Road to the northwest of Sibson in the designated open countryside. Beyond Poplar Farm to the north, south, and west is open agricultural fields and to the southeast of the site is the wider built form of Sibson.

4. Publicity and Consultation

- 5.1. In accordance with Clause 8 of Paragraph W of Part 3 of Schedule 2 of the GPDO, the Local Planning Authority must give notice of the proposed development by site notice for not less than 21 days, and by serving notice on any adjoining owner or occupier, and any owner or occupier of the other part or parts of the building. Therefore, the application has been publicised by sending out letters to local residents, including Sheepy Parish Council, and a site notice was also posted within the vicinity of the site.
- 5.2. Sheepy Parish Council objected to the proposed development and requested further detail regarding the expected number of vehicular movements, including

size, per day and per week for the proposed uses, and the hours of business for the scheme.

- 5.3. The Council's Drainage and Pollution Officers were consulted on the application proposal as well as Leicestershire County Council as the Local Highway Authority ('LHA'). Their responses to the application are included within the Appraisal Section of this Report.

5. Policy

- 5.1 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

- 5.2 National Planning Practice Guidance ('PPG')

6. Appraisal

- 6.1 Development consisting of a change of use of a building and any land within its curtilage from a use an agricultural building to a flexible use commercial use such as within Use Class B8 (storage and distribution) can be considered to represent Permitted Development, subject to the proposal meeting the limitations of the GPDO.

- 6.2 The main considerations in respect of this application are therefore whether the proposed change of use meets the limitations for the change of use of an agricultural building to a flexible commercial use under Class R of Part 3 of Schedule 2 of the GPDO.

- 6.3 Clause 3 of Paragraph W of Part 3 of Schedule 2 of the GPDO confirms that the Local Planning Authority may refuse an application where, in the opinion of the Authority, the proposed development does not comply with, or the development has provided insufficient information to enable the Authority to establish where the proposed development complies with any conditions, limitations or restrictions specified in Part 3 as being applicable to the development in question.

Development Not Permitted by Class R of Part 3 of Schedule 2 of the GPDO

- 6.4 Development is not permitted by Class R of the GPDO if it is not used solely for an agricultural use as part of an established unit on 03 July 2012, or when it was last in use before this date, or for a period of 10 years before the date development under Class R begins.

- 6.5 It is considered that the structure has been solely used for the purposes of agricultural for a period of 10 years before the date development Class R shall begin. Therefore, the proposal would be in accordance with Paragraph R.1 of Class R of Part 3 of Schedule 2 of the GPDO.

- 6.6 The cumulative floorspace of the buildings which have changed use under Class R would not exceed 1,000 square metres in accordance with Paragraph R.1(b) of Class R of the GPDO.
- 6.7 The scheme would not, and would not form part of, a military explosive storage area or a safety hazard area, and the agricultural building within the proposed development is not a Listed Building or a Scheduled Monument. Therefore, the proposal would comply with limitations of Paragraph R.1(c), (d), and (e) of Class R of the GPDO.

Conditions of Class R of Part 3 of Schedule 2 of the GPDO

- 6.8 As the cumulative floor space of the building which is proposed to be changed in use under Class R would exceed 150 square metres, the Applicant was required to apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority would be required for the development's transport and highways impacts, and noise impacts, contamination risks and flooding risks within the site.

Transport and Highways Impacts

- 6.9 Leicestershire County Council as the Local Highway Authority ('LHA') confirmed that they were satisfied that the existing access arrangements would be suitable for the proposed development and that there would be sufficient space within the site to accommodate for car parking and turning of HGVs. Given the above, the LHA stated that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Noise Impacts

- 6.10 The Applicant stated that the proposal was for the storage of tractors and motorcycle clothing, which would only be accessed during normal working hours in the week and between the hours of 9 AM and 4 PM at the weekends. The Council's Environmental Health Department did not raise any objections to the proposed scheme, subject to the securing of the working hours via planning condition. This planning condition was agreed by the Applicant on 13 May 2026.

Contamination Risks within the Site

- 6.11 The Council's Environmental Health Department did not raise any concerns regarding contamination risks with the application site or the proposed scheme.

Flooding Risks within the Site

- 6.12 According to the Environment Agency's Flood Map for Planning, the application site is within Flood Zone 1 and is considered to be at low risk from flooding from rivers and surface water. No objections were raised by the Council's Drainage

Department, and therefore, it is not considered that there would any flooding risks associated with the development and the application site.

Notes to Applicant

- 6.13 For the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use.
- 6.14 Where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of:
- (i) Raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or
 - (ii) Raw goods mentioned in Paragraph (i) together with goods ancillary to the processing of those raw goods.
- 6.15 Development under Class R for development that exceeds 150 square metres must begin within a period of 3 years starting with the prior approval date.

Summary

- 6.16 The proposed development would be considered to meet the conditions and limitations of Class R and Paragraph W of Schedule 2 of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is therefore considered that the prior approval can be granted for the proposed change of use.

7. Equality Implications

- 7.1 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; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 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.

- 7.3 There are no known equality implications arising directly from this development.
- 7.4 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).

8. Conclusion

- 8.1 The proposed development would be considered to meet the conditions and limitations of Class R and Paragraph W of Schedule 2 of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is therefore considered that the prior approval can be granted for the proposed change of use.
- 8.2 This conclusion is made on the basis of details provided by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 03.03.2026)
- Block Plan (submitted: 13.03.2026)
- Site Layout identifying each unit (submitted: 13.03.2026)
- Site Location Plan (submitted: 13.03.2026)

9. Recommendation

9.1 Grant Prior Approval

10. Conditions and Reasons

1. The use hereby permitted shall not take place other than between the following hours:

Monday – Friday 08:30 – 18:00
Saturday 09:00 – 16:00
No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).