

Delegated Report

Planning Ref: 25/01137/FUL
Applicant: Mr Harry Milner
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Hoo Hills Farm, Bosworth Road, Wellsborough

Proposal: The change of use of an agricultural building to Padel Courts and the creation of associated car parking

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission the retrospective change of use of an agricultural building to Padel Courts, which includes 2no. doubles courts, 1no. singles court, and associated facilities such as a viewing area, a small retail unit for the sale of associated paraphernalia such as rackets, shower and WC facilities and a vending area for beverages.
- 2.2. The proposal also includes an associated car parking area, on the existing area of hardstanding surrounding the site for:
- 25 car parking spaces
 - 4 disabled car parking spaces
 - 1 minibus parking space
- 2.3. The development includes the erection of metal protective fencing surrounding the site to the north, allowing a 3m wide path to the entrance of the site, separating the padel facilities from the wider existing site operations.
- 2.4. The development includes a secure cycle storage provision within the existing unit.

3. Description of the site and surrounding area

- 3.1. The site relates to Hoo Hills Farm and comprises a residential dwelling and a number of stable and agricultural buildings. The site is located within the countryside and outside of any settlement boundary, with no other restrictive designations. The site is accessed via Bosworth Road, some 350 metres to the site. The access has good visibility, and the site is accessed via an electric gate, set back from the highway to allow vehicles to pull into the site safely from the highway.
- 3.2. The site benefits from existing mature hedgerow to the site frontage with Bosworth Road, providing a degree of visual screening.

4. Relevant planning history

23/00566/AGDO

Portal frame agricultural building for crop and machinery storage
General development order
05/07/2023

23/00348/AGDO

Portal framed general purpose farm building

GDO prior approval refused
18/05/2023

21/00340/AGDO

Portal frame livestock building with pitched roof
GDO prior approval not required
09/04/2021

20/00922/AGDO

Livestock building
General development order
15/10/2020

19/00492/FUL

Change of use from agricultural buildings and stables to commercial units (B1/B8)
Planning permission
02/08/2019

18/00796/FUL

Change of use from agricultural building and stables to commercial units/offices (B1/B8)
Refused
29/11/2018

04/01310/HEDGE

Removal of approximately 130m of hedgerow
Hedgerow retention notice
30/11/2004

5. Publicity

- 5.1. Neighbours were notified of the application via letter, and a site notice was placed within the vicinity of the site.
- 5.2. Three letters of objection have been received in relation to the proposal, a summary of the concerns raised has been included below:
 - The site is in operation prior to obtaining planning permission.
 - Traffic concerns.
 - The unit was not ever intended for agricultural use.
 - Ecology concerns with regards to barns and bats.
 - Additional operations such as shower facilities, café/bar and viewing platforms questionable in the sense of space within the unit.
 - Outdoor spaces for drinks and music has not been included within this proposal.
 - No details of a lighting scheme.
 - Noise impact concerns.
 - The need for additional sports facilities in the area is not required.

6. Consultation

- 6.1. Sheepy Parish Council

- 6.2. Comments have been received which confirm the following:
- 6.3. "OBJECT,
- 6.4. *Please note, this response is based on documents available on HBBC Planning Portal as at 16th December 2025. Please ensure that Sheepy Parish Council is notified and consulted on any changes to this application post this date to maintain full compliance with the Sheepy Parish Neighbourhood Plan made May 2022.*
- 6.5. *Sheepy Parish Council supports local small-scale businesses, rural diversification and enterprise development through its Neighbourhood Plan policies. However, having reviewed the above application - 25/01137/FUL – (Hoo Hills Farm Bosworth Road Wellsborough, The change of use of an agricultural building to Padel Courts and the creation of associated car parking), the Parish Council has a number of concerns with this application and without further detail, it cannot determine properly whether the policy requirements in the Sheepy Parish Neighbourhood Plan (made May 2022) are being met. It therefore OBJECTS to this application.*
- 6.6. *Specifically, Sheepy Parish Council has concerns regarding the level of detail provided in the application and inconsistencies therein. No consideration has been given to a number of environmental matters, the impact on community (amenity) and the safety of users associated with the proposed operation should this planning application be approved. In more detail:*
- 6.7. *Safety concerns about, and suitability of, public access and egress to the proposed site (from Bosworth Road, with 50mph speed limit) that is currently only possible along a single-track drive over 250m in length. This track is also used by a number of other businesses at this location involving significant HGV movement(s). The significant increase in two-way traffic using the single-track drive will increase the likelihood of stationary traffic on Wellsborough Road (50mph) and the road traffic accidents. (Sheepy Parish Council is aware that the County Councillor for Market Bosworth Division has corresponded with The Local Highway Authority on this matter).*
- 6.8. *Environmental impacts (and amenity impact) arising from the necessary installation of additional lighting at the site and along the access road(s). No mention of this is made in the planning application and therefore the Parish Council has concerns about light pollution and impact on amenity. Parishioners have raised concerns on this matter with Parish Council.*
- 6.9. *The proposed (all day and evening) sale and consumption of alcohol and indoor/outdoor entertainment as indicated by the licence application submitted in parallel to this planning application. The design statement makes no mention of this and therefore the planning application is potentially misleading and /or factually (and materially) inaccurate. The paucity of information included in the planning application and inconsistency raises concerns about how the facility will be operated and whether provision (internal space, car parking etc) is adequate for social events/club events at the proposed location.*
- 6.10. *Sheepy Parish Council draws HBBC's attention to the website www.the-padelbarn.com (at 16 December 2025) which is advertising a scheduled opening date of Monday 12th January 2026. As the proposed opening date may be before approvals have been granted we believe the business would potentially be operating illegally and putting users/customers at risk.*

- 6.11. *The agricultural building (barn) that is being proposed for change of use has only recently been constructed (2025). It is unlikely therefore that it has been used for its intended purpose and for which planning permission was originally granted. Given that the barn has only recently been constructed and it is planned to open the Padel facility to the public on 12th January, the Parish Council is concerned that the design and construction of the barn was not in line with the approved planning application. If this is the case, then an application for a change of use is not appropriate. Further, the short timescales suggest this application is retrospective.*
- 6.12. *Sheepy Parish Council has also corresponded with HBBC Planning Enforcement on 3 December 2025. This was before the planning application had been received by the Parish Council."*
- 6.13. Sport England
- 6.14. Standing advice received.
- 6.15. Leicestershire County Council (LCC) Highways
- 6.16. LCC Highways have confirmed the following:
- 6.17. *"The site is accessed off Bosworth Road, a C classified road subject to a 50mph speed limit. The Applicant is not proposing any amendments to the existing site access. The access has previously been considered safe and suitable as part of application references 18/00796/FUL and 19/00492/FUL for the change of use of existing agricultural buildings and stables to B1/ B8 use elsewhere on Hoo Hills Farm.*
- 6.18. *As detailed within the submitted Transport Note, the access measures approximately 5.6m wide at a distance of 10.0m back from the edge of the carriageway. The access was also hard bound as part of application reference 19/00492/FUL. Whilst the access road narrows to a single lane, the Applicant has stated there are two existing passing places along the access road.*
- 6.19. *Given the level of traffic likely to be generated by the proposals, which is considered further below in this report, the existing access geometry is considered acceptable to the LHA.*
- 6.20. *The LHA accepts that visibility splays of 2.4 x 200m to the east of the access and in excess of 2.4 x 215m to the west of the access could be achieved and would be suitable for the existing access, based on Table 6 of the LHDG.*
- 6.21. *The Applicant has obtained Personal Injury Collision data from Leicestershire County Council and identified that one PIC has occurred on Bosworth Road within 500m either side of the existing site access within the last five years. This occurred approximately 500m to the east of the access in August 2025 and was recorded as slight in severity. The PIC involved a single vehicle, and the LHA is satisfied the PIC is likely to be an isolated incident rather than a wider pattern or trend of PIC's along the road.*
- 6.22. *The Applicant has considered the level of trips the proposed development could generate based on a first principles approach.*
- 6.23. *The padel courts would be open between 06:00 – 22:00 and the Applicant has stated that each court session would be booked out for an hour, although it is expected that*

some bookings could be made for two hours or even longer. A maximum of 12 players could use courts at any one time and the site would employ two members of staff. Sessions can be booked from 06:00 and up to 12 players could arrive just before this time.

- 6.24. *The Applicant has assumed an occupancy rate of two persons per vehicle, based on parking requirements detailed within Table 29(d) of the LHDG for sports grounds and clubs. The LHA accepts this approach and considers it reasonable that players could car share to/ from the site. On this basis, approximately six vehicles could arrive at the site just prior to 06:00. A further six vehicles would arrive at the site prior to 07:00 as the next players arrive in readiness for the 07:00 session. The first set of players would leave after 07:00 and this would then repeat until the site closes. On this basis, the Applicant considers there would be approximately 12 two-way trips (generally six arrivals and six departures) every hour.*
- 6.25. *The Applicant has stated that this would be a worst case scenario on the basis that all courts are fully booked throughout the day, however in reality all courts may not be fully booked each day, courts could be booked for single instead of double sessions and could also be booked by the same group for more than a one hour session. Furthermore, the Applicant has suggested that the site is likely to be at its busiest in the evenings and weekends outside of peak traffic hours given the leisure use.*
- 6.26. *The LHA considers the above a reasonable assessment of the likely highways impact of the proposals. If all players arrived in their own vehicle, this could result in 24 two-way trips (e.g. 12 arrivals and 12 departures) each hour. The LHA advises should this occur, the level trips generated by the proposals would still not result in the Applicant being required to undertake a capacity assessment of the site access with Bosworth Road.*
- 6.27. *Further to the above, the Applicant has not provided any information on the level of trips the existing agricultural building could generate. Whilst the LHA believe the proposals could result in an intensification in use of the site access in comparison to the extant use, it could also reduce the number of slow-moving agricultural vehicles at the access.*
- 6.28. *Dci Architecture Limited drawing number 01/02 provides details of the site layout, including the car park. 30 car parking spaces are proposed, which includes one minibus and four accessible parking spaces. Given there would be a maximum of 24 players and two members of staff on-site, the number of car parking spaces could be considered excess of the requirements within Table 29(d) of the LHDG. Nevertheless, the LHA would not seek to resist the proposals on this basis.*
- 6.29. *The LHA considers the design of the car park to be acceptable and provides sufficient turning space for vehicles to ingress/ egress the site in a forward gear.*
- 6.30. *The site is in a remote, rural location and is not easily accessible by walking or public transport, which in the view of the LHA reduces the transport sustainability of the site. As previously suggested however, given the nature of the proposals it is likely that players could car share to/ from the site. The Applicant is also proposing a cycle storage area within the building. The LHA is satisfied for the LPA to include this transport context in its wider sustainability considerations for the site”.*
- 6.31. Leicestershire County Council (LCC) Ecology:

- 6.32. LCC Ecology following the submission of additional information have confirmed they have no objections subject to the inclusion of a planning condition.
- 6.33. Hinckley & Bosworth Borough Council (HBBC) Environmental Health
- 6.34. No objections.
- 6.35. Hinckley & Bosworth Borough Council (HBBC) Drainage
- 6.36. Notes to applicant have been recommended by HBBC Drainage, and have been included at the end of this report.
- 6.37. Hinckley & Bosworth Borough Council (HBBC) Waste
- 6.38. No comments received.
- 6.39. National Grid
- 6.40. No comments received.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites
- Policy DM25: Community Facilities

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

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

8. Appraisal

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

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

- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states 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 consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.5. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.6. 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.
- 8.7. Section 6 of the NPPF states that planning policies and decisions should help to create conditions in which businesses can invest, expand, and adapt, and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.8. Paragraph 84 of the NPPF states that planning decisions should enable:
 - (a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
 - (b) The development and diversification of agricultural and other land-based rural businesses.
 - (c) Sustainable rural tourism and leisure developments which respect the character of the countryside.
 - (d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.

- 8.9. The application represents the diversification of a business in a rural area through this change of use of an agricultural building for the purposes of a padel court facility. This would be compliant with Paragraph 84(a) of the NPPF. The proposal is also in accordance with both Paragraphs 84 (b) and (c) of the NPPF, providing a diversification of a rural business to provide a padel court, which acts as a leisure development which respects the character of the countryside.
- 8.10. However, 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."
- 8.11. 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.
- 8.12. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.13. The development is for the conversion of an agricultural building to a padel court facility. The development is in general accordance with DM4(b) through the change of use of an existing building. It is noted that whilst the development does not create any detrimental impact to the character of the immediate setting, additional landscaping is recommended to result in an overall enhancement; this has been conditioned accordingly at the end of this report.
- 8.14. Given the small scale nature of employment on offer, the development is not considered to significantly contribute to economic growth or job creation as required by DM4(c) however it is a clear diversification of a rural business.
- 8.15. It is noted that whilst the unit itself was approved for the purposes of agriculture, the applicant has recently obtained the neighbouring farmstead, and as such the utilisation of the neighbouring agricultural buildings for storage has been engaged, and as such the current building under consideration within this proposal (whilst newly constructed) is redundant for the purposes of agriculture.

- 8.16. The development is located outside of the settlement boundary, and would therefore not comply with Paragraph 84(d) of the NPPF, which confirms that developments should have accessible local services, in this instance, the closest facilities would be situated within Market Bosworth, some 2 miles away. By virtue of the site location it would be only accessible by motor vehicle, and thus is not intrinsically sustainable in nature and there would be some environmental harm as a result of additional vehicle movements to the site.
- 8.17. Whilst the development is not wholly considered sustainable, it does carry benefits attributed to the provision of a sporting facility. The Playing Pitch Strategy (2025) confirms, *“Padel tennis is relatively new to Great Britain and is growing in popularity, particularly since its recognition as a sport and integration within the LTA. In 2022, 90,000 people reportedly played padel more than once in England, representing a 493% year on year increase compared to 2021 (15,000). This exemplifies the continued growth of the sport and the need to ensure that such demand is being adequately catered for.*
- 8.18. *In Hinckley & Bosworth, there are no outdoor padel courts, with the nearest being located in Harborough at Market Harborough Squash Club. The LTA estimates a further 26 courts across Leicestershire, with LTA suggesting that a potential eight courts could be provided within the Borough in the future. The LTA states that padel court development at leisure centre sites can be particularly beneficial as provision can be tied into other sports facilities and profit from an already established operating model. Furthermore, it identifies that they can benefit clubs and particularly those that may be otherwise struggling due to the additional revenue that they can provide. Notwithstanding the above, the LTA also states that it is not encouraging providers to convert existing tennis courts to padel courts, unless it can be shown that they have the capacity to support this. This is to ensure that the provision of traditional tennis courts remains sufficient.*
- 8.19. *As noted previously, there are currently no padel tennis courts in Hinckley & Bosworth. However, the LTA estimates a further 26 courts across Leicestershire, with the LTA suggesting that a potential eight courts could be provided within the Borough in the future”.*
- 8.20. Therefore the provision of the Boroughs first Padel court can be seen as a benefit to the wider community allowing the provision of such a facility, which as stated in the study, is of rising demand.
- 8.21. In this site specific circumstance, it is considered that the development would be, on balance, acceptable in principle, owing to the scheme providing a development resulting in rural diversification, the provision of a sporting facility and creating limited visual harm, which is considered to significantly outweigh the unsustainable nature of the site. The proposal is in general accordance with Policy DM4 of the adopted SADMP, the overarching policies of the NPPF and as such would be considered acceptable in principle.

Design and impact upon the character of the area

- 8.22. Paragraph 139 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.

- 8.23. Policy DM4 of the SADMP confirms that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4b requires conversions to lead to the enhancement of the immediate setting.
- 8.24. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.25. The proposed development consists of the change of use of the formerly approved agricultural building, which was approved under application reference 23/00566/AGDO. The unit itself measures 30.5m in length, 30.5 metres in breadth with an eaves height of 8m and ridge height of 12m. The external materials consist of concrete with dark green panels and a grey fibre cement roof.
- 8.26. The external appearance of the unit would remain unchanged from the original approval, and would appear agricultural in nature, which sits comfortably with the rural setting. The site is set back over 314m from the highway, which is bordered by existing hedgerow.
- 8.27. The development does include a large advertisement on the southern side elevation of the unit, facing towards the highway, which states "The Padel Barn, Padel & Social". No details of the advertisement or luminance have been provided, and would be subject to an Advertisement Consent application to the local planning authority.
- 8.28. It is considered that the development, by nature of the change of use, would have no detrimental impact on the character of the area, nor the intrinsic value and beauty of the open countryside. As presented the scheme offers no enhancement to the immediate setting as required by Policy DM4, however, this can be secured through a soft landscaping condition. Subject to this, the proposal is considered in accordance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.29. Policy DM10 of the SADMP confirms the requirements of which permitted developments must achieve. DM10 (a) and (b) confirm that any development must not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. In addition, it is confirmed that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.30. The development site is located within the existing agricultural building, within the complex of Hoo Hills Farm. There are no neighbouring residential dwellings within close proximity to the site.
- 8.31. The proposal is for the change of use of the unit, and as such there would be no detrimental impacts in terms of overlooking, loss of privacy, loss of light or overbearing impacts. The application is for the internal change of use with associated car parking, and given the secluded nature of the site, it is considered that there would be limited detrimental impacts in terms of noise pollution, further confirmed by HBBC Environmental Health who have confirmed that they have no objections to the scheme.

- 8.32. No details of external lighting have been provided as part of this application, and this shall be conditioned to ensure no impact on the highway network or properties within the general area.
- 8.33. Concerns have been raised regarding potential events at the site. From the information submitted such events are likely to be ancillary to the use of the site and are unlikely to give rise to additional amenity impacts that could not otherwise be controlled through the licensing process. Nonetheless a condition is recommended restricting opening hours.
- 8.34. Overall, it is considered that the proposal would have no impact on residential amenity, causing no detrimental impacts on loss of light, loss of privacy, overbearing or noise impacts. As such, the proposal is considered in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.35. Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.
- 8.36. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.37. LCC Highways have confirmed that whilst there would be an intensification of the site access, this may also cause a reduction in the number of slow-moving vehicles from the site and therefore would not be detrimental to highways safety. A condition has been recommended for installation of the parking and turning facilities prior to occupation, however, during the application process the development has commenced and as such this condition will be implemented as a retention of the policy in perpetuity as opposed to a pre-occupation condition.
- 8.38. The proposal does not create a detrimental impact to highway safety and a sufficient degree of parking has been provided.
- 8.39. The proposal therefore complies with Policies DM17 and DM18 of the SADMP.

Drainage and flood risk

- 8.40. Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.41. The development site is located with Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water. The access of the site however is located in Flood Zone 2/3.
- 8.42. HBBC Drainage have provided a note to applicant which is included within this report. The proposal is considered to be in general accordance with Policy DM7 of the adopted SADMP.

Ecology and biodiversity net gain

- 8.43. Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 8.44. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.45. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a. The need and benefits of the development in that location clearly
 - b. It has been adequately demonstrated that the irreplaceable habitat
 - c. Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.46. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.47. LCC Ecology have been consulted as part of this application and have confirmed that the application would be exempt from mandatory Biodiversity Net Gain under the de minimis exemption. Alongside this, LCC Ecology believes that a preliminary roost assessment would be disproportionate to request.
- 8.48. A planning condition has been included at the end of this report regarding lighting for the development which may impact on foraging bats.
- 8.49. The proposal is therefore considered to be in accordance with Policy DM6 of the SADMP.

Permitted Development/Use Restrictions

- 8.50. An indoor Padel court is generally considered to fall within the Use Class E(d). Use Class E is a varied use class which if not controlled could allow the unrestricted change of use to a variety of business uses which could have greater amenity and highway impacts. Furthermore, some uses would not be justified in this unsustainable location. A condition is therefore recommended restricting the use of the building/site for the proposed use and for no other purpose falling outside of Use Class E(d).
- 8.51. Similarly, it is proposed to remove Permitted Development Rights allowing the extension/alteration of the building and for hard surfacing on the site without further planning permission to ensure that the character of the site and surrounding countryside is protected. And to ensure the LPA retains some control on the expansion of the business as a significantly intensified use may result in neighbouring amenity or highway concerns beyond those assessed as part of this application.

Planning Balance

- 8.52. The development is located outside of the defined settlement boundary. However, it is considered to be in accordance with Policy DM4 of the SADMP given the change of use of an agricultural building for the purposes of sport and recreation.
- 8.53. The development is not considered to be in a sustainable location, however, given the nature of the development it would likely be acceptable in these site specific circumstances, promoting the diversification of a rural business and a new sporting facility in line with both national and local planning policies.
- 8.54. There are no known detrimental impacts on the development and the development does not cause detrimental impacts to the character of the countryside, neighbouring amenity nor highways safety.
- 8.55. The development is considered to have social benefits by the way of a new sports facility, and economic benefits through the construction and business rates from the new business.
- 8.56. Overall, it is considered that the benefits of the proposal demonstrably and significantly outweigh any harm.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1 By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM4, DM6, DM7, DM10, DM17, DM18, DM20 and DM25 of the adopted Site Allocations and Development Management Policies DPD. The proposal can therefore be supported.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report
- 11.2 **Conditions and Reasons / Reasons**

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Proposed Site Plan, Site Location Plan Sheet 1 - Drg No. 01/02
 - Proposed Floor Plan Sheet 2 - Drg No. 02/02

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. Prior to the installation of any external lighting, details of any external lighting to be installed on the site (including luminance levels and measures to minimise light spillage) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, external lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without prior permission in writing from the Local Planning Authority.

Reason: To ensure that the development does not detrimentally impact local wildlife and ecology, the character of the countryside or residential amenity in accordance with Policy DM4, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The onsite parking and turning facilities implemented in accordance with Dci Architecture Limited drawing number 01/02 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024)

5. The premises shall not be used other than for Padel Courts falling within Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 7 Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extension or other alteration to the building, nor any hard surfacing to the site, shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties, the character of the countryside and highways safety in accordance with Policy DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The Padel Court business use shall not take place other than between the hours set out below:

Monday - Sunday: 06:00 – 22:00

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

6. Within 4 months of the date of this decision, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a timetable for the delivery of soft landscaping. Thereafter, the development shall be carried out in accordance with submitted details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e. soakaways, previous paving, filter drains, swales, etc, and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems. Any proposed access drives, parking and turning area, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata

permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environmental Agency guidance on the permeable surfacing of front gardens).