

Delegated Report

Planning Ref: 25/00444/FUL

Applicant: Mr S Chaudry

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Smiths At Pinwall Atherstone Road Pinwall

Proposal: Access to existing garage and workshops (retrospective)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks retrospective planning permission for the construction of an access to serve an existing garage and workshop at Smiths at Pinwall, Atherstone Road, Pinwall.
- 2.2. The access is located to the north-west of Atherstone Road, a B-classified road subject to a 40mph speed limit.
- 2.3. Associated works also include the construction of a 2.00 metre high palisade fence railings painted in green to the site's frontage.
- 2.4. During the course of the application, the Local Planning Authority (LPA) have worked closely alongside the Local Highway's Authority (LHA) to request additional information from the applicant's agent to evidence that the access would not have any significant adverse impacts on highway safety.

3. Description of the site and surrounding area

- 3.1. The 0.59ha site is located in the countryside in Pinwall, a rural hamlet without a settlement boundary. It is located to the south west of the intersection between the B500 and B4116 Atherstone Road.
- 3.2. Immediately to the north lies the B500, with a detached dwelling on the opposite side of the road. Immediately to the east lies B4116 Atherstone Road with the vacant Red Lion public house the opposite side of the road. There are open agricultural fields to the south and west.

4. Relevant planning history

78/01986/4A

- Erection of 3 signs
- Advertisement Consent
- 10.01.1979

84/00393/4

- Extensions to provide additional office accommodation
- Planning Permission
- 22.05.1984

87/00262/4

- Erection of conder forecourt canopy for customers weather protection
- Planning Permission
- 28.04.1987

89/00435/4

- Extension to garage workshops to provide vehicle cleaning shop
- Planning Permission
- 23.05.1989

92/00365/4A

- Signs
- Advertisement Consent
- 30.06.1992

95/00196/FUL

- Alterations and extensions to garage
- Planning Permission
- 24.04.1995

98/00607/FUL

- Elevational alterations to garage
- Planning Permission
- 21.08.1998

05/01204/ADV

- Erection of illuminated signage
- Planning Permission
- 29.03.2006

23/00462/FUL

- Proposed replacement of walls, windows, new doors and increase in height of roof (retrospective)
- Planning Permission
- 10.08.2023

23/00875/FUL

- Proposed increase in height of existing garage canopy
- Planning Permission
- 20.10.2023

24/01148/FUL

- Demolition of existing structure and erection of new building (Retrospective)
- Planning Permission
- 14.03.2025

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publications, no representations have been received.

6. Consultation**6.1. HBBC Environmental Health (Pollution):**

The Councils Environmental Health Officer raises no objections to the scheme.

6.2. LCC Highways:

The comments received from the Local Highways Authority have been incorporated into the body of this report.

6.3. Sheepy Parish Council:

Sheepy Parish Council object to the application on the following grounds:

- Not compliant with National Planning Policy Framework and the legally binding Sheepy Parish Neighbourhood Plan 'made' May 2022;
- Highway safety concerns;
- The Technical Note Document only draws road accident data from 2021 to 2023, and that this road junction has been the scene of a high number of road traffic accidents over a considerable number of years. It is also worth noting that there have been road traffic accidents within the time frame of 2021 to 2023, some serious, that appear not to be included in this data;
- Retrospective planning applications should not be encouraged or condoned.

7. Policy

7.1. Sheepy Parish Neighbourhood Plan (SNP) (2018-2036)

- Policy S1: Countryside
- Policy S8: Design

7.2. Core Strategy (2009)

- Policy 12: Rural Villages

7.3. 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area and the countryside
- Impact upon neighbouring residential amenity
- Impact upon 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. The NPPF is a material planning consideration in planning decisions.

8.3 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.

- 8.4 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Sheepy Neighbourhood Plan (SNP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy, the SADMP and SNP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Concerns have been raised by the Parish that this is contrary to the development plan.
- 8.9 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 187(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.”*
- 8.10 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 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.
- 8.11 And Policy S1 of the SNP which states that the Countryside will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. In principle, only the following types of development may be considered sustainable in countryside locations:

- A. The re-use and adaptation of buildings in accordance with the Site Allocations and Development Management Policies DPD Policies DM14 and DM15;
- B. Householder development;
- C. Dwellings in accordance with Policy S10;
- D. Development and diversification of agricultural and other land-based rural businesses, which accords with the NPPF;
- E. Employment development in accordance with Policy S17;
- F. Development by statutory undertakers or public utility providers;
- G. Recreation and tourism provided it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; and
- H. Renewable energy in accordance with Policy S4.

- 8.12 The proposal does not satisfy the requirements set out within Policy DM4 of the adopted SADMP or Policy S1 of the SNP. However, the proposal, relates to the construction of an access to an existing garage and workshop with an historic established hardstanding on site, and whilst this does not comply with the criterion outlined within Policy DM4 and S1 the proposed development would not intensify the use of the existing site and therefore the principle of development is not harmful. Other material considerations are assessed below.

Design and impact upon the character of the area and the countryside

- 8.13 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. It further states that development should lead to the enhancement of the immediate setting.
- 8.14 Policy DM10 of the adopted 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.
- 8.15 Policy S8 of the SNP states development proposals should be designed with evident care so as to respond positively to the character of the area in which it is located, demonstrably respond to the features of its setting; and work with the scale, form and character of the location and make a positive contribution to the street-scene.
- 8.16 The site, whilst being located within the countryside appears commercial in nature and it is considered that the proposal submitted under this application would not exacerbate any detrimental impacts to the open countryside, nor have any detrimental impacts to the character of the area. The area consists of a mix of buildings surrounding the crossroads and the proposals do not look inconsistent with the neighbouring buildings.
- 8.17 In light of the above, the proposal would satisfy Policies DM4 and DM10 of the adopted SADMP, and S8 of the SNP.

Impact upon neighbouring residential amenity

- 8.18 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

- 8.19 Policy DM7 of the adopted SADMP seeks to ensure that development does not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.20 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.21 Policy S8 of the SNP states development proposals should be designed with evident care so as to show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.22 The development site is located within a reasonable proximity to neighbouring residential properties which are located within the surrounding crossroads. The nature of the site is not proposed to change as part of this proposal, the proposal relates solely to the construction of a new access. The development, whilst seeking retrospective permission is not considered to cause detrimental impacts to neighbouring residents in terms of loss of light, loss of privacy, overlooking, overbearing, overshadowing or noise impacts.
- 8.23 The Councils Environmental Health Officer has raised no objection with regards to noise pollution from the creation of an additional access.
- 8.24 The proposal is therefore considered to be in accordance with Policies DM7 and DM10 of the adopted SADMP, Policy S8 of the SNP and Paragraph 135(f) of the NPPF.

Impact upon highway safety

- 8.25 Concerns have been raised by the Parish in respect to highway safety.
- 8.26 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.27 Ultimately, development should not 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, in accordance with Paragraph 116 of the NPPF.
- 8.28 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.29 Policy S8 of the SNP states development proposals should be designed with evident care so as to provide a safe and suitable access.
- 8.30 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) (2024).
- 8.31 There have been four recorded Personal Injury Collisions (PICs) within 500 metres of the proposed site access in either direction within the most recent five-year period for which data is available to the LHA, three of which were classed as serious in severity, and one was classed as slight in severity.
- 8.32 Policy 2 of the LHDG states that the council will apply a risk-based assessment of proposals for new accesses onto the existing highway network and alterations

to and / or intensification of existing accesses so that they do not result in unacceptable road safety and operational concerns.

Table 15: Unadopted access serving up to 3050m² GFA of offices

Minimum effective width (w)	6m (Add 0.5m if bounded by a wall on one side, 1m if bounded on both sides.)
Minimum kerbed radii (r)	6m
Vehicle visibility splays	As in Table 6 and Fig 9, measured from a setback of 2.4m
Pedestrian visibility splays	Normally 1m x 1m both sides (no planting permitted) unless there are local circumstances which apply e.g. a significant pedestrian traffic generator is located in the vicinity (such as a school, playground or playing fields etc.) in which case 2m x 2m is required. No planting permitted
Gradient	Preferably not greater than 1:20 for first 15m behind the highway, and should never exceed 1:12.
Surfacing	Bound material, for example, bituminous or concrete, or block paving for at least the first 15m behind the highway

- 8.33 The LHA have identified a speed and volume survey at the site access and have reviewed the access arrangements, and are satisfied that the proposal satisfies Policy 2 and Table 15 of the LHDG.
- 8.34 A suitable Stage 1 Road Safety Audit (RSA) alongside a Designers Response to the RSA1 has been included within the response to LHA comments letter. No highway related issues were raised in the audit, which is therefore acceptable.
- 8.35 The Applicant has confirmed that the existing access on Grendon Road will be closed as part of this proposal, the LPA will secure this via planning condition.
- 8.36 Given all outstanding matters have been addressed by the Applicant and the LHA consider that a safe and suitable access has been evidenced, the proposals are therefore acceptable in accordance with Policy DM17 of the adopted SADMP, Policy S8 of the SNP, the LHDG and the NPPF subject to conditions.

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. It is considered that the proposal has limited impacts on the character of the area and countryside, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM1, DM4, DM7, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document

(2016), Policies S1 and S8 of the Sheepy Parish Neighbourhood Plan (SNP) (2018-2036), the Leicestershire Highways Design Guide (2024) and the overarching principles of the National Planning Policy Framework (2024).

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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location & Block Plans, Drg No. 23/27 17B;
- Proposed Changes to Constructed Layout, Drg No. 3801-ADC-HGN-XX-DR-CH-0111 S4 P06;
- Swept Path Analysis of Box Van, Drg No. 3801-ADC-HGN-XX-DR-CH-0100 S1 P01 as received by the Local Planning Authority on the 28th May 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM7, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies S1 and S8 of the Sheepy Parish Neighbourhood Plan (SNP) (2018-2036) and the overarching principles of the National Planning Policy Framework (2024).

2. Within one month of the date of this decision the access arrangements shown on the Proposed Changes to Constructed Layout, Drg No. 3801-ADC-HGN-XX-DR-CH-0111 S4 P06 shall be implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access in the interests of general highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Parish Neighbourhood Plan (SNP) (2018-2036) and Paragraphs 115 and 116 of the National Planning Policy Framework (2024).

3. The new vehicular access hereby permitted shall not be used for a period of more than three months from the date of this decision unless the existing vehicular access on Grendon Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Parish Neighbourhood Plan (SNP) (2018-2036) and Paragraphs 115 and 116 of the National Planning Policy Framework (2024).

4. Within one month of the date of this decision the existing gates to the vehicular access shall be permanently removed. Notwithstanding the provisions of Part

2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15.00 metres of the highway boundary and hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Parish Neighbourhood Plan (SNP) (2018-2036) and Paragraphs 115 and 116 of the National Planning Policy Framework (2024).

5. Within one month of the date of this decision the access drive (and any turning space) shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15.00 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Parish Neighbourhood Plan (SNP) (2018-2036) and Paragraphs 115 and 116 of the National Planning Policy Framework (2024).

11.3 Notes to applicant

- a. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>