

Delegated Report

Planning Ref: 24/00877/FUL
Applicant: Mr Daniel Swift
Ward: Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: 1 Hunts Walk, Kennel Lane, Witherley

Proposal: Stables for 3 horses, tack room, hay store and yard for private use

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the construction of a stable building for three horses, tack room, hay store and horse yard for private use at 1 Hunts Walk, Kennel Lane, Witherley. The development site is located within a 2.35 hectare paddock and is located approximately 40 metres east of the associated dwelling.
- 2.2. The building has external dimensions of 18.5 metres by 3.9 metres and the associated horse yard has dimensions of 18.4 metres by 5.2 metres. The roofed area of the building has dimensions of 18.5 metres by 5.1 metres and covers the enclosed stables and a section of the yard.
- 2.3. The building has an eaves height of 2.45 metres and a ridge height of 4 metres. The yard is to be enclosed by a 1.5 metre-high post and rail fence with 5-bar gates on the eastern and western elevations.
- 2.4. The building is to be constructed of timber with 'shiplap' cladding and plain clay roof tile.
- 2.5. Given that this part of the wider site has been used as a materials storage area for the extensive building works that have been taking place in the adjacent former kennels building complex the development impacts less than 25sqm of non-priority habitat and therefore it is below the de minimis exemption threshold for statutory biodiversity net gain.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located on the eastern side of Kennel Lane in Witherley, which is the main road entering the village from the A5 to the south. It is outside of the settlement boundary of Witherley and located within the designated countryside.

The application site is associated with a residential development at the former Atherstone Hunt kennels and stables which is near completion.

- 3.2. Hunts Walk is a private, gated driveway serving the Atherstone Hunt development. Kennel Lane is an adopted C-road with a speed limit of 30mph. The application site benefits from existing access via Hunts Walk from Kennel Lane.
- 3.3. To the north of the development site is an open field within the countryside that has outline consent for the construction of 50 dwellings. Should that consent proceed as approved, the development site would be immediately south of the proposed SUDS basin and public green space area on the adjoining site.
- 3.4. To the west of the application site is the Atherstone Hunt development which is nearing completion. The former kennels building is immediately east of the application site and is the residence of the applicant. Further beyond the former kennels building are the former stables and the new gated entry to the residential compound.
- 3.5. To the east of the application site is open countryside land. To the south is open countryside land, and then beyond that land and a car park associated with the dilapidated Bull Inn. Immediately south of the Bull Inn is the A5.

4. Relevant Planning History

4.1 21/00789/FUL

- Conversion, extension and alteration of former kennels and stables to form 8no. dwellinghouses, erection of replacement dwellinghouse, conversion of outbuildings to home offices, erection of garaging and formation of new vehicular access and parking for adjacent cottages
- Permitted
- 11.01.2022

4.2 22/00937/FUL

- Conversion, extension and alteration of former kennels and stables to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access
- Permitted
- 18.05.2023

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 No responses have been received.

6. Consultation

- 6.1 No objections were received from LCC Ecology.
- 6.2 No objections were received from HBBC Environmental Services – Pollution.
- 6.3 No response was received from Witherley Parish Council.

7. Policy

7.1 Core Strategy (2009):

- Policy 12: Rural Villages

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues:

- 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. The NPPF is a material planning consideration in planning decisions.

- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. 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 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.5 To support this, 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”.
- 8.6 The principal use of stables is regarded as an equestrian use for the accommodation of horses, and not an outdoor sport or recreational use or an ancillary building relating to such a use. Therefore, the proposed development does not relate to, or comply with, any of the criteria within Policy DM4 of the SADMP.
- 8.7 However, this does not mean that the development is not sustainable. 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.
- 8.8 Nevertheless, 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

- 8.9 Policy DM4(i) of the 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.

- 8.10 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.
- 8.11 The proposed building is single storey and constructed with timber. It is located to the south of an existing hedgerow that provides an element of screening. The height of the building and dimensions of each stable stall have been limited to that required by the British Horse Society (BHS) guidelines. By virtue of its size, scale, volume, massing, and use of materials, the proposal is considered to preserve the rural character of the site.
- 8.12 The development is also sited over 150 metres from the public highway and the proposal includes additional landscaping to be installed along the site's northern boundary. These factors reduce the visual prominence of the building as viewed from beyond the application site.
- 8.13 As a result, the development is not considered to have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policy DM4(i) and Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.14 Policy DM10 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.
- 8.15 The application site is located over 130 metres from the nearest neighbouring dwelling outside of the Atherstone Hunt development, and approximately 60 metres from the nearest dwelling within the Atherstone Hunt development (excluding the applicant's property).
- 8.16 By virtue of its size, scale, volume, massing, and use, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity. Therefore, the scheme is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.17 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.18 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the

relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.19 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.20 The application site is served by an existing access from Kennel Lane that provides access to the paddock via the Atherstone Hunt development. The proposal makes no amendments to the existing access, nor the existing off-street parking space currently used for the applicant's horse box.
- 8.21 The purpose of the stables building is to ensure that the existing horses on the site can remain on site during winter, rather than being relocated as they currently are. This will have the impact of reducing overall horse box movements from the site.
- 8.22 It is therefore considered that the proposal does not create an unacceptable impact on highway safety or the road network 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 proposal is considered acceptable due to the limited impact upon the character of the surrounding countryside and the amenity of adjacent buildings. It is considered that the proposed development would be acceptable when taking national and local planning policies into account, and that the development would be in accordance with Policies DM4(i), DM10, DM17 and DM18 of the adopted SADMP.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed 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:

- Site Location Plan and Block Plan 9840-01 Rev A (submitted: 23.01.2025)
- Proposed Layout, Elevations and Floor Plans 9840-02 Rev A (submitted: 23.01.2025)

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 site and building shall only be used for the Applicant's own horses and for ancillary storage. The site shall not be used for any events or any commercial or industrial purposes, including the use of the site for livery stables. Should the stables become redundant, the building shall be demolished, and the site restored to grassland within 12 months of the building last being used for the stabling of horses.

Reason: Permission has been granted on the basis that the building is required for the private use of the Applicant to provide accommodation for their horses. Should this use no longer be required then alternative uses are unacceptable and/or are unlikely to be supported in the interests of the

amenity and character of the area, and in the interests of general highway safety in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

4. No development above foundation level shall take place until a scheme of soft landscaping works for the boundary treatments for the site, including an implementation scheme, has been submitted in writing 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 planning. During this period any trees or shrubs which die or are damaged, removed, or are seriously diseased shall be replaced by trees or shrubs of a similar size and species (native) to those originally planted at which time shall be specified by the Local Planning Authority.

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 (SADMP) (2016).

5. The materials to be used on the external elevations of the proposed extension and alteration shall consist of timber and clay roofing tiles in accordance with the Application Form (submitted: 17.09.2024).

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).

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. 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.