

Delegated Report

Planning Ref: 26/00149/FUL

Applicant: Mr Daniel Attwood

Ward: Newbold Verdon With Desford and Peckleton



Hinckley & Bosworth
Borough Council

Site: Caterpillar UK Ltd, Peckleton Lane, Desford

Proposal: Erection of security fence along the site boundary

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 proposal is for the erection of a 2.33m high green V mesh, to replace the existing lower-level security fence currently on site. The security fencing is proposed in two locations, one closer to Peckleton Lane/Common and the second along Desford Lane.

3. Description of the site and surrounding area

- 3.1. The application site is a large existing employment site, currently operated by Caterpillar UK Ltd. The site consists of a range of various industrial buildings and a large car parking facility. The security fencing subject to this application is located to the outer boundaries of the site between the site and Peckleton Lane/Common and Desford Lane.

4. Relevant planning history

There is an extensive planning history on the site which will not be repeated here for brevity, however below are the most relevant former planning applications:

25/00212/FUL

Construction of a new steel-clad building and galvanised steel bridge
Planning Permission
25/04/2025

24/00969/FUL

Reconfiguration and expansion of existing car park including new cycle and
motorcycle stores and solar pv canopies
Planning Permission
23/04/2025

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. One letter of objection has been received which confirms the following concerns:
- Fencing type in description does not match photographs providing
 - Land contamination concerns
 - Site area described is inaccurate
 - Harmful impact to trees and tree removal has occurred
 - BNG concerns

- Light pollution as a result of tree felling and shrub removal
- Concerns over additional lighting atop of the fencing

6. Consultation

- 6.1. Environmental Health: No objections to the proposal.
- 6.2. LCC Highways: No comments to make.
- 6.3. Kirkby Mallory, Peckleton and Stapleton Parish Council: Comments making the following observations:
 - The fence shall be 2m from the boundary
 - Sufficient coverage is available for the properties directly opposite the site
 - Reinstatement or retention of hedges, trees and planting

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - 7.2. 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 DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
 - 7.3. Desford Neighbourhood Plan (2021)
 - Policy H1: Settlement Boundary
 - Policy ENV3: Biodiversity General
 - Policy T1: Traffic Management
 - 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 (GDG) (2019)
 - National Design Guide (2019)
- ## **8. Appraisal**
- 8.1. The application site is located outside of the settlement of Desford and is therefore classified as being located within the countryside. The site is an established employment site. 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
- Other matters

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) 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. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. Desford is defined as a Key Rural Centre within the Borough of Hinckley. The Core Strategy sets out that Key Rural Centres are villages with populations over 1,500 and have a primary school, local shop, post office, GP, community facilities, employment opportunities, and a 6 day/week bus service. However, as set out above the site lies adjacent to but outside of the settlement boundary for the village. Therefore, the site lies within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
 - a) It is for outdoor sport or recreation purposes, 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; or
 - e) It relates to the provision of accommodation for a rural worker
- 8.5. 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.
- 8.6. Policy H1 of the Desford Neighbourhood Plan states that land outside of the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policy.
- 8.7. The application proposal, whilst not in adherence with Policy DM4 is for a replacement security fence, in an established employment site, and as such it is considered to be appropriate for the setting, subject to being in accordance with the

wider SADMP policies and other material planning considerations, which will be assessed within this report.

Design and impact upon the character of the area

- 8.8. The development consists of a replacement security fence, replacing the existing 1m high barbed wire topped fencing with a 2.33m high green V mesh fencing, to provide improved security for the existing site. The site is a large existing employment site located outside of the settlement boundary of Desford.
- 8.9. The proposed fencing is to be located along Desford Lane, and Peckleton Common, with a number of neighbouring properties being located adjacent to the site, with one property north of Peckleton Common being within the closest proximity to the site.
- 8.10. The fencing itself is not considered to detrimentally impact the character of the area, given the use and history of the site, being an industrial site. It would therefore not be uncommon to see security fencing in such a location. The V mesh fencing in green is considered to be an appropriate material type and colour to reduce any perceived visual impacts as a result of the development.
- 8.11. The application is therefore fully in compliance with Policy DM10 of the adopted SADMP and Policy CE1 of the MBNP.

Impact upon neighbouring residential amenity

- 8.12. The development of a 2.33m green V mesh security fence is not considered to create any detrimental impacts to neighbouring residential amenity, in terms of loss of light, loss of privacy, overbearing impacts or noise impacts – by virtue and nature of the development type.
- 8.13. It is acknowledged that concerns relating to neighbouring residential amenity has been raised within the received neighbour comment, in relation to the removal of trees and light pollution however, this has been addressed within the 'other matters' section of this report.
- 8.14. The development is not considered to cause detrimental impacts to neighbouring amenity in terms of noise impact, loss of light, loss of privacy or overbearing impacts.
- 8.15. The development is therefore considered to be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.16. The development of the replacement security fencing is not considered to impede on any car parking afforded to the business, nor is it considered that this development would have any impact on highway safety.
- 8.17. As such the development is considered to be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Other matters

- 8.18. It has been noted through both a neighbour comment and observations made by the Parish Council, that a number of trees, sections of existing hedgerow and shrubbery has been removed by the applicant, in proximity of the proposed fence's location.

- 8.19. Whilst this is regrettable, the applicant is permitted to remove any trees or shrubbery within their ownership without the need to apply for planning permission, given that the trees are not protected by a Tree Preservation Order. It is noted that this would give rise to a wider degree of visibility of the fencing, however, as discussed within the character of the area section of this report, the fence is considered of an appropriate scale and design. The applicant has also confirmed that any trees in the vicinity of the new fence will be built around which should ensure no further tree removal as a result of the development. For the avoidance of doubt, a condition is recommended requiring that any felling of trees as a result of the new fence line requires prior approval and details of replacement planting.
- 8.20. Furthermore, concerns have been raised regarding lighting from the existing buildings and operations on site as a result of the works to trees and shrubbery – this however is not a consideration of this application. Regarding concerns of potential future lighting atop of the proposed fencing, this is not something which has been proposed under this application and would require further permission.
- 8.21. It has been raised within a neighbour observation that there may be evidence of contaminated land at the site. This has not been confirmed, however a condition has been included at the end of this report, to ensure that if during the erection of the fence, any contaminated land is found, then details must be submitted to the Local Planning Authority for approval.

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, DM10, DM17 and DM18 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:

- Site Master Plan, Rev 15
- Site Master Drawing - Rear Site Focus, Rev 15
- Site Location Plan
- Planning Statement - Security Fence Line

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

3. The materials to be used on the hereby approved security fence shall match that described within the submitted application form, as part of this planning application.

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

4. If during development contamination not previously identified is found to be present at the site no further development shall take place until a written scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the installation of the remainder of the security fencing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No trees shall be removed as a result of the development unless full details of the proposed tree removal are submitted to and approved in writing by the Local Planning Authority. Details shall include location details, photos and details clearly showing the tree(s) in question and details of replacement tree planting.

Reason: For the avoidance of doubt and to ensure that the development has a satisfactory external appearance in accordance with Policy 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.