

Delegated Report

Planning Reference 25/00298/FUL
Applicant(s) Sarah Flamson
Ward Cadeby, Carlton, M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site New Farm, Hinckley Road, Cadeby
Proposal Erection of storage building (B8)
Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a new Use Class B8 storage building associated with the commercial business, Cadeby Tree Trust, at New Farm Rural Industries at New Farm, Hinckley Road, Cadeby. The development is constructed between two existing commercial structures towards the north of the wider New Farm Rural Industries site.
- 2.2. The building externally measures 23.8m in width by 36.6m in depth, which creates a total footprint of 871.1sqm. The proposal has a gable-ended pitched roof that has a ridge height of 8.3m. The structure is constructed with vertical cladding juniper green steel sheeting and natural colour fibre cement sheeting.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to the south of, and outside of, the identified settlement boundary of Cadeby. The site is bounded by Hinckley Road ('A447') to the east and Sutton Lane to the west, and beyond these public highways, the site is wholly surrounded by open agricultural fields.
- 3.2. The wider site received planning permission for the change of use of the farm buildings within the site to a timber storage and distribution business alongside the creation of new access to facilitate this change of use via 92/00300/COU in 1994. The site then received planning permission for the conversion of agricultural buildings to offices and stores via 93/00024/COU. Two side extensions on the western elevation of the existing storage building to the south of the site were subsequently approved via planning permissions 96/00548/FUL and 97/00370/FUL.

- 3.3. Following this, a new 22m wide by 36m deep by 8.5m high building for the processing of Christmas trees and the storage of timber to the north of the existing buildings was approved via 98/00854/OUT and 99/00309/REM.
- 3.4. In 2002, the land to the east of this previously approved building was permitted for a change of use for the external storage of timber to a height of 2m via 01/00705/COU. By 2006, the hard standing associated with Area A with this application had been unlawfully extended to encompass the entire width of the existing field. Between 2006 and 2021, the use of the site has intensified considerably and the hard standing associated with the wider site has expanded significantly to the west without the benefit of planning permission.
- 3.5. In 2021, the existing agricultural building to the south of the site was extended by 544sqm westwards via 21/00289/FGDO. The application was submitted to accommodate equipment in relation to the growing of Christmas trees.
- 3.6. A new 864sqm and 9.1m high agricultural storage building was then approved on the site via planning application 22/00625/FUL, which was built on site in 2024 alongside further extensive hard surfacing along the northern side of the site, which did benefit from planning permission.
- 3.7. Upon a visit to the site on 20 May 2025, the site appeared to be utilised by four companies (Cadeby Tree Trust, Verdon Timber, Christmas Cabin, and Boscano), which are associated with a Christmas tree company, a specialist timber product company, a Christmas tree stand and specialist machinery company, and a freight transport company. Temporary worker accommodation had also been created on the western side of the site. These additional uses of the site do not benefit from any form of planning permission.

4. Relevant Planning History

4.1 22/00625/FUL

- Erection of agricultural storage building
- Permitted
- 26.08.2022

4.2 21/00289/FGDO

- Extension to existing portal frame building
- Permitted
- 19.05.2021

4.3 01/01109/OUT

- Erection of building for the processing of Christmas trees
- Permitted
- 21.12.2001

4.4 01/00705/COU

- Retention of use of land for external storage of timber
- Permitted
- 20.06.2002

4.5 99/00309/REM

- Erection of building for processing Christmas trees and storage of timber
- Permitted
- 12.07.1999

4.6 98/00854/OUT

- Erection of building for processing Christmas trees and storage of timber
- Permitted
- 09.12.1998

4.7 97/00370/FUL

- Extension to storage building
- Permitted
- 30.05.1997

4.8 96/00548/FUL

- Extension to timber storage building
- Permitted
- 13.08.1996

4.9 93/00024/COU

- Conversion of agricultural buildings to offices and stores
- Permitted
- 10.03.1994

4.10 92/00300/COU

- Change of use of farm buildings to timber storage and distribution business and creation of new access
- Permitted
- 28.02.1994

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents, and a site notice was posted within the vicinity of the site. No responses were received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley and Bosworth Borough Council (HBBC)'s Pollution Officer
- Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)
- LCC as the Minerals and Waste Planning Authority (MWPA)

Ecology

6.2 The Applicant did not submit any ecological information as part of their planning application. Therefore, the County Council's Ecology Department conducted a desk study to confirm the likely impacts of the development. Due to the already urban nature of the site, being used already as a storage yard and comprising entirely of hard standing, the County Council are satisfied that there is sufficient ecological information available to support the determination of this application.

6.3 However, the Ecology Department confirmed that reasonable biodiversity enhancement measures should be secured via planning condition and include bird nest boxes, such as swift boxes.

Highways

6.4 Leicestershire County Council as the Local Highway Authority (LHA) did not consider the application as submitted to fully assess the highway impact of the proposed development and requested that a parking plan that included nine off-street parking spaces and two HGV parking spaces was submitted to support the proposal.

Minerals and Waste

6.5 The County Council as the Minerals and Waste Planning Authority (MWPA) highlighted that the application site is located in a Mineral Safeguarding Area for sand and gravel. In this instance, the MWPA do not consider that the prior extraction of minerals would be either practicable or viable within the site. Furthermore, the MWPA is not located within proximity to any existing safeguarded waste sites. Therefore, the MWPA do not have any objections to the development.

6.6 Natural England and Cadeby Parish Council have not responded to the planning application. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets

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 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

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Employment Land Review (2024)
- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- 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 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.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Both the Core Strategy and the SADMP 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.
- 8.6 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.

The Principle of Development within the Countryside

- 8.7 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.8 As a result, outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 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.”*
- 8.9 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. To ensure 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.
- 8.10 Whilst the development is associated with a commercial use, the Planning Statement did not seek to suggest that the scheme would contribute to economic growth, job creation or the diversification of a rural business, nor that any of these elements could be significant enough to the extent that the development complies with Policy DM4(c) of the SADMP.
- 8.11 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.12 For example, the Applicant has highlighted that the application site features within the Council's Employment Land Review (ELR). However, it is noted that the Applicant has failed to refer to the latest edition of the ELR.

Assessment of the Existing Classification of the Application Site

- 8.13 Table 31 of the latest ELR recommends that the wider application site, New Farm Rural Industries, is categorised as a Class 'B' Employment Site. However, this is a recommendation and therefore New Farm Rural Industries is not currently considered to be classified as Class 'B' Employment Site. As a result, Policy DM19 of the SADMP for developments within an existing employment site does not apply in these site-specific circumstances. The Applicant agrees with this position as they have not sought to refer to Policy DM19 of the SADMP within their consideration of relevant planning policies in their Planning Statement.
- 8.14 Policy DM20 of the SADMP confirms that the development of new employment sites for Use Class B1, B2, and B8 uses outside of allocated employment areas and outside of any identified settlement boundaries on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
- (a) Within settlement boundaries
 - (b) On previously developed land
 - (c) Adjacent to existing employment areas
 - (d) Adjacent to settlement boundaries
- 8.15 The Applicant has not sought to demonstrate that there are no suitable alternative sites available for this development, nor that the site complies with any of the requirements of Policy DM20(a) to (d) of the SADMP.

- 8.16 In summary, the application site is not considered to represent an existing employment site. The location of the application site does not meet the requirements of Policy DM20 of the SADMP and the Applicant has failed to justify the location of the development in these site-specific circumstances. Therefore, the application site represents new and unjustified commercial development in the designated open countryside. This is considered to result in harm to the character of the area in principle, which is contrary to, and in conflict with, Policies DM4 and DM20 of the SADMP.

The Principle of Rural Businesses

- 8.17 Chapter 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Therefore, significant weight should be placed on the need to support economic growth and productivity, taking into account both local and business needs and wider opportunities for development.
- 8.18 Paragraph 87(b) and (c) of the NPPF confirm that planning decisions should recognise the specific locational requirements of different sectors, which includes making provision for:
- (b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and
 - (c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.
- 8.19 Paragraph 88 of the NPPF also 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 beautiful new buildings; and
 - (b) The development and diversification of agricultural and other land-based rural businesses; and
 - (c) Sustainable rural tourism and leisure developments, which respect the character of the countryside; and
 - (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.

- 8.20 Paragraph 89 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 8.21 The key element of the requirements of Chapter 6 of the NPPF in these site-specific circumstances are that the significant weight to support economic growth and productivity should take into account local business needs.
- 8.22 Whilst the Applicant has referred to Paragraph 87 of the NPPF, the Applicant has failed to suggest what the specific locational requirements are for the sector the proposed development is for, and the Applicant has failed to suggest how the provision of a new structure within this site supports the expansion of industries of local, regional or national importance.
- 8.23 In addition, whilst the Applicant has highlighted the requirements of Paragraph 88(a) of the NPPF, the Applicant has failed to demonstrate that the development enables the sustainable growth and expansion of the existing business, Cadeby Tree Trust. This can be seen due to the substantial inconsistencies within the Applicant's submitted details and justification.
- 8.24 For example, it is only stated once within the Planning Statement that the proposal supports, *"The continuing organic growth of the business."* No further details are provided within the Planning Statement to justify this statement.
- 8.25 However, the Applicant sent an email to the Case Officer on 06 May 2025, which stated:
- "The site is expanding for the growing business on site that will increase employment by 15% with the new shed in both skilled and unskilled labour. It will increase production by 20% and improve efficiencies both in production and distribution. Utilising this site means we can continue to grow the other areas of the business without interruption to the rest of the site, which is used for planting trees and continues to increase our carbon negative output."*
- 8.26 Based on satellite imagery, it is noted that the application site has not been used for the planting of trees since 2022.
- 8.27 Despite several requests for clarification from the Local Planning Authority, to date, no details of the existing number of employees or the proposed number of new employees have been confirmed by the Applicant, and the Applicant has not sought to confirm how the development shall improve the efficiency of the business, nor what the other areas of Cadeby Tree Trust are that the Applicant is trying to grow.
- 8.28 Instead, the Applicant suggested in an email on 13 May 2025 that the proposal was to, *"Create additional covered storage space for as and when the need arises,"* and suggested that that the development would have a, *"Future mixed use."*

- 8.29 However, when the Case Officer spoke with a colleague of the Applicant, who is an employee of Cadeby Tree Trust, on site on 22 May 2025, it was stated that the development was required because Cadeby Tree Trust were not able to use any of the existing structures within the wider site.
- 8.30 Ultimately, the Applicant confirmed on 17 June 2025 that the proposal was, *"Speculative,"* and, *"Has no specific end user in mind."*
- 8.31 It is acknowledged that the site has been utilised in association with a timber storage and distribution business since 1994 and that no planning applications were submitted for further development within this site between 2001 and 2021. Therefore, the wider site operated for almost thirty years without requiring any further structures within the site.
- 8.32 Since this time, the wider site has received prior approval for a 544sqm extension to the building to the south of the site and planning permission for a further 864sqm agricultural building to the north of this application site. The justification for these two applications was to accommodate agricultural equipment in relation to the growing of Christmas trees and to ensure adequate stock levels can be stored on site all year around respectively.
- 8.33 It is noted that the current Applicant was also the Applicant for both of the previous applications. As highlighted at Paragraph 8.28 of this Report, an employee of the Applicant's business stated on site that these approved structures were not being utilised by the Applicant, nor for their approved uses.
- 8.34 The Applicant has not sought to justify further why a new building is required in this site in light of the previous planning history of the wider site, nor the inconsistencies within their statements.
- 8.35 Therefore, it is not considered that the developed is reasonably necessary to meet the demands of the business, Cadeby Tree Trust, nor that the scheme supports the sustainable growth or expansion of the existing business within the site. As a result, the scheme does not benefit from the significant weight provided by Chapter 6 of the NPPF.
- 8.36 Notwithstanding the above, Paragraph 3 of the NPPF confirms that the Framework should be read as a whole and therefore the requirements of Chapter 6 of the NPPF should be weighed against the requirements of the chapters within the wider NPPF in the planning balance.
- 8.37 This can be seen by the fact that Paragraph 89 of the NPPF confirms that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope of access on foot, by cycling, or by public transport.) These factors are assessed later in this report.

- 8.38 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.

Summary

- 8.39 To summarise, application site is not located within an established employment and represents new commercial development in the designated open countryside.
- 8.40 There are multiple and substantial inconsistencies within the justification for the current development, and the Applicant has failed to demonstrate why a new structure of this size and scale is required within the site to meet the demands of the business, Cadeby Tree Trust, in light of the planning history of the site, the existing use of the wider site, and the business' operation for over 30 years. Ultimately, the Applicant has confirmed that the proposal represents speculative development with no specific end user in mind.
- 8.41 Given the above, the significant weight detailed within Chapter 6 of the NPPF is not applicable to the development in these site-specific circumstances scheme, and the proposed development does not relate to, or comply with, any of the criteria of Policies DM4 or DM20 of the SADMP.
- 8.42 The development is considered to represent the unjustified urbanisation and commercialisation of the designated open countryside, which causes significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside in principle.
- 8.43 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

- 8.44 Key Policy 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 (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.45 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.46 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.
- 8.47 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.
- 8.48 Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.49 Guidance Point I1 of the NGD highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas, landmarks, and landscaping, amongst others.
- 8.50 As highlighted at Paragraph 8.42 of this Report, the development represents the unjustified urbanisation and commercialisation of the designated open countryside. This is considered to result in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside in principle.
- 8.51 Whilst it is appreciated that the scheme shall be viewed in the context of the existing structures within the wider site, the application site is within the designated open countryside and the Applicant has confirmed that the development is speculative development with no specific end user in mind. Therefore, the proposed development does not meet the local business' needs and does not represent the sustainable growth and expansion of the existing business. As such, the development is contrary to, and in conflict with, Paragraphs 88 and 89 of the NPPF.
- 8.52 Furthermore, the proposal infills the gap between the two existing buildings to the north of the site, which removes the separation between these existing structures that currently provides visual relief from built form within the site. As a result, the scheme creates an unbroken form of 8.3m to 9.1m high development that has a cumulative width of 69.8m and a footprint of 2,527.1sqm. This is considered to create a considerable cumulative size, scale, massing, and bulk of development within the site, which is not sensitive to its surroundings. Therefore, the scheme is considered to cause significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside. This significant harm is heightened by the site's visual prominence from Sutton Lane.
- 8.53 Given the above, the proposal is considered to be contrary to, and in conflict with, Chapters 6, 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135 and Paragraphs 88 and 89, Policies DM4 and DM10 of the SADMP, the National Design Guide, and the Good Design Guide.

- 8.54 As a result, the scheme is not considered to be well designed and fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.

Impact upon Residential Amenity

- 8.55 Policy DM10(a) and (b) of the SADMP states that 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.
- 8.56 The proposal is within an existing site that has been in use for over 20 years. There are no neighbouring residential properties in the immediate vicinity of the site that do not form part of the wider application site. By virtue of these factors, and the fact that there have been no objections to the scheme, the proposal does not result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.57 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.
- 8.58 The development's proposed access is via an existing access onto Stapleton Lane, which is 24m to the west of the highway's junction within Hinckley Road ('A447'). Stapleton Lane is a classified 'C' road that is subject to the National Speed Limit.
- 8.59 The Local Highway Authority (LHA) has reviewed its Personal Injury Collisions (PIC) database and identified six PICs within 500m of the access of the site onto Stapleton Lane in any direction. Three of these were classified as 'serious' and three were classified as 'slight.' Only one of these involved a turning manoeuvre, and none of these PICs were in the immediate vicinity of the access or the junction of Hinckley Road and Stapleton Lane. After reviewing the PIC data, the LHA did not find any patterns or trends. The LHA are therefore of the opinion that there are no existing highway safety issues that would likely be exacerbated by the proposals.
- 8.60 Whilst the Applicant has not provided any details or scaled access drawings, the LHA have noted that the proposed access is an established access onto the highway, and given the location of the existing access, the LHA consider that speeds are likely to be lower than the posted speed of the road. Furthermore, there are a number of businesses currently utilising the access and there are no PICs associated with the site. Given the nature of the proposals, the LHA could not demonstrate that the development would have a material impact on the existing

highway situation. The LHA therefore considered the access suitable for the proposed scale of development.

- 8.61 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.62 The LHA stated that to ensure that there is allocated parking for the structure within the site, a parking plan should be submitted that demonstrates nine off-street parking spaces and two HGV parking spaces. As highlighted by the Design and Access Statement, *"Parking can be accommodated within the scheme to meet the necessary requirements associated with the proposed extensions and alterations."* Given the size of the site, and the existing concerns with the development that have been raised by the Local Planning Authority within this Report, a planning condition could secure the necessary parking spaces in these site-specific circumstances.
- 8.63 In light of the above, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused.

11. Recommendation

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

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The development represents speculative and unjustified commercial development in the designated open countryside, which does not meet the needs of a local business and represents the unsustainable growth and expansion of built development on the site. The scheme infills the separation gap between the existing buildings within the site and creates a significant cumulative unbroken built form that is not sensitive to its surroundings. By virtue of its size, scale, height, volume, and bulk, the proposal results in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside.

Given the above, the development is considered to be contrary to, and in conflict with, Chapters 6, 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135 and Paragraphs 88 and 89, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the National Design Guide (2019), and the Good Design Guide (2020). As a result, the scheme is not well designed and fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the National Planning Policy Framework, the development is refused.

Notes to Applicant(s)

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 21.03.2025)
 - Block Plan (submitted: 21.03.2025)
 - Design and Access, Planning Statement (submitted: 21.03.2025)

- Existing Elevations, Section, Floor Plan, Drg No. 1 (submitted: 21.03.2025)
- Proposed Elevations, Section, Floor Plan, Drg No. 1 (submitted: 21.03.2025)
- Site Location Plan (submitted: 21.03.2025)