

Delegated Report

Planning Ref: 23/01069/FUL
Applicant: Mrs Lesley Neville
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 233 Shaw Lane Markfield Leicestershire

Proposal: Proposed new goat barn and cattery.

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application at an existing animal sanctuary seeks full planning permission for a new goat barn and cattery at 233 Shaw Lane, Markfield. To facilitate this development, the existing combined goat barn, stables, and food store building, and a small 16.8sqm timber shed are demolished within the site.
- 2.2. The cattery is designed in a 'U' shape to echo the footprint of the existing goat barn and stables. Externally, the cattery measures 24.8m in width by 14.2m in depth, which results in a total footprint of 246.5sqm. The structure utilises a pitched roof that features additional pitched roofs protruding from each end of it. The main roof has a right height of 5.3m, and an eaves height of 2.5m. The cattery is constructed with a red facing brickwork finish, a partial off-white through colour render finish, and clay pantile roof tiles.
- 2.3. The structure accommodates 12 pens to house single cats, groups of cats that live together, and cats with new litters of kittens. The food preparation and store areas are intended to support the new development and the existing animals within the site.
- 2.4. The new goat barn provides six pens and a central open area, and externally measures 22.6m in width by 13.8m in depth, which results in a total footprint of 311.9sqm. The barn utilises a 13-degree pitched steel corrugated roof that has a ridge height of 4.9m and an eaves height of 3m. The barn is constructed with timber boarding on a 1.5m concrete block plinth and a 13-degree pitched steel corrugated roof.
- 2.5. The development is intended to upgrade existing facilities within the site to support the expansion of the charity within the site.

3. Description of the Site and the Surrounding Area

- 3.1. The 3,780sqm application site is located to the northwest of Stanton under Bardon, which is classified as a rural village within the adopted Core Strategy (2009). The site is outside of any identified settlement boundary within the designated open countryside, Charnwood Forest, and the National Forest. However, the application site is still within the identified boundaries of the Markfield Neighbourhood Plan (MNP). The application site is also identified as within a risk zone of a Site of Special Scientific Interest (SSSI) and a historic Local Wildlife Site (LWS).

- 3.2. The application site is host to, and operated by, Redgate Farm Animal Sanctuary which is a charity founded in 1986. The Sanctuary cares for a variety of animals including cats, goats, pigs, sheep, rabbits, ducks, geese, and chickens.
- 3.3. The Animal Sanctuary consists of a collection of barns and small buildings, which have been added to the site as it has evolved over the years. The buildings are clustered towards the north of the site and mainly consist of single storey masonry buildings of a simple design, or a steel portal framed agricultural structure.
- 3.4. The existing goat barn and stables form a 'u' shaped around a concrete courtyard. Combined, these attached structures have a width of 24.8m, and a depth of 16.2m, which results in a total footprint of 250.4sqm. The existing structure has a maximum height of 3.3m and features a white render finish, a brick plinth, and a steel-corrugated roof.
- 3.5. The site is accessed by an unclassified service road off Shaw Lane. Shaw Lane bounds the northern edge of the site, and it is an adopted and classified 'A' road (A511) that is subject to the National Speed Limit. Beyond the A511 is open agricultural fields and Bardon Hill Quarry. To the east of the site is 255m of ribbon residential development that comprises of a mixture of styles, and designs with no discernible unique character. Beyond these dwellings is the Billa Barra Local Nature Reserve Site.
- 3.6. To the south of the site is open countryside and Cliffe Hill Quarry. Public Right of Way (PRoW), Footpath R8 runs in an east-to-west direction approximately 200m to the south of the site. PRoW Footpath N49 runs immediately adjacent to the western boundary of the site. Further to the west of the site is the Bardon Hill industrial estate, which is separated from the site by open agricultural fields.

4. Relevant Planning History

4.1 18/00715/CLUE

- Certificate of (existing) lawful development for for the residential occupation of the residential unit to be unrestricted, in breach of Condition 1 of planning permission reference 00/00873/FUL.
- Permitted
- 09.11.2018

4.2 06/00607/FUL

- Covered walkway in front of dog kennels.
- Permitted
- 22.08.2006

4.3 04/00365/FUL

- New animal treatment room.
- Permitted
- 30.07.2004

4.4 01/01084/ADV

- Display of sign board.
- Permitted
- 17.12.2001

- 4.5 **01/00377/FUL**
- Demolition of existing office and construction of store shop and office, replacement of existing animal houses.
 - Permitted
 - 19.07.2001
- 4.6 **00/01034/FUL**
- Erection of aviaries.
 - Permitted
 - 06.12.2000
- 4.7 **00/00873/FUL**
- Retention of mobile home.
 - Permitted
 - 11.20.2000

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 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Pollution Officer
 - HBBC's Waste Management Officer
 - Leicestershire County Council (LCC)'s Ecology Department
 - Local Highway Authority (LHA) (subject to conditions)
 - Markfield Parish Council
 - National Forest Company (NFC)

Statutory Consultees with No Comments

- 6.2 The National Forest Company (NFC) confirmed that the application site area is below the threshold that the NFC requires for National Forest planting.
- 6.3 The Council's Drainage Officer and Greenspaces Officer, and the Friends of Charnwood Forest did not respond to this planning application.

Highways

- 6.4 On 11 January 2024, the Local Highway Authority (LHA) did not consider the application to fully assess the highway impact of the proposed development and required the following further information:
- Further information as to how the Applicant plans to control the number of vehicles on the site at one time.
 - Maximum achievable visibility splays in each direction.
 - Provision of a detailed and scaled drawing identifying the current parking arrangements.
 - Whether the development results in an intensification of trips to the site.
- 6.5 The LHA noted that two Personal Injury Collisions (PICs) were recorded on the Westbound carriageway within 500m either side of the site access in the last five years. One of these PICs were classified as 'slight' in severity and one was classified as 'serious' in severity.

- 6.6 On 18 January 2024, the Applicant submitted further information that highlighted that the new development is a replacement, and enhancement, of existing facilities within the site and it does not represent an intensification of the use of the site. Within the Applicant's Highways Response Letter, they also confirmed that public access is currently limited to weekends and outside of that time, access to the centre is wholly used by staff and volunteers. The Applicant submitted a Site Plan within the Highways Response Letter than demonstrates 15 off-street vehicle parking spaces can be provided within the site.
- 6.7 Following this, on 31 January 2024, the LHA confirmed that they were satisfied that the development does not result in an increase of trips to the site when compared to the extant use. Notwithstanding this, the Applicant has demonstrated achievable visibility splays of 2.4m by 215m to the east of Shaw Lane, which is in accordance with the Leicestershire Highway Design Guide (LHDG) (2022). Furthermore, the LHA were satisfied that parking provision within the site is sufficient.
- 6.8 Therefore, the LHA considered that the impacts of the development on highway safety were not unacceptable, and when considered cumulatively with other developments, the impacts on the road network were not severe, subject to the provision of two planning conditions that secured a construction traffic management plan and the implementation of parking and turning facilities prior to the occupation of the new development.
- 6.9 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 12: Rural Villages
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
- 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 Markfield Neighbourhood Plan 2020 – 2039 (MNP) (2021):
- Policy M1: Countryside
 - Policy M2: Landscape Character
 - Policy M3: Green Infrastructure
 - Policy M4: Ecology and Biodiversity
 - Policy M5: Trees
 - Policy M10: Design
 - Policy M24: Business Expansion
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)

- 7.5 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)

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
 - Planning balance

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 and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted 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 and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 225 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 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 180(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. 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 Similarly, Policy M1 of the Markfield Neighbourhood Plan (MNP) states that land outside the identified settlement boundary will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure that it may be enjoyed by all. Subsequently, the MNP supports the following types of development in the countryside:
- 1. Recreation and tourism that cannot be provided within the settlement boundary.
 - 2. Development by statutory undertakers or public utility providers.
 - 3. The subdivision of an existing residential dwelling.
 - 4. Development that is otherwise in accordance with national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan.
- 8.11 Whilst the scheme may contribute to economic growth and job creation, the provision of a replacement cattery and goat barn is not considered to result in a significant contribution of these benefits, which is not compliant with Policy DM4(c) of the SADMP.
- 8.12 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4 of the SADMP or Policy M1 of the MNP, but this does not mean that the development is not sustainable.
- 8.13 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.
- 8.14 Furthermore, Section 6 of the NPPF requires planning decisions to give significant weight to the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development.

- 8.15 Paragraph 88(a) and (b) of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new building; and the development and diversification of agricultural and other land-based rural businesses respectively.
- 8.16 This is echoed within Policy M24 of the MNP, which supports the expansion and existing business and enterprise where the development will:
1. Deliver local employment opportunities or support and diversity the rural economy.
 2. Where possible, re-use existing buildings or redevelop existing and former employment sites and commercial premises.
 3. Comprises well designed new buildings of a size and quality to cater for the identified needs of the existing business.
 4. Help meet modern business requirements.
- 8.17 The scheme comprises of new buildings that are of a size and quality that cater for the identified needs of the existing business in accordance with Policy M24 of the MNP, which is likely to support the productivity and local business needs in accordance with Section 6 of the NPPF.
- 8.18 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP and, as such, the application is unacceptable in principle. However, this is subject to the assessment of all other material considerations including the extent of the development's harm to the open countryside and the benefits of supporting the development of an existing rural business.

Design and Impact upon the Character of the Area

- 8.19 Section 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.20 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.21 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.

- 8.22 Policy 12 of the adopted Core Strategy supports proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park in line with Policies 21 and 22 of the adopted Core Strategy.
- 8.23 Policy 21 of the adopted Core Strategy supports development within the National Forest that contributes to the delivery of the National Forest Strategy (such as increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments, especially overnight quality accommodation linked to tourism in the Forest) providing that:
- The siting and scale of the proposed development is appropriately related to its setting within the Forest.
 - The development respects the character and appearance of the wider countryside.
 - The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 8.24 Policy 22 of the adopted Core Strategy states that proposals within Charnwood Forest will be supported where they:
- Maintain the traditional working landscape of the Forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives.
 - Retain local character and complement the local landscape.
 - Enhance woodland and habitat provision and connectivity.
 - Manage and enhance the cultural heritage of the area.
- 8.25 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.
- 8.26 In accordance with Policy M2 of the MNP, development should conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design of development proposals; retain and, where possible, enhance woodland, hedgerows, mature trees, and stone walls as features of landscape importance unless it is demonstrated this is not viable or practicable; and be well integrated within the landscape with planting to soften urban edges.
- 8.27 Moreover, the design of the scheme should be sympathetic to the local character and history of the area in accordance with the 12 requirements of Policy M10 of the MNP.
- 8.28 The size of the goat barn is based on the Applicant's current usage and requirements.
- 8.29 The cattery has a very similar, but slightly smaller, footprint to the existing structure which it replaces and utilises the established 'u' shaped design of this demolished structure. Therefore, it is considered that the size and footprint of the cattery is acceptable. Furthermore, the structure utilises similar material finishes to that of the existing 'u' shaped building, which preserves the character of the site.
- 8.30 However, the new development utilises pitched roofs which have a ridge height 2m higher than that of the existing flat-roofed structure. Whilst this may increase the prominence of the development and is out of character within the existing buildings within the site, this is considered to improve the design of the structure and the

wider application site. Moreover, the structure is over 32m south of the public highway, and the existing mature vegetation along the northern and western boundaries of the site ensure that structure is not visible from Shaw Lane, nor the adjacent Footpath N49.

- 8.31 In light of the above, the proposed cattery is considered to preserve the character of the site and the surrounding area.
- 8.32 On the other hand, whilst the new goat barn replaces an existing timber structure within the site, this barn is 295.1sqm larger than this structure and is 5m in height. In addition, the structure protrudes further south than any other building within the site into the open countryside. Whilst the goat barn is agricultural in character, given the scale of the structure and its height, the goat barn is likely to result in harm to the character of the surrounding area.
- 8.33 Notwithstanding this, the goat barn is experienced within the site alongside the other structures associated with the Animal Sanctuary. Furthermore, the new goat barn is over 104m south of the public highway and is consequently considered to be offered limited visibility from Shaw Lane. These limited views are also reduced by the mature vegetation on the northern boundary of the application site, and the fleeting views of the site within a vehicle travelling along the public highway at the National Speed Limit. However, it is likely that views of the goat barn are possible from Public Footpath N49.
- 8.34 Nevertheless, the construction of the structure retains the existing vegetation along the western boundary of the site, which is considered to slightly reduce the visual impacts of the development. In addition, the views from Public Footpath N49 are experienced within the context of the classified 'A' road to the north and built form of the Bardon Hill Industrial Estate to the west.
- 8.35 Due to the distance between the application site and Public Footpath R8, the intervening mature vegetation and the single storey nature of the proposed development, it is not considered that scheme is likely to cause any significant adverse visual impacts to the experience and character of this PRow.
- 8.36 As a result, whilst the proposed goat barn may result in some harm to the immediate character of the surrounding area, this impact is limited to the views from the adjacent Public Right of Way, Footpath N49, which is experienced in the wider context of the A511 to the north and the built form of the Bardon Hill Industrial Estate to the west. This harm should be balanced against the benefits of the proposal.

Impact upon Residential Amenity

- 8.37 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.
- 8.38 Policy DM10(a) and (b) 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.

- 8.39 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.40 There are no residential dwellings to the north, south, or west of the application site. The closest residential property that is not associated with Redgate Farm Animal Sanctuary, 231 Shaw Lane, is 55.5m to the northeast of the existing goat barn.
- 8.41 Given the existing use of the site, the provision of a replacement goat barn and the erection of a cattery is not considered to result in significant harm to the residential amenity of neighbouring properties as a result of noise, light, or air pollution. In addition, both structures within this proposal are single storey and over 55m from the nearest residential property. Therefore, the scheme is not considered to result in any overbearing, overshadowing, loss of privacy, or loss of light impacts to any neighbouring properties.
- 8.42 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 harm to residential amenity of neighbouring properties in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.43 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 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.
- 8.44 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 115 of the NPPF.
- 8.45 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.46 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.47 Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.

- 8.48 The LHA noted that two Personal Injury Collisions (PICs) were recorded on the Westbound carriageway within 500m either side of the site access in the last five years. One of these PICs were classified as 'slight' in severity and one was classified as 'serious' in severity.
- 8.49 The Applicant submitted further information that highlighted that the new development is a replacement, and enhancement, of existing facilities within the site and it does not represent an intensification of the use of the site. Within the Applicant's Highways Response Letter, they also confirmed that public access is currently limited to weekends and outside of that time, access to the centre is wholly used by staff and volunteers. The Applicant submitted a Site Plan within the Highways Response Letter than demonstrates 15 off-street vehicle parking spaces can be provided within the site.
- 8.50 In light of the above, the LHA are satisfied that the development does not result in an increase of trips to the site when compared to the extant use. Notwithstanding this, the Applicant has demonstrated achievable visibility splays of 2.4m by 215m to the east of Shaw Lane, which is in accordance with the LHDG. Furthermore, the LHA are satisfied that parking provision within the site is sufficient.
- 8.51 Therefore, it is considered that the impacts of the development on highway safety are not unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not severe, subject to planning conditions. As a result, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.52 The proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4 of the SADMP or Policy M1 of the MNP. Therefore, the development is considered to be unacceptable in principle, subject to the assessment of all other material considerations.
- 8.53 Policy DM4 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.
- 8.54 Ultimately, whilst the structure is agricultural in character, it is considered that the provision of the 22.6m wide by 13.8m deep goat barn is likely to result in harm to the character of the surrounding area, and therefore the character of the open countryside, Charnwood Forest, and the National Forest.
- 8.55 However, the views of this harm are limited to within the site, where the development is experienced within the context of the wider Animal Sanctuary, and to the west via Public Footpath N49, which is experienced in the context of the highly trafficked classified 'A' road to the north and the large industrial estate to the west. Therefore, this harm is considered to be offered moderate-to-limited weight within the planning balance due to the restricted to views of the harm from only within, and to the west of, the application site.
- 8.56 On the other hand, Section 6 of the NPPF requires significant weight to be given to the need to support economic growth and productivity of local businesses, which can be through well-designed new buildings. This is supported by Policy M24 of the MNP.

8.57 Whilst the goat barn is large, it is considered to be agricultural in character and its size has been determined by the Applicant to cater for the identified needs of the existing Animal Sanctuary within the site. Therefore, significant weight should be given to the support of the economic growth of an existing land-based rural business.

8.58 Overall, it is considered that the harm to the character of the surrounding area does not significantly, nor demonstrably, outweigh the potential benefits of the scheme in these site-specific circumstances. As a result, it is considered that the development is acceptable and compliant with Policies M1 and M24 of the MNP, Policies DM4 and DM10 of the SADMP, Policies 12, 21, and 22 of the adopted Core Strategy, Sections 2, 6, 12, and 15 of the NPPF, and the Good Design Guide in these circumstances.

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 granted, subject to the imposition of appropriate conditions.

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 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:

- Existing Floor Plans and Elevations (submitted: 10.11.2023)
- Proposed Cattery Elevation (submitted: 20.11.2023)
- Proposed Cattery Ground Floor Plan (submitted: 10.11.2023)
- Proposed Goat Barn Elevations (submitted: 10.11.2023)
- Proposed Goat Barn Floor Plan (submitted: 10.11.2023)
- Proposed Site Plan (submitted: 10.11.2023)
- Site Location Plan (submitted: 10.11.2023)
- Topographical Survey (submitted: 10.11.2023)

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

3. No development shall commence on the site until such time as a construction traffic management plan, including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

4. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with the submitted drawing, 'Site Plan - Highways Visibility Splay' drawing no. 8860_03_06. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
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.

3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).