

Delegated Report

Planning Ref: 24/00970/FUL

Applicant: Freeman Farming

Ward: Barlestone, Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Heath Lodge Farm, Bagworth Road, Newbold Heath

Proposal: Erection of livestock building

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 seeks full planning permission for the erection of a livestock building Heath Lodge Farm, Bagworth Road, Newbold Heath.
- 2.2. The proposed livestock building has dimensions of 36.57 metres (120 feet) by 45.72 metres (150 feet), with an overall footprint of 1,672 square metres. The structure has a three gable roof with a ridge height of 6.8 metres, and an eaves height of 4.8 metres.
- 2.3. The building is to be clad in concrete panels at the base of the walls to a height of 2 metres, with a 2.2 metre open section above that with intermittent posts. The gable ends are to be clad in York boarding. The roof is to be constructed of fibre cement, with intermittent roof lights covering approximately 10% of the roof area.
- 2.4. The proposal involves no change to the existing access arrangement. All traffic will continue to enter the site via the gated entrance from Bagworth Road. The existing internal driveway is to be extended further west to provide vehicle access to the northern elevation of the building.
- 2.5. The development is located to the west of the existing agricultural buildings on the site, all of which are clustered together and surrounded by paddocks that form part of the agricultural holding.

3. Description of the site and surrounding area

- 3.1. The development site is located within Heath Lodge Farm, to the rear of the existing cluster of agricultural buildings, and the farm homestead and its ancillary annexe. To the east of the development site are existing agricultural buildings used for hay and fodder storage and for the keeping of livestock. To the west is a line of trees dividing an area of the existing paddock.
- 3.2. Heath Lodge Farm is located within the designated open countryside and is outside of any identified settlement boundary. To the north, east and south of the development site is land within the agricultural holding associated with Heath Lodge Farm.
- 3.3. The site is accessed via an existing gated access track from Bagworth Road. Bagworth Road is an adopted and classified 'B' road that is subject to the National Speed Limit. It intersects with Barlestone Road approximately 880 metres south of the access point to Heath Lodge Farm. A public footpath runs parallel to the north of

Barlestone Road, which becomes Newbold Road as it enters Newbold Verdon, and the footpath is located approximately 415 metres south of the development site at its nearest point.

- 3.4. The settlement of Newbold Heath is south-east of the development site and further beyond that to the south is Newbold Verdon. The village of Barlestone is to the west.

4. Relevant planning history

18/00503/GDO

- Steel framed lean-to extension to existing building
- General Development Order
- 11.06.2018

09/00402/GDO

- Erection of agricultural building
- General Development Order
- 06.07.2009

5. Publicity

- 5.1 The application has been publicised by sending out letters to neighbours. A site notice was also posted within the vicinity of the site.

- 5.2 No responses have been received.

6. Consultation

- 6.1 The Coal Authority have indicated that they have no specific comments to make, but request that the Coal Authority's Standing Advice note be drawn to the applicant's attention where relevant.

- 6.2 No objection was received from Barlestone Parish Council.

7. Policy

- 7.1 Core Strategy (2009)

- N/A

- 7.2 Barlestone Neighbourhood Plan (2022)

- Policy ENV6: Ridge and Furrow

- 7.3 Site Allocations and Development Management Policies (SADMP) DPD (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

- 7.4 National Planning Policies and Guidance

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

- 7.5 Other relevant guidance

- Good Design Guide (2020)

- Leicestershire Highway Design Guide (LHDG) (2024)
- National Design Guide (2019)

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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. Paragraph 12 of the NPPF states 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.
- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.5. Paragraph 88(a) and (b) of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses respectively.
- 8.6. 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. Policy DM4 of the SADMP only considers residential 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”.

- 8.7. Importantly, Policy DM4 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. The site lies within an area of faint surviving ridge and furrow in the Neighbourhood Plan. There are four other such areas within the Plan and six other fields within the Plan area where well preserved ridge and furrow remains. It is therefore not considered that the faint surviving ridge and furrow in this location, which covers a far wider area than the site of the building, is an impediment to development.
- 8.9. The development is outside of any identified settlement boundary in the designated open countryside. However, the scheme is for, and is within a site that is utilised for, agricultural purposes and is considered to support the economic growth of a rural business. Whilst this contribution to economic growth may not be considered significant, given the requirement to support the sustainable growth and expansion of all types of businesses in rural areas, the proposal is considered acceptable in principle in accordance with Policy DM4 of the SADMP, and Paragraph 88 of the NPPF, subject to the assessment of all other material considerations.

Design and Impact upon the Character of the Area

- 8.8 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.
- 8.9 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.10 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.
- 8.7 The proposed building is for an agricultural use and will be located to the west of a site that is operated as a farm. The building is clustered with other agricultural buildings on the site and utilises materials that are common among the other nearby structures. The development is therefore considered to be in keeping with the agricultural vernacular of the site and therefore the character of the surrounding area.
- 8.8 The development site is not visible from either Barlestone/Newbold Road or Bagworth Road which are separated from the site by 530 metres and 247 metres respectively. It is unlikely that the building will be visible from the public footpath to the south, with at best intermittent views in the section where less vegetation is present between the development site and the footpath. Nonetheless, even if some views are possible, there is a generous separation distance of over 410 metres and

the proposed building would present consistently with the other agricultural buildings on the site. As such, based on site-specific contact it is not considered the proposal would cause significant harm to the countryside.

- 8.9 By virtue of the distance from the highway and public footpath, the design, the proposed use of external materials, and the limited prominence of the development, the proposal respects the character of the site and surrounding area in accordance with Policies DM4, and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.10 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.11 The development is located to the west of existing agricultural buildings on the application site and there are no adjacent residential dwellings in the immediate surrounds. The nearest dwelling is located on an adjacent farm and is located 334 metres south-east of the development site. The nearest dwelling on a purely residential site is located over 380 metres to the south-east along Bagworth Road. Heath Lodge Farm has existing livestock buildings that are already sited closer to these dwellings than the proposed building.
- 8.12 Given the separation distance, the existing presence of livestock buildings on the site, and the existing agricultural use of the site, the provision of an additional livestock building is not considered to result in any significant adverse harm to neighbouring residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.13 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.14 The development is not considered to have a material impact on the existing off-street vehicle parking arrangements at Heath Lodge Farm, nor highway safety 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 The proposed development is considered to be of appropriate design and scale based on site-specific context. It is not considered that the proposal would have an adverse impact upon the character and appearance of the area, on highway safety, or on the amenity of residential neighbours.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission 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:

- Site Location Plan (submitted: 22.10.2024)
- Site Plan (submitted: 22.10.2024)
- Proposed Elevations and Floor Plan (submitted: 13.02.2025)

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. The materials to be used on the external elevations of the proposed agricultural building shall be as detailed in the accompanying application form (submitted: 22.10.2024).

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).

4. The building hereby permitted shall be used for agriculture and for no other purpose (including any other purpose in Class Q or R; Schedule 2; Part 3 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended), or in the Town & Country Planning (Use Classes Order) 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the existing land uses are, for the most part, undisturbed in order to make sure that any new development is only permitted if it meets the requirements of the criteria of Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), to protect the character of the rural area in accordance with Section 15 of the National Planning Policy Framework (2024).

5. No development shall take place (including ground works or vegetation clearance) until a Landscape Plan covering 30 years has been submitted to, and approved in writing by, the Local Planning Authority. This can take the form of a Habitat Management and Monitoring Plan (HHMP) and should include the following details:

- Description and evaluation of the features to be created and managed including planting schedules, species lists, and planting strategy including best practice guidance on appropriate spacing for planting trees; and
- Aims and objectives of management; and
- Appropriate management options for achieving aims and objectives; and
- Prescriptions for management actions; and
- Work schedules; and
- Species/seed mixes to be planted/sown; and
- Ongoing monitoring and remedial measures.

The development hereby permitted shall then be implemented in strict accordance with the details of the approved Landscape Plan.

Reason: In order to protect the biodiversity and wildlife on site to accord with Policy DM6 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.