

Delegated Report

Planning Ref: 25/00713/FUL

Applicant: Mr Tim Sinnott

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Ivy House Farm, Bilstone Road, Congerstone, Shackerstone, Nuneaton



Hinckley & Bosworth
Borough Council

Proposal: Change of use of land for the siting of self-storage containers

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 application is a full planning application for the change of use of land for the siting of x94 self-storage containers. The proposal also includes the provision of hard surfacing, car parking, fencing and proposed planting.
- 2.2. The total area of the proposed application measures approximately 0.5 hectares.
- 2.3. The proposal forms an extension to the existing storage facility on site granted permission under ref 20/00997/FUL for 56 storage containers. The proposed units would comprise the re-use of steel shipping containers, stored at ground level to the east of existing agricultural buildings. Each proposed container measures 6 metres by 2.4 metres with a height of approximately 2.6 metres and are dark green in colour.
- 2.4. There is an existing vehicular access to the site off Bilstone Road and the applicant is seeking to utilise the access secured under planning ref 20/00997/FUL which widened the access and included a passing bay.
- 2.5. The application is accompanied by the following reports and documents:
 - Application Form
 - Site Location Plan
 - Planning Statement
 - Shipping Container Details
 - Fencing Details
 - Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment
 - Small sites BNG Metric
 - Visibility Splays
 - Fire Truck Tracking
 - Farm Diversification Details

3. Description of the site and surrounding area

- 3.1. House Farm is located off Bilstone Road on the southern edge of Congerstone. The site comprises several agricultural buildings and an existing storage area. The site lies within open countryside to the east of existing agricultural units. The site lies to the south of the Congerstone Conservation Area and Horse and Jockey Public House.

- 3.2. Planning history reveals that permission and prior approvals have been granted for various changes of use of buildings on site to a holiday let, B8 storage and Class E uses, all of which show the rural diversification of the farm in recent years.
- 3.3. Public Right of Way S91/1 runs approximately 120 metres from the public highway along the access drive.

4. Relevant planning history

- 4.1. 20/00997/FUL – Proposed self-storage facility and access road – APPROVED

22/01174/FUL – Change of Use and refurbishment of existing barn to Class C1 holiday let and hardstanding – APPROVED

23/00371/P3CR – Change of Use of agricultural building to B8 storage – PRIOR APPROVAL GIVEN

23/00798/FUL – Change of Use of agricultural to Class E and Class B8 – APPROVED

24/00186/FUL – Agricultural Track – APPROVED

24/01152/FUL – Change of Use of agricultural land to commercial use – Class E (Light Industrial) – APPROVED

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 and advertised in the local press.
- 5.2. No comments have been received from local residents or third parties.

6. Consultation

- 6.1. No objection has been received from the following consultees:

- LCC Minerals and Waste
- National Gas Transmission
- HBBC Environmental Health – subject to condition
- LCC Highways – subject to conditions
- HBBC Conservation Officer
- HBBC Drainage – subject to condition
- LCC Ecology – subject to conditions

- 6.2. LLFA – Further information required

Further response received 16 January 2026 - Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.5ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to high risk of surface water flooding. The proposals seek to use permeable surfacing to mimic current greenfield drainage. The site will be permeable surfacing with sited storage containers raised off the ground to allow surface flows underneath. Previous concerns from the LLFA have now been addressed. Leicestershire County Council as the LLFA advises the LPA that the proposed development is considered to be acceptable based on the surface water management principles provided within the application. The development should be designed in accordance with the details provided.

- 6.3. Health and Safety Executive - HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.
- 6.4. No comments have been received from Shakerstone Parish Council

7. Policy

- 7.1. Core Strategy (2009)
- Policy 17: Rural Needs
- 7.2. Site Allocations and Development Management Policies 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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Landscape Character Assessment
 - Leicestershire Highway Design Guide
 - Leicestershire Minerals and Waste Local Plan

8. Appraisal

- 8.1. The following represent the key issues in this case:

- Principle of development
- Design and Character
- Impact upon highway safety
- Impact on Heritage
- Residential amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Minerals
- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF

is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The Emerging Local Plan is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS) was published on 06 March 2025 and can be found on the website. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation which took place in September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are attributed very limited weight.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located on land within open countryside on the edge of the settlement of Congerstone, identified as a rural village.
- 8.6. Policy DM4 of the Site Allocations and Development Management Policies DPD 2016 is applicable in this case. This policy allows for sustainable development within the countryside provided that it meets criteria. The criterion applicable in this case is:

c) the proposal would significantly contribute to economic growth, job creation and/or diversification of rural businesses.
- 8.7. Policy DM20 of the SADMP relates to the provision of employment sites. It states that the development of new employment sites for B1, B2 and B8 uses outside of allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land. Proposals which stand outside the settlement boundary and on Greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified in the following locations:
 - within settlement boundaries
 - on previously developed land
 - adjacent to existing employment sites
 - adjacent to settlement boundaries
- 8.8. Further justification for employment/rural diversification has been provided by the applicant subsequent to the submission of the planning application at the request of the case officer.
- 8.9. The applicant states that:

'The agricultural industry in the UK is widely known for its turbulence. It is a unique market where the producers have no say over the sale price of their produce and as a result many crucial food producers have struggled historically to make a profit. Government intervention has been long established; the Common Agricultural Policy was introduced to financially support farmers in 1962 with the aims of increasing agricultural productivity, ensuring a fair standard of living for farmers, and guaranteeing the availability of supplies. The provisions

of this have evolved significantly, with increasing focus on environmental protection and sustainability. In its latest iteration UK farmers are to lose direct support imminently. While Government support is still available through environmental schemes, this has pushed farms particularly over the last five years to really review how they operate and what other enterprises they can introduce to support the farm rather than having to rely on intervention support. In conjunction with this, the agricultural industry has been impacted as a result of Brexit, including impacts on labour availability and equality of farming standards, and has felt the effects from volatility in input prices due to other events like the Ukraine war. The entire industry is at a shifting point, and the Government has been actively encouraging farmers to diversify wherever they can. The most recent Farm Business Survey 2023/24 carried out by Defra, identified that farm income was lower for almost all farm types than the year before, with cereal farms suffering from a loss of income of 73% compared to the previous year. 71% of farm businesses have diversified activity, with 50% of farms in England letting out buildings for non-agricultural use. We need to modernise our farming business in order to continue. Having taking the decision to cease dairy farming a few years ago, the farming activity has continued to evolve. We now farm over 450 acres of arable land, and no longer have any livestock. The use of the traditional farmyard has changed substantially and we have successfully embarked on a restructure of how our buildings and yard space is used. Having considered the strengths and weaknesses, we have established that the farm lends itself well to utilising farm space for industrial use and storage. The existing storage container facility on the farm is sited adjacent to the yard. It is currently at 100% occupancy and there are continual new enquiries for storage space. We operate a waiting list for those prepared to wait. The existing storage facility on site is successful and has adequate access, secure fencing, a secure access system, security cameras etc. The proposed field for this application although not redundant is underutilised and could be more productive for the business than traditional farming would be. The expansion of the storage facility will not take away from any of the agricultural activity nor reduce farm productivity but will allow us to capitalise on an identified need. Overall this proposal is a natural fit for the farm. It takes out minimal farmed land, utilises existing access and infrastructure in place and is designed to meet existing and real need. The number of containers represents efficient layout within the available space to optimise income from this area, while the planting for the eastern boundary demonstrates a natural edge to the site which not only provides screening and biodiversity improvements but also puts a boundary in place to prevent overspill of this area in years to come. The scheme is sized to make the best use of the area, and the proposal will have limited impact on the wider landscape.'

- 8.10. It is therefore considered that the proposal relates to rural diversification that is already in place on the site. It is an extension to an existing storage facility which has been in place and running successfully for a number of years. It is considered to meet part c of the Policy DM4. In principle therefore the proposal is acceptable subject to other material considerations set out below.

Design and Character

- 8.11. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development. Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12. The Borough's Landscape Character Assessment (2017) identifies the site within

Landscape Character Area G – Sence Lowlands (LCA – G). The key characteristics of LCA-G relevant to the application site are its flat to gently rolling lowland vale landscape and its well-ordered agricultural landscape with a regular pattern of rectilinear fields and small villages with a strong sense of place. The application site is typical of the Landscape Character Area, with its field pattern enclosed by hedgerows adjoining a small village. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.

- 8.13. The key sensitivities of this area include a rural character with a lack of significant intrusions or light pollution, biodiversity value of the grass verges/species-rich grassland and the relatively intact field boundary pattern.
- 8.14. The application proposal would replace agricultural land with 94 storage containers. The proposed storage units would be single storey in height (2.6 metres) and sited away from Bilstone Road. The development proposal would be mainly viewed against the backdrop of the existing buildings on site and the existing provision of self storage containers on site. However, the form and scale of development proposed across this 0.5 hectare site would introduce a built form to the detriment of the rural character of this countryside.
- 8.15. Landscape measures are proposed as part of the proposal. Hedgerow planting was provided as part of the 2020 permission for storage containers on site. In this case it is proposed to extend the length of this hedgerow to the south of the existing provision in order to help screen the proposed development along the edge of the site/open countryside.
- 8.16. The proposed storage containers are dark green which further aids screening against the backdrop of the surrounding countryside.
- 8.17. Whilst the proposal would extend development into this area of open countryside, it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area. However, the harm identified would not amount to a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and it is considered that rural diversification and provision of additional employment in this type of location meets criterion as set out within Policy DM4 of the SADMP.

Impact upon highway safety

- 8.18. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.19. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. Paragraph 117(e) of the NPPF also states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.20. Paragraph 116 of the NPPF outlines that development should only 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.
- 8.21. The local highway authority has been consulted on this application.

- 8.22. Access to the site is proposed off Bilstone Road. The applicant proposes to utilise the widened and improved access approved under permission 20/00997/FUL. The local highway authority have confirmed that this is acceptable.
- 8.23. With respect to trip generation/vehicle movements, from the information provided as part of the application, the Local Highway Authority are of the view that (at highest peak) approximately 44 trips a day would be generated by this proposal. (70 two way trips in total for the existing storage facility and proposed facility combined).
- 8.24. The application details show that 14 off road parking space would be provided as part of the proposal and this is also considered to be acceptable by the LHA for this level of development.
- 8.25. The LHA have confirmed that the proposal would not adversely impact upon the Public Right of Way that runs along the access drive but require additional details to ensure safety and management whilst the containers are moved to the site.
- 8.26. Subject to conditions, this application is considered to be acceptable in highway safety terms and compliant with relevant development plan policies and the requirements of the NPPF.

Impact on Heritage

- 8.27. Policies DM11 and DM12 seek to protect and conserve heritage assets. All development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.
- 8.28. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features as identified within relevant Conservation Area Appraisals.
- 8.29. The application site is located to the south of the Congerstone Conservation Area, which incorporates the historic core of the village and at its southern edge, closest to the site includes, the traditional building the Horse and Jockey public house. Whilst partially screened visually, the application site and existing buildings and containers can currently be glimpsed over existing field boundary hedges and trees when approaching Congerstone from the east along Bosworth Road. The observer needs to be positioned further east along Bosworth Road before the key characteristics of the conservation area can be appreciated visually, as marked by the 'view to be protected' in the Congerstone Conservation Area Appraisal map, and at this point the application site and other buildings at Ivy House Farm are not visible due to the existing intervening development along the southern section of Bosworth Road.
- 8.30. The proposal is for an additional area for storage containers immediately to the south of the existing facility. The planted trees to the eastern boundary of the site would remain and planting is proposed as per the application submission details. Therefore, once this vegetation is established, the development would be screened in the majority of views on the approach to Congerstone from the east, and it would not be visible at all from the conservation area or its immediate setting to the east on the approach to it from Bosworth Road, and as such it would have no adverse impacts upon the character and appearance and thus significance of the conservation area.

- 8.31. Consequently, the proposal would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD and Section 16 of the National Planning Policy Framework.

Impact upon neighbouring residential amenity

- 8.32. 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.
- 8.33. Paragraph 135 (f) of the NPPF states that decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.34. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.35. The Council's Environmental Health Team have been consulted on the application and raise no objections. They have requested an hours of use condition to ensure the development does not adversely impact upon residential amenity for nearby properties.
- 8.36. Therefore, subject to conditions, this application is considered to be acceptable in amenity terms and in compliance with Policy DM7, Policy DM10 a and b of the SADMP and the requirements of the NPPF.

Flood Risk and Drainage

- 8.37. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.38. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.39. The site is located in an area at low risk of fluvial flooding but the site is at risk of surface water flooding from the updated Environment Agency maps.
- 8.40. Initially, the LLFA sought further information on surface water flood risk.
- 8.41. Further information was provided by the applicant and a re-consultation with the LLFA took place. The LLFA acknowledges that the proposals seek to use permeable surfacing to mimic current greenfield drainage. The site will include permeable surfacing with sited storage containers raised off the ground to allow surface flows underneath. The LLFA advises that the proposed development is considered to be acceptable based on the surface water management principles provided within the application. The development should be designed in accordance with the details provided.
- 8.42. Therefore, the proposal is considered to satisfy Policy DM7 of the SADMP and the requirements of the NPPF with respect to drainage and flood risk considerations.

Ecology and Biodiversity

- 8.43. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management.
- 8.44. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.45. LCC Ecology were consulted on the application. It is noted that a Biodiversity Net Gain Plan condition is applicable for this proposal as it is a major application.
- 8.46. The Preliminary Ecological Appraisal has been checked and accepted and no further survey work is deemed necessary in this instance.
- 8.47. The LCC Ecology Team are satisfied that the submitted information is sufficient to approve the application subject to conditions set out at the end of this report.
- 8.48. Therefore, this application is considered to be acceptable with respect to ecological matters and is considered to be in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Minerals

- 8.49. The Minerals and Waste Team at LCC were consulted on this application as part of the consultation process and raise no objections. They stated that the development site lies within a mineral consultation area for sand and gravel. However, the proposal is a change of use application and heavily constrained by existing residential development to the north which could impact the viability of extraction.
- 8.50. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Planning Balance

- 8.51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.52. The application site is located on land within the settlement of Barlestone. The proposed access for the site is to be taken from Newbold Road.
- 8.53. Further information was requested and subsequently provided by the applicant with respect to surface water flooding concerns. The LLFA are now satisfied that the proposal accords with flooding and drainage requirements.
- 8.54. Subject to conditions to ensure landscape provision/enhancement is provided, it is considered that on balance this application is acceptable with respect to design and character considerations. The proposal accords with development plan policy in all other regards and is considered to be a suitable and acceptable form of development.
- 8.55. There are not considered to be any material planning considerations to warrant refusal of this application.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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. Officer have taken this into account and given due regard to this statutory duty in the consideration 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. Recommendation

10.1 **Approve Planning Permission subject to Conditions.**

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 accordance with the submitted application details, as follows:

- Site Location Plan, Drg No. J1008911-01 Rev A
- Proposed Block Plan, Drg No. J1008911-11 Rev D
- Shipping Container Details, Drg No. J1008911-13
- Fire Truck Tracking, Drg No. J1008911-12 Rev A
- Fencing Detail, Drg No. J1008911-14
- Visibility Splays, Drg No. J1008911-15
- Planning Statement
- Flood Risk Assessment received 17 December 2025

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

3. No part of the development hereby permitted shall be used until such time as the parking and turning facilities have been implemented in accordance with Block Plan drawing number J1008911-11 Rev D. The approved parking and turning areas shall be kept available for such use in perpetuity.

Reason: To ensure that adequate on-site parking is provided and to reduce the possibility of parking problems in the local area and to enable vehicles to leave the site in a forward direction in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

4. No development shall commence until a Public Right of Way Management Plan for Footpath S91/1 has been submitted to and approved in writing by the local planning authority. Once approved, the management plan shall be implemented in accordance with the agreed details and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework.

5. The development hereby approved shall only be used between the hours of 0800 to 1700 each day.

Reason: To ensure that the use hereby approved does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

6. The development hereby approved shall be implemented in strict accordance with the measures stated in Section 6 of the Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Report (Arbor Vitae Environment Ltd July 2025)

Reason: To ensure that protected species and habitats are taken into consideration according to legislation under the Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) and their amendments and to comply with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. No development shall take place (including ground works or vegetation clearance) until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority. The approved Plan/details shall be adhered to and implemented unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that protected species and habitats are taken into consideration according to legislation under the Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) and their amendments and to comply with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

8. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments and an implementation scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping details within one year of the approved use commencing. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees

or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

9. No storage container shall be stacked on top of another at any time.

Reason: To limit the number of containers on the site and ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Informatives:

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

IMPORTANT: Biodiversity Net Gain Plan Condition

The development is subject to the mandatory "biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply, these are listed below. However, based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

You should submit an application to discharge the Biodiversity Gain Plan condition to Hinckley and Bosworth Borough Council using a discharge of conditions application form. The current application fee is £145.

Further guidance on the submission of the Biodiversity Gain Plan can be found [here](#).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the

purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.