

Delegated Report

Planning Ref: 24/00761/FUL
Applicant: Mr Paul Greensmith
Ward: Ratby, Bagworth & Thornton



Hinckley & Bosworth
Borough Council

Site: Land adj. New Reservoir House, Reservoir Road, Thornton

Proposal: Construction of new stable block, concrete yard and additional area of hardcore access.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the construction of a new three-bay stable block with 33.2sqm of hard surfacing at the Land adjacent to New Reservoir House, Reservoir Road, Thornton. The development is located to the northwest of the existing stables within the site, and it is for the sole use of the Applicant.
- 2.2. The stables externally measure 4.1m in width by 11.6m in depth, which creates a total footprint of 47.6sqm. The structure utilises a pitched roof with a ridge height of 3.4m and is constructed with vertical timber cladding and profiled metal roof cladding panels.
- 2.3. The Applicant has stated that new stables are required to create a facility to allow their horses out into the field during the summer period. The Applicant also highlighted that the existing stables within the site do not confirm to current stabling size standards required by the British Horse Society.
- 2.4. Following concerns raised by the Case Officer, the development was revised and relocated within the site. Originally, the proposal was designed in an 'L' shape and benefitted from four stable bays, a tack room, and a feed room. The development was located 27.8m south of the existing structures within the site and externally measured 12.2m in width by 16.9m in depth, which created a total footprint of 102.6sqm.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to the east of, and outside of, the identified settlement boundary of Thornton on the south side of Reservoir Road within the designated open countryside, the National Forest, and Charnwood Forest. Thornton is identified as a Key Rural Centre within the adopted Core Strategy (2009). Reservoir Road is an adopted but unclassified public highway that is subject to a 40mph speed limit, which increases to the National Speed Limit approximately 30m east of the site access.
- 3.2. The application site itself consists of an existing stable (approved via 08/00518/FUL), a hay store and storage building, and associated hard surfacing. The Applicant has advised that the hay store is in poor condition. The existing stable building is a wooden structure on a concrete floor slab that is constructed in an 'L' shape and consists of three stables and a tack room. The building externally measures 7.2m in width by 14.4m in depth, with a footprint of 65sqm and a height of 3.4m.
- 3.3. Beyond the red line boundary of the application site to the west is 1.1ha of open grassed paddocks within the ownership of the Applicant. Within this land there is a 20m wide by 40m deep all-weather surfaced enclosure that was approved via planning application 15/00827/FUL to enhance the welfare of the horses associated with the current application site.
- 3.4. The site is bounded by mature hedging and planting along its northern, eastern, and southern boundaries. To the north of the site is Reservoir Road, Thornton Reservoir and Thornton Picnic Area. Beyond the site to the east is agricultural land and Thornton Stables. Further agricultural land is located to the south and southwest of the site, beyond Rothley Brook. Public Right of Way R46 runs parallel to the southern boundary of the site. Beyond the paddock land to the west of the site is New Reservoir House.

4. Relevant Planning History

4.1 15/00827/FUL

- Construction of all-weather surfaced enclosure
- Permitted
- 24.11.2015

4.2 08/00518/FUL

- Proposed erection of timber stables and alterations to access
- Permitted
- 21.07.2008

5. Publicity

- 5.1 The application has been publicised by sending out letters to residents, and a site notice was also posted within the vicinity of the site. A further round of public consultation was undertaken following revisions to the design of the scheme and to the site's red line boundary
- 5.2 No responses have been received.

6. Consultation

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

Ecology:

- 6.2 The County Council's Ecology Department noted that whilst a Biodiversity Net Gain (BNG) Plan has been submitted, no ecological baseline survey has been provided. However, the Ecology Department considered that a robust Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity) secured via a pre-commencement condition could address their concerns. In addition, the County Council requested a 30-Year Landscape Plan in the form of a Habitat Management and Monitoring Plan (HMMP) should be secured via pre-commencement planning conditions. The Applicant agreed to this condition on 26 November 2024.
- 6.3 The Ecology Department also requested a BNG Report that provided further details on the BNG conditions assessments of the grassland within the site, including any species lists that were undertaken.
- 6.4 The Applicant submitted revised BNG plans and documents on 26 November 2024.
- 6.5 On 19 December 2024, the County Council's Ecology Department confirmed that the biodiversity net gain information was satisfactory and provided suitable evidence that the proposed plans were feasible and that the proposed landscape scheme is acceptable.
- 6.6 As previously advised, the Ecology Department stated a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) should be adequate to address the ecological concerns such as ensuring retained habitat is protected and works are conducted in a sensitive manner.

- 6.7 The Habitat Management and Monitoring Plan (HMMP) was also recommended again as a pre-commencement condition to evidence that the proposed tree habitat will be created and managed to the condition stated, with suitable remedial measures, and 30-year monitoring scheme.

Highways:

- 6.8 The Local Highway Authority (LHA) did not consider the impacts of the development on highway safety to be unacceptable, nor when considered cumulatively with other developments to have a severe impact on the road network.
- 6.9 The Council's Waste Department, Thorton Parish Council, and the Friends of Charnwood Forest did not respond to the planning application.
- 6.10 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- 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 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)
- 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

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 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 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.

8.5 To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:

- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.6 Therefore, the proposed development does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.

- 8.7 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.
- 8.8 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area:

- 8.9 Policy DM4(i) and (v) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, and where it contributes to the delivery of the National Forest Strategy in line with Policy 21 of the adopted Core Strategy.
- 8.10 Policy 21 of the adopted Core Strategy confirms that proposals will be supported in the National Forest providing that they contribute to the delivery of the National Forest Strategy (increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreation and sports provision; and tourism developments, especially overnight quality accommodation linked to tourism in the Forest).
- 8.11 The proposed development fails to contribute to the National Forest Strategy and is therefore contrary to Policy 21 of the adopted Core Strategy.
- 8.12 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.
- 8.13 The proposal results in the minor encroachment of built form into the open countryside and the National Forest. This considered to result in harm to the character of the area. However, a planning condition can secure the removal of the structure from the site should the Applicant's use of the stables become redundant.
- 8.14 Furthermore, the development is 4.2m from the site's northern site boundary and 11.1m south of the public highway behind existing mature vegetation. The structure also has the same ridge height of 3.4m as the existing stables within the site. Given the limited height of the structure and the existing mature vegetation, the development is not considered to be visually prominent within the site or from public views of the site.
- 8.15 The proposal is also smaller in size than the existing stable block within the site, yet it still meets the internal stable dimension requirements required by the British Horse Society for three stables.

- 8.16 Given the size and scale of the development, the presence of the existing structures within the site and the scheme's matching materials with the existing stables, as well as the limited prominence of the development from public views, whilst the proposed stables are considered to encroach built form further into the countryside, this is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the open countryside or the National Forest in these site-specific circumstances, subject to conditions.
- 8.17 By virtue of these factors, the development is considered to be in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon Residential Amenity:

- 8.18 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.
- 8.19 The site is already utilised for equestrian purposes and the development is for the personal use of the Applicant, which can be secured via planning condition. The proposal is not in close proximity to any neighbouring properties.
- 8.20 In light of the above, and given the size, scale, and height of the development, it is not considered to result in any significant adverse impacts to neighbouring residential amenity. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety:

- 8.21 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.22 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)).
- 8.23 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.24 The Local Highway Authority (LHA) requested clarification on the use of the proposal, the existing and proposed trip rates to and from the site, and detailed access drawings including vehicular visibility splays.

- 8.25 The Applicant confirmed that no changes are proposed to the existing site access or to the trip rates to the site. The Applicant also stated that there are typically four-to-six trips to the site a day and feed and hay deliveries visit the site one or twice a month, and manure removal services attend the site bi-monthly.
- 8.26 The LHA undertook a site visit to the site and found that vehicular visibility splays in both directions of the site access did not accord with Table DG4 of Part 4 of the LHDG. However, the LHA have checked their Personal Injury Collision (PIC) data that confirmed there were no recorded incidents along the entire length of Reservoir Road in the last five years.
- 8.27 In light of the PIC data, the existing use of the land as a paddock, the fact that the proposal is for the stabling of horses that are currently at the site and the stabling is for the private use of the Applicant, and the confirmation that no additional trips are generated to and from the site by this development, the LHA would not seek to resist the proposal. Therefore, the proposal is not considered to create an unacceptable impact on highway safety or the road network and is compliant with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 detailed 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 Highway Access (103) (submitted: 21.11.2024)
- Proposed Block Plan (101 D) (submitted: 26.11.2024)
- Proposed Plans and Elevations (102 C) (submitted: 21.11.2024)
- Site Location Plan (100 B) (submitted: 21.11.2024)

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 development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- Identification of potentially damaging construction activities
- Identification of biodiversity protection zones around adjacent retained habitat (retained hedgerow and retained grassland)
- Practical measures and sensitive working practices to avoid or reduce impacts during construction

- Responsible persons for overseeing sensitive works
- Timing of works to avoid impacts on breeding birds
- Use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. 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 (HMMP) and should include the following details:

- Description and evaluation of the features to be created/ managed, including the off-site component when this required
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions
- Work schedule
- Species/ seed mixes to be planted/ sown
- Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The materials to be used on the external elevations of the proposed extension and alteration shall be vertical timber cladding on an engineering blue brickwork plinth with profiled metal roof cladding panels as per the details within the Proposed Plans and Elevations (102 C) (submitted: 21.11.2024)

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

6. The site and building hereby approved shall only be used for the Applicant's family's horses and for ancillary storage. The site shall not be used for any events or any commercial or industrial purposes, including the use of the site

for livery stables. Should the stables become redundant, the building shall be demolished, and the site restored to grassland.

Reason: Permission has been granted on the basis that the building is required for the accommodation of the Applicant's family's horses. Should that use no longer be required then alternative uses are unacceptable and/or are unlikely to be supported in the interests of the amenity and character of the area in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

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.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory propositi test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
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).