

Delegated Report

Planning Reference 25/00576/FUL
Applicant(s) Mr Toby Morrison
Ward Newbold Verdon with Desford & Peckleton



Application Site Peckleton Barn, Church Road, Peckleton
Proposal Erection of stables and a sliding steel gate
Case Officer Sullivan Archer (Senior Planning Officer)

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 erection of stables and a 1.5m high sliding steel gate for the vehicular access at Peckleton Barn, Church Road, Peckleton. The stables would be located to the east of the site and would externally measure 6m in width by 9.6m in depth, which would create a total footprint of 58.4sqm. The structure would feature a gable-sided dual pitched roof that would have a ridge height of 4.3m and an eaves height of 2.2m to match that of the existing detached garage within the site. The stables would be constructed with vertical timber cladding and an anthracite standing seam zinc roof, both of which would be finished in anthracite.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to 350m south of Peckleton in the Newbold and Desford Rolling Farmland Landscape Character Area of the designated open countryside. The site is wholly surrounded by open countryside. The site is to the north of, and accessed from, Public Footpath T73, which leads onto Public Bridleway T75, which is 195m to the west of the site, before connecting to Church Road to the northwest. Public Footpath T101 runs along Church Road 260m to the northwest and Public Footpath T27 runs in a north-to-south direction 410m to the west.
- 3.2. The site itself consists of Peckleton Barn, which features two brick-built agricultural buildings formed in an 'L' shape that have since been converted into a single dwellinghouse via 00/00760/FUL. The southern part of the existing dwellinghouse benefits from accommodation in its roof space. The property also benefits from a single storey western side extension that was approved via 23/00083/HOU and an existing timber-cladded garage on the eastern side of the site, which was approved via 14/00258/COU.

4. Relevant Planning History

- 4.1 **23/00083/HOU** Permitted (determined: 30.03.2023)
Proposed single storey side extension and solar panels
- 4.2 **14/00258/COU** Permitted (determined: 24.09.2014)
Change of use of land to garden and construction of garage
- 4.3 **12/00811/FUL** Permitted (determined: 30.11.2012)
Change of use of land to residential including the erection of a detached garage and wall
- 4.4 **06/00151/FUL** Permitted (determined: 22.03.2006)
Conversion of existing barns and construction of additional basement
- 4.5 **00/00760/FUL** Permitted (determined: 08.11.2000)
Conversion of barns to single dwellings

5. Publicity

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

6. Consultation

- 6.1 There have been no objections from the Council's Environmental Health Department, Kirkby Mallory, Peckleton and Stapleton Parish Council, nor from Leicestershire County Council as the Local Minerals and Waste Planning Authority.
- 6.2 Leicestershire County Council's Ecology Department raised no objections to the application, subject to the provision of a pre-commencement planning condition securing a Habitat Management and Monitoring Management Plan. The Applicant agreed to this condition in writing on 20 May 2026.
- 6.3 Leicestershire County Council as the Local Highway Authority considered the development proposal for the private use of the Applicant to have no material impact on the public highway and therefore did not comment on the application.
- 6.4 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 13: Rural Hamlets

7.2 Site Allocations and Development Management Policies Development Plan Document ('SADMP') (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

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

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)

8. Appraisal

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

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 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.

8.3 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, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.

- 8.4 In accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP'). Paragraph 232 of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 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. 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.
- 8.7 Whilst it is acknowledged that the riding of horses is widely regarded as a recreational pursuit, the principal purpose of stables is for the shelter and keeping of horses, which would not be considered to be ancillary to a recreational use of land. This is because stables are an equestrian sui generis use. Fundamentally, the welfare of horses would not be considered to be a recreational use.
- 8.8 Therefore, the development proposal would not be considered to comply with the limitations of Policy DM4 of the SADMP. However, this does not mean that the development would not be sustainable. 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 this Report.

- 8.9 As such, the application would not be considered to accord with Development Plan Policy and would be unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Design and Impact upon the Character of the Area

- 8.10 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.11 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.
- 8.12 The proposal would represent unjustified development in the countryside in principle, which would be likely to result in harm to the character of the surrounding area. However, given the proposed single storey massing of the development and in light of the existing built form within the site, the development would be considered to be largely obscured from public views to the northwest from Church Road and Public Footpath T101, and west from Public Bridleway T75 and Public Footpath T27. Therefore, the visual impact of the development would be predominantly experienced from views to the south along Public Footpath T73.
- 8.13 Whilst the proposed height and use of materials of the development would be considered to appear more residential in character than an equestrian use in a rural countryside location, it is acknowledged that the entirety of the existing site benefits from a residential use via 14/00258/COU. Although it is acknowledged that the development is not for a residential use, the proposed height and use of materials would be similar in appearance to those of the existing detached garage, which would be considered to create cohesion with, and complement the character of, the wider application site in these site-specific circumstances. For example, whilst the proposed blank principal southern side elevation of the development would not usually be considered to represent good design, this blank elevation would reflect the design and appearance of the existing two-storey element of the dwellinghouse within the wider site in these site-specific circumstances.
- 8.14 Furthermore, the siting of the proposed development would create a courtyard layout with the wider built form of Peckleton Barn. This would be considered to limit the further expansion of built form in this location and ensure that the proposed development would be read as part of the cohesive form of the wider Peckleton Barn site. Ultimately, a planning condition could be utilised to secure that the scheme would be only used for the private use of the Applicant to prevent any intensification of the use of the site and to ensure that this association with the residential use of the wider site would be retained.

- 8.15 In summary, by virtue of the size, scale, height, appearance, and layout of the development and its limited visual prominence from public views, the scheme would be considered to complement, and be experienced from public views as part of, the existing character of the wider Peckleton Barn site and would not result in a significant adverse effect on the character of the designated open countryside. In light of these factors, the proposal would be considered to be acceptable and in accordance with Policies DM4 and DM10 of the SADMP in these site-specific circumstances, subject to planning conditions.

Impact upon Residential Amenity

- 8.16 There are no other residential properties within 400m of the site in any direction. As such, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.17 The development would utilise the application site's existing access onto Church Road via Public Footpath T73 and Bridleway T75, which would not be affected by the current development. The proposed sliding gate would be over 8m from the Public Footpath, which would exceed the distance requirements of Table 13 of the Leicestershire Highway Design Guide. A planning condition could be utilised to ensure that the scheme is only used for the private use of the Applicant.
- 8.18 On this basis, and in accordance with the professional advice of the Leicestershire County Council as the Local Highway Authority, the private use of the development would not be considered to have a material impact on the public highway, the road network, or the site's provision of off-street vehicle parking. By virtue of these factors, the proposal would be considered to accord with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

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

- Proposed Plans (221107) (P002) (submitted: 13.06.2025)
- Proposed Site Plan (221107) (A003 A) (submitted: 08.09.2025)
- Site Location Plan (221107) (A001) (submitted: 13.06.2025)

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. Prior to the commencement of development, a 30-year Habitat Management and Monitoring Plan ('HMMP') for significant on-site enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The Habitat Management and Monitoring Plan shall be submitted concurrently and in accordance with the Biodiversity Gain Plan and shall include, but shall not be limited to, the following details:
- (a) description and evaluation of the features to be managed; and
 - (b) ecological trends and constraints on site that may influence management; and
 - (c) aims, objectives, and targets for management – links with local and national species of habitat action plans; and
 - (d) description of management operations necessary to achieving aims and objectives; and
 - (e) preparation of a works schedule, including annual works schedule; and
 - (f) details and a timetable of the monitoring needed to measure the effectiveness of management; and
 - (g) details of the persons responsible for the implementation and monitoring; and
 - (h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - (i) details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain.

The approved Habitat Management and Monitoring Plan shall be strictly adhered to and implemented in full for its duration.

Reason: To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the first use of the development hereby permitted, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner.

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 Policy DM10 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 stables shall match the corresponding materials of the existing garage within the site.

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 stables hereby permitted shall be used for the keeping of horses and ancillary storage for the occupants of the application dwelling Peckleton Barn, Church Road, Peckleton, Leicester, LE9 7RA only. The site shall not be used for any events or any commercial or industrial purposes, including the use of the site for livery stables.

Reason: To ensure that the development is compatible with the adjacent existing residential use of the dwelling, does not give rise to unacceptable vehicle movements and highway safety harm and in the interests of the amenity and character of the area in accordance with Policies DM4, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

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. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.
3. If the Biodiversity Net Gain is to be delivered through a third party, the Biodiversity Gain Site reference number and completed Biodiversity Net Gain metric, including information from the third party will be required.
4. Great Crested Newts, a species fully protected by law, are known to breed in a pond within 200m of the proposed development, with several potential GCN

ponds nearby, therefore there is a small possibility that a newt, or small numbers of newts could be present on the site. The applicant should therefore exercise due care during implementation of the proposed development, ensuring that all contractors are aware of the possibility of finding great crested newts, and stored materials are carefully removed by hand. Work should cease if a great crested newt is found, and advice from a licensed ecologist should be sought.

5. The Public Right(s) of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
6. No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.