

Delegated Report

Planning Ref: 25/01023/FUL

Applicant: Mr Daniel Carr

Ward: Markfield, Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Jubilee Playing Fields, Altar Stones Lane, Markfield

Proposal: Replacement and extension of perimeter fencing and installation of ball stop netting

Case Officer: Ashleigh Gade (Senior Planning Officer)

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 seeks full planning permission for the replacement and extension of existing perimeter fencing and installation of ball stop netting at Jubilee Playing Fields, Altar Stones Lane, Markfield.
- 2.2. The existing perimeter fencing to be removed is located on three boundaries of the existing football pitch: the north-western, north-eastern and south-eastern boundaries.
- 2.3. The proposed perimeter fencing to be installed will replace the existing perimeter fencing in the same location and also extend along the south-western boundary to enclose all four sides of the pitch. There are to be two gaps in the south-western fencing for the placement of two dug outs. There are to be two gates along the south-eastern fenceline, one pedestrian gate and one tractor gate.
- 2.4. The proposed perimeter fencing has a maximum post height of 1.2 metres and is to be of steel construction with mesh panels. It is to be powder-coated in a green finish.
- 2.5. The proposed ball stop netting is to be installed to the north-west and south-west of the existing football pitch. The section to the north-west of the pitch is set back approximately 12 metres from the perimeter fencing, between the pitch and the boundary vegetation. The section to the south-west of the pitch is set back approximately 3 metres from the perimeter fencing, sited between the football pitch and the cricket pitch.
- 2.6. The proposed ball stop netting has a maximum post height of 6 metres. The posts are to be constructed of aluminium and have a powder-coated colour finish in green. The proposed north-western netting is designed for footballs and will be comprised of 120mm mesh at 2.5mm thick in a black finish. The proposed south-western netting is designed for cricket balls and will be comprised of 48mm mesh at 2mm thick in a black finish.

3. Description of the site and surrounding area

- 3.1. The application site is located in the designated open countryside to the north-west of the settlement of Markfield. It is an identified Open Space and Recreation Facility known as Jubilee Playing Fields.

- 3.2. The application site comprises two large fields, used for football and cricket respectively. The site also contains a pavilion and ancillary storage buildings associated with the cricket ground, as well as a car parking area.
- 3.3. The boundaries of the site are well vegetated with established mature trees providing visual screening from public roads and surrounding land.
- 3.4. The application site has existing access from Altar Stones Lane with a gated entrance point located to the north-east of the playing fields. Altar Stones Lane is an adopted and unclassified road subject to a speed limit of 30mph.
- 3.5. To the east of the site is Markfield Industrial Estate accessed from Hill Lane. To the south is well vegetated land neighbouring the industrial estate, and to the west and further south are fields within the open countryside. To the north is Altar Stones Nature Reserve.

4. Relevant planning history

- **23/01226/FUL**
- Installation of shipping container for storing sports equipment
- Planning Permission
- 26.02.2024

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and sending letters to neighbours.
- 5.2. Three responses were received. One response objected to the proposal, one response neither objected nor supported the proposal, and one response was in support of the proposal.
- 5.3. The response received in objection to the proposal is summarised below:
- This is a public open space. Will the proposal affect the use of the facilities by non-Sporting Markfield members of the public?
 - Has biodiversity been considered in relation to the football netting?
 - There are examples wildlife being caught up in netting and this much netting is unnecessary so close to a nature reserve.
- 5.4. The response received neither in objection nor support of the proposal is summarised below:
- The Applicant does not own the site; it is leased from Markfield Parish Council.
 - There is no plan to show where netting to stop cricket balls is proposed. The southern and western margins of the cricket pitch are well treed and it would be difficult to erect netting in those areas without major tree surgery works.
- 5.5. The response received in support of the proposal is summarised below:
- The proposal will be a benefit to the community at Jubilee Playing Fields.

6. Consultation

- 6.1. Sport England raised no objection to the application due to its consistency with Exception 2 of their Playing Fields Policy and Paragraph 104 of the NPPF.
- Sport England have drawn the Applicant's attention to comments made by the Football Foundation noting that any replacement fencing should continue to be sited so that sufficient safety run-off areas are provided for users of the pitch.

6.2. Leicestershire County Council (LCC) Minerals and Hinckley and Bosworth Borough Council (HBBC) Environmental Services (Pollution) had no objections.

6.3. No response was received from Markfield Parish Council.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 19: Green Space and Play Provision
- 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 DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Markfield Neighbourhood Plan (2021)

- Policy M1: Countryside
- Policy M2: Landscape Character
- Policy M3: Green Infrastructure
- Policy M5: Trees
- Policy M6: Local Green Spaces
- Policy M10: Design
- Policy M11: Community Services and Facilities

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon ecology and biodiversity

Assessment against strategic planning policies

- 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.
- 8.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.3 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) Development Plan Document.
- 8.4. Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed at least once every 5 years and should then be updated as necessary.
- 8.5. Nonetheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.6. Policy DM4 of the SADMP states that Council will protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. To ensure this, DM4 only considers development in the countryside to be 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 related to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It related to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

- 8.7. Importantly, Policy DM4 of the SADMP requires that development meets five further requirements to be considered sustainable development. These are discussed in further detail further in this report.
- 8.8. Policy M1 of the Markfield Neighbourhood Plan (MNP) states that the countryside will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. The following types of development will be supported in countryside locations:
1. Recreation and tourism that cannot be provided within the Settlement Boundary;
 2. Development by statutory undertakers or public utility providers;
 3. The subdivision of an existing residential dwelling; and
 4. Development that is otherwise in accordance with national policies or strategic planning policies or allocations, or with other policies of the Neighbourhood Plan.
- 8.9. The application site is known as Jubilee Playing Fields and is an allocated open space, sports and recreation facility identified as MARK04 in the SADMP. The site is also identified as a local green space in Policy M6(J) and as a community facility in Policy M11(E) of the MNP.
- 8.10. Policy DM8 of the SADMP states that planning permission will not be granted for proposals resulting in the loss of land or buildings in recreational or sporting use and areas of open space, as identified in the most recent Open Space, Sport and Recreational Facilities Study, except where:
- a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or
 - b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or
 - c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.
- 8.11. The application site is located outside of the Markfield settlement boundary within the designated open countryside. Notwithstanding this, the site is an existing outdoor sport and recreational facility and is therefore offered support in principle by Policy DM4 of the SADMP and Policy M1 of the MNP.
- 8.12. The proposal involves the replacement of existing football pitch perimeter fencing and extension of that fencing to fully enclose the pitch, as well as the erection of ball stop fencing to the north-west and south-west of the pitch. The proposal therefore supports the retention of the land for recreational and sporting use and does not involve the loss of any land or buildings for that purpose.
- 8.13. It is noted that Sport England had no objection to the proposal, given that there is no loss of existing sporting facilities.
- 8.14. It is therefore considered that the proposal contributes to the retention of an existing outdoor sport and recreation facility consistent with Policy DM8 of the SADMP, and

that the proposal is acceptable in principle despite being located within the designated countryside pursuant to Policy DM4 of the SADMP and Policy M1 of the MNP.

Design and impact upon the character of the area

- 8.12 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.13 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.
- 8.14 Policy DM10 of the SADMP seeks to ensure that developments would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.15 Policy M2 of the MNP states that development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area. The application site is within the Thringstone/Markfield Quarries and Settlement landscape character area, which is associated with an undulating landform altered over time by quarrying and containing the settlement of Markfield.
- 8.16 Policy M10 of the MNP requires that development be sympathetic to local character and history to be supported, unless the development is of exceptional quality or innovative design. Development must also be in keeping with the scale, form and character of its surrounds, integrate into its surroundings, create a place with locally inspired or otherwise distinctive character and take advantage of existing topography, landscape features, wildlife habitats, existing buildings, site orientation and microclimates.
- 8.17 The proposed fencing and netting are located to the north of the wider Jubilee Playing Fields site. This section of the site has intermittent visibility from Altar Stones Lane which is at a higher ground level than the football pitch, however these views are interrupted by existing boundary vegetation.
- 8.18 The site has limited visibility from Altar Stones Nature Reserve due to existing vegetation and the nature of local topography.
- 8.19 The proposed perimeter fencing would replace existing perimeter fencing on the north-western, north-eastern and south-eastern sides of the football pitch. The extension to the existing fencing would run to the south-west of the pitch, enclosing it on all sides.
- 8.20 The proposed perimeter fencing would have a pedestrian gate and tractor gate on the south-eastern side of the fenceline. The south-western side of the fenceline would be broken in two places to accommodate two player dug out boxes.
- 8.21 The proposed perimeter fencing would have a height of 1.2 metres and will be of steel construction. It is to have a powder-coated green finish.

- 8.22 The proposed ball stop netting would be located to the north-west and south-west of the football pitch. The north-western netting would be located approximately 12 metres from the perimeter fencing. The south-western netting would be located approximately 3 metres from the perimeter fencing.
- 8.23 The proposed ball stop netting would be attached to 6 metre high aluminium posts with a powder-coated green finish. The netting to the north-west of the pitch would be 1200mm mesh 2.5mm thick designed to stop footballs. The netting to the south-west of the pitch would be 48mm mesh 2mm thick designed to stop cricket balls.
- 8.24 The proposed ball stop netting would be black in colour.
- 8.25 The scale, design and materials of the proposal are typical of this type of development and use colour finishes which will blend with the site surrounds, reducing their visual impact.
- 8.26 It is therefore considered that the proposal would complement the existing character of the site as an outdoor sport and recreation facility and have an appropriate scale, layout and design within its landscape surrounds consistent with Policy DM10 of the SADMP and Policies M2 and M10 of the MNP.

Impact upon neighbouring residential amenity

- 8.27 Policy DM10 of the SADMP seeks to ensure that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.28 The nearest residential properties to the application site are located approximately 100 metres from the application site. The application site is located at a lower topography to most surrounding buildings.
- 8.29 The Applicant has clarified that the purpose of the replacement and extended perimeter fencing is to protect the pitch from wandering animals and anti-social behaviour, noting recent damage to sporting pitches from cars entering recreation areas.
- 8.30 The proposed ball stop fencing will reduce the risk of displacement of balls between the sporting uses and on to adjoining land.
- 8.31 It is noted that Council's Environmental Health Officers had no objection to the proposal.
- 8.32 Given the above, it is not considered that the proposal would have a significant adverse effect on the privacy or amenity of neighbouring occupiers and therefore complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.33 Policy DM17 of the SADMP sets out that proposals will be supported where they demonstrate that there would not be a significant adverse impact upon highway safety. Policy DM18 of the SADMP requires proposed developments to provide an appropriate level of parking provision.

- 8.34 The proposal makes no alteration to the existing access from Altar Stones Lane. There is also no change to the existing car parking area and no loss of car parking spaces.
- 8.35 The proposed development does not involve the provision of any new recreational and sporting facilities and does not increase the capacity of the existing football pitch or cricket ground. It is therefore not considered that the proposal would increase the intensity of use of the site nor lead to any significant increase in trips to the site.
- 8.36 It is therefore considered that the proposed development would not result in any significant adverse impact upon highway safety or parking provision, and that the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

Impact upon ecology and biodiversity

- 8.37 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.38 Policy M3 of the MNP states that development proposals must demonstrate how they avoid significant harm to key features of the Green Infrastructure network. Where harm is demonstrated to be unavoidable proposals must mitigate and compensate for that harm.
- 8.39 Policy M5 of the MNP confirms that development proposals that will result in the unavoidable loss of trees or hedgerow must include replacement planting of native species in locations where they would have opportunity to grow to maturity, increase canopy cover and contribute to the local ecosystem and the appearance of the area.
- 8.40 Policy M10 of the MNP states that development must protect important features including hedgerows and trees, and take advantage of existing topography, landscape features and wildlife habitats.
- 8.41 The proposal does not impact a priority habitat and impacts less than 25 square metres of non-priority habitat and less than 5 metres of non-priority linear habitat. The proposal is therefore exempt from mandatory Biodiversity Net Gain requirements under the de minimis exemption.
- 8.42 The proposed perimeter fencing replaces existing fencing on three sides and therefore has no additional impact to those areas. The extension to the perimeter fencing to bring it along the south-western side of the pitch is located in a managed grassed area of the site, free of any other vegetation.
- 8.43 The proposed ball stop netting structures are located to the north-east, east and south-east of existing boundary screening trees. Both netting structures are located in existing areas of managed open green space and are separated from the existing stand of trees.

- 8.44 The fencing and netting would therefore be located in existing central and functional areas of the facility and away from landscape buffer areas. There would be no loss of existing trees on the site.
- 8.45 It is therefore considered that the proposal would converse the existing landscape setting of the application site and be located away from established trees at the periphery of the site, consistent with Policy DM6 of the SADMP and Policies M3, M5 and M10 of the MNP.

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, as detailed within the preceding report, it is recommended that planning permission be granted.

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, as follows:

- Block Plan, Drg No. TQRQM26042205602871 (submitted: 11.02.2026)
- Pitch Perimeter Plan & Elevations (submitted: 03.02.2026)
- Ball Stop Plan (submitted: 11.02.2026)

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. The materials to be used on the proposed development shall accord with the information submitted within the application documentation.

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).

11.3 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. Sport England draws the Applicant's attention to the comments made by the Football Foundation that any replacement fencing should continue to be sited so that sufficient safety run-off areas are provided around the pitch for users of the pitch.