

Delegated Report

Planning Ref: 24/00451/FUL
Applicant: Prestons Feedstocks Ltd
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Manor Hill Farm Leicester Lane Desford

Proposal: Proposed hardstanding, tree planting, storage tank, and associated works

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 provision of asphalt hardstanding and a storage tank for the storage of feedstock at Manor Hill Farm, Leicester Lane, Desford. The hardstanding is 50m in width by 108.6m in depth with a total footprint of 5,400sqm. The 373.2sqm harvesting tank is circular in shape, 22m by 22m in width and depth, and has a height of 5m. Additional tree planting is proposed to the southwest of the application site adjacent to Leicester Lane.
- 2.2. At present the feedstock is stored on the field, but the Applicant wishes to improve the effectiveness of the operation and to reduce waste by installing hard surfacing which meets the requirements of the Environment Agency.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is agricultural land that is associated with an established agricultural business, Manor Hill Farm, to the southeast of, and outside of the identified settlement boundary of, Desford in the designated countryside. The application site is bounded by, and accessed by, Leicester Lane to the southeast, which is an adopted and classified 'B' road (B582) that is subject to a 40mph speed limit when adjacent to the application site.
- 3.2. The application site is wholly surrounded by agricultural fields on all other sides and a Public Right of Way runs east-to-west to the south of the application site. The Desford Neighbourhood Plan (2021) also identifies a wildlife corridor that runs southwest to northeast to the south of the application site. The built-up area of Desford is located to the west and northwest.

- 3.3. Manor Hill Farm conducts arable contracting and supplies anaerobic digesters with feedstock in the form of forage crops alongside other farm contracting work. The business employs around 25 full time workers during peak season, which reduces to around 15 people during the winter.
- 3.4. The Local Planning Authority has previously confirmed that the application site does not require prior approval for the provision of 33m by 30m of hardstanding via 21/00649/AGDO.
- 3.5. However, the Local Planning Authority refused prior approval for the provision of a 110m by 30m (3,300sqm) concrete pad that was enclosed on three sides by 4m solid concrete panels for a forage store facility to store feedstock via 21/00277/AGDO. This is because the development did not comply with the limitations of Class A(e), (h), and (k) of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended.)

4. Relevant Planning History

- 4.1 The application site has an extensive planning history. Therefore, the latest planning history in the last five years includes:

4.2 22/00972/AGDO

- Steel framed single span agricultural building – clad in dark green panel sheeting to match existing buildings down from the eaves to overlap concrete panels. Concrete panels 2 sections high enclosed on 3 sides.
- General Development Order
- 07.11.2022

4.3 21/01396/AGDO

- Agricultural grain store
- General Development Order
- 11.02.2022

4.4 21/00649/AGDO

- Excavation/ Engineering operation to construct ground level concrete pad to be used as an outdoor storage area for grazing livestock reared within Manor Hill Farm.
- Prior Approval Not Required
- 11.02.2022

4.5 21/00277/AGDO

- Forage Storage Facility to Store Feedstocks
- Prior Approval Refused
- 24.03.2021

4.6 19/00880/GDO

- Prior Notification for an Agricultural Building
- Prior Approval Not Required
- 03.09.2019

4.7 19/00754/CONDIT

- Remove condition 6 of planning permission 14/01104/FUL to use the agricultural building without complying with the supporting statement
- Permitted
- 17.09.2019

4.8 19/00753/FUL

- Stable building and grass paddock for grazing, re-instate field access track, security lighting columns to yard area, mezzanine floor for office in existing building and extension to existing potato store shed (retrospective)
- Permitted
- 16.09.2019

4.9 19/00160/GDO

- Grain store and dryer building
- Prior Approval Refused
- 04.04.2019

5. Publicity

5.1 A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 The Environment Agency objected to the development due to its potential to have a detrimental polluting impact on the water quality and groundwater quality of Rothley Brook. To overcome the objection, the Environment Agency required seven actions including a written plan demonstrating how the development complies with National Legalisation, amongst others.

6.2 Following the submission of revised plans, the Environment Agency confirmed on 10 September 2024 that they have no objections to the proposal, subject to the seven points of action to demonstrate that the development is in accordance with the Water Resources (Control of Pollution) (Silage, Slurry, and Agricultural Fuel Oil) (England) Regulations 2010, as amended (SSAFO).

6.3 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Ecology Unit (subject to conditions)
- LCC's Trees Officer
- Local Highway Authority (LHA)

Ecology:

6.4 The County Council's Ecology Department had a holding objection to the development due to discrepancies between the application boundary and the red line boundary within the Preliminary Ecological Appraisal and the Biodiversity Net Gain (BNG) calculations. The Ecology Department also raised concerns in relation to the long-term feasibility of the proposed landscape plan and advised that a Habitat Management and Monitoring Plan should be produced.

6.5 Following this, the Applicant submitted a Biodiversity Enhancement and Mitigation Plan (BEMP) and a Construction Environmental Management Plan (CEMP). On 05 September 2024, the Ecology Department confirmed that these documents rectified their concerns and, as such, legally securable BNG can be achieved within the site. To support this, four planning conditions were advised, which included a Habitat Management and Monitoring Plan (HMMP). This condition was agreed to by the Applicant on 20 September 2024.

6.6 The Council's Greenspaces Department and Desford Parish Council did not respond to the planning application.

6.7 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

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 Desford Neighbourhood Plan 2018 – 2036 (DNP) (2021):

- Policy H1: Settlement Boundary
- Policy ENV3: Biodiversity General
- Policy T1: Traffic Management

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 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.

- 8.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Desford Neighbourhood Plan 2018 – 2036 (DNP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 Policy H1 of the DNP states that land outside the defined settlement boundary of Desford shall be treated as open countryside where development is carefully controlled in line with Local and National Strategic Planning Policies.
- 8.5 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers 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, the criteria in Policy DM4 of the SADMP, but this does not mean that the development is not 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 the report.
- 8.7 In addition, Paragraph 89 of the NPPF states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to, or beyond, existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.

- 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) 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.
- 8.10 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.
- 8.11 The proposal represents a five-fold (4,410sqm) increase in the provision of hardstanding in this area of the site from 990sqm to 5,400sqm since application 21/00649/AGDO. However, it is noted that this area of hardstanding did not require approval.
- 8.12 To accommodate this hardstanding, the ground levels are reduced by a maximum of 1.3m closer to the existing agricultural complex and slightly increased by 1.2m at its furthest away. The ground levels for the store tank are also reduced by a maximum of 1.4m, which is 2.9m lower than the ground level for the hardstanding and 4.5m below the ground level for the main agricultural complex.
- 8.13 Therefore, whilst the development is likely to result in some harm to the character of the area, which is likely to be prominent from the Public Right of Way, the Public Right of Way over is 90m to the south and the development is perceived in the context of the existing agricultural complex. This harm is further restricted by the limited height of the hard standing and the store tank, which are supported by the proposed reduced ground levels. Furthermore, the prominence of the scheme is reduced by its minimum separation distance of 30m from the public highway, the existing mature vegetation along the boundary of Leicester Lane, and the additional planting proposed by the Applicant.
- 8.14 By virtue of these factors, the proposal is in keeping with the character of the established agricultural complex that is associated. Therefore, the impact of this development is unlikely to result in any significant adverse impacts to the character of the countryside in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.15 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.
- 8.16 There are no residential properties in the immediate vicinity of the site. The closest residential property was approved via planning application 16/00356/FUL and Condition 4 of this planning permission limits the occupation of the property to an agricultural worker. Therefore, the development is unlikely to result in any adverse impacts to this dwelling. Additionally, the development is part of an existing agricultural operation, and it does not intensify its use.
- 8.17 By virtue of these factors, the proposal does not result in any adverse impacts to the residential amenity of neighbouring properties in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.18 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.
- 8.19 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)).
- 8.20 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.21 Policy T1 of the DNP requires commercial development to be designed to minimise additional traffic generation and movement through the villages.
- 8.22 The proposal makes no changes to the existing access onto Leicester Lane. There have been four Personal Injury Collisions (PICs) that have been recorded within 500m in either direction of the site within the most recent five-year period. Three PICs were recorded as slight, and one was recorded as serious in severity.
- 8.23 The Applicant has stated that there will be no additional movements at the site access as the existing land is already used for the storage of feedstock. Based on this information, the Local Highway Authority (LHA) do not consider the proposal to result in an intensification of the use of the existing site access, nor that the scheme shall exacerbate the likelihood of further PICs occurring.

- 8.24 The LHA have confirmed that there is currently sufficient space within the curtilage of the application site to accommodate the off-street vehicle parking requirements of the existing business.
- 8.25 By virtue of these factors, the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, Policy T1 of the DNP, 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:

- Proposed Site Plan 01E (submitted: 05.09.2024)

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 Landscape Plan covering 30 years has been submitted to, and approved in writing by, the Local Planning Authority. This can take the form of a Habitat Management and Monitoring Plan (HHMP) and should include the following details:

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

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

Reason: In order to protect the 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).

4. The development shall be carried out in full accordance with the Mitigation and Enhancement Strategy for tree planting, bats, and birds as detailed within Section 5 of the Biodiversity Enhancement and Mitigation Plan (BEMP) (submitted: 22.08.2024) as well as the Protection Measures identified at Section 3 of the Construction Environmental Management Plan (CEMP) (submitted: 22.08.2024).

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).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Please refer to the seven requirements of the Environment Agency as detailed within their application response on 10 September 2024. For clarify, the Applicant is required to follow the seven points detailed below and liaise with the Environment Agency by contacting: Graham.R.Dixey@Environment-Agency.gov.uk.
 - i) Provide a written plan indicating what measures and materials will be used to ensure the structure and operation comply fully with the Water Resources (Control of Pollution) (Silage, Slurry, and Agricultural Fuel Oil) (England) Regulations 2010, as amended (SSAFO).
 - ii) Schedule 1 of the SSAFO Regulations set out the requirements, including British Standards, for the safe and legal storage of silage and its effluent.
 - iii) Additional Environment Agency guidance can be found at: [Fact Sheet 3: Silage Making and Storing in Silos \(Feb 2023\)](#).
 - iv) Detailed planning, materials, and construction guidance and standards can be found in these independent Construction Industry Research and Information Association (CIRIA) documents:
 - CIRIA Livestock Manure and Silage Storage Infrastructure Part 1, Section 4.
 - CIRIA Livestock Manure and Silage Storage Infrastructure for Agriculture Part 2, Section 5.
 - v) The base must have drainage connection channels around the outside which are constructed of materials that meet the standards set out in the SSAFO Regulations. The Environment Agency do not consider clay

channels to be suitable. The site on Sandstone classed as Secondary Aquifer and is close to a tributary of the Rothley Brook.

- vi) With regards to the proposed above ground effluent tank, the base must be constructed to withstand the maximum volume of material that can be stored in the tank, including any future expansion of the tank (e.g., additional rings that may be added), and take into account depth to water table. A methodology for the safe and secure transfer of effluent to and from the tank must also be detailed.
 - vii) Provide updated plans and drawings for approval by the Environment Agency, and a post-construction inspection by the Agency prior to use.
3. Notwithstanding this planning permission, any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit used by the Environment Agency in accordance with the Environmental Permitting Regulations 2010. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Further advice is available at: <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>.