

Delegated Report

Planning Ref: 23/01239/FUL

Applicant: Mr Max Marshall

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Woodview Farm Ashby Road Stapleton

Proposal: Erection of agricultural building

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 planning application seeks full planning permission for the provision of an agricultural building at Woodview Farm, Ashby Road, Stapleton. The agricultural building externally measures 48.9m in width by 19m in depth, which creates a total floorspace of 929.1sqm. The structure utilises a pitched roof that has a ridge height of 9.5m, and an eaves height of 7m. The development is open on its eastern side elevation, and it is constructed within Merlin Grey vertical metal cladding and Merlin Grey metal roof sheeting.

2.2. The agricultural building is required for the secure and dry storage of hay and straw, which is produced on the wider 140ha Woodview Farm, and on the neighbouring 40ha farm, Brockey Farm, which is also within the ownership of the Applicant.

2.3. The development is located parallel to, but 31.7m to the east of and 19.3m south of, the agricultural building that was approved in 2021 via prior approval planning application 21/00485/AGDO, which is of a similar size, scale, and design. The new structure is approximately 80m south of the other agricultural buildings within the Woodview Farm complex.

3. Description of the Site and the Surrounding Area

3.1. The 0.2ha application site is located in the designated open countryside, approximately 800m north of the edge of Stapleton. Stapleton is classified as a rural hamlet within the adopted Core Strategy (2009). The application site is also identified as being within a Mineral Safeguarding Area (MSA), and within the impact risk zone of a Site of Special Scientific Interest (SSSI).

3.2. The site is part of a wider agricultural holding, Woodview Farm, which comprises of 140 acres of arable land and a range of modern agricultural buildings within a central farmyard. An agricultural building for the storage of grain that externally measured 19m in width by 48.8m in depth with an overall height of 9.5m was approved in 2021 via prior approval application 21/00485/AGDO. This application stated that there were 12 existing buildings being used within the existing agricultural site that were used for agricultural purposes.

3.3. Woodview Farmhouse lies to the east of the main yard and Woodview Farm Bungalow is located to the southern side of the access drive. The access track between the public highway, Ashby Road, and Woodview Farm is approximately 183m in length. Ashby Road is an adopted and classified 'A' public highway (A447), which is subject to a 50mph speed limit.

- 3.4. Outside of the Woodview Farm complex, the application site is wholly surrounded by open countryside. A private access track runs to the south of the site towards Manor Lodge Farm, which is located to the southwest of the application site. Public Right of Way (PRoW), Footpath T68 runs southeast-to-west approximately 215m to the south of the site adjacent to Manor Lodge Farm.

4. Relevant Planning History

4.1 21/00485/AGDO

- Agricultural Grain Store
- Prior Approval Not Required
- 16.06.2021

4.2 20/01268/CLE

- Certificate of Lawful Existing Use for single dwelling
- Permitted
- 11.06.2021

4.3 06/00334/FUL

- Erection of two agricultural buildings
- Permitted
- 21.06.2006

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2 A member of the public did respond to the planning application and raised concerns regarding the visual impact of the scheme, but they did not formally object to the development.

- 5.3 No further responses have been received.

6. Consultation

- 6.1 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 Department
- Local Highway Authority (LHA)

- 6.2 Stapleton Parish Council did not comment on the planning application.

- 6.3 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) (December 2023)
 - 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 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.
- 8.4 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.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.

- 8.7 Nevertheless, in accordance with Paragraph 225 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. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.9 This is supported by 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. Policy DM4 of the SADMP only considers residential 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.
- 8.10 Paragraph 26 of the Applicant's Design and Access Statement states that the development is to provide secure and water-proof storage for the hay and straw that is already produced on site. As result, it is not considered that the scheme significantly contributes to economic growth, job creation, and/or the diversification of a rural business.
- 8.11 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.12 For example, Section 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.13 Paragraph 88 of the NPPF requires planning decisions to enable:
- (a) The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.
 - (b) The development and diversification of agricultural and other land-based rural businesses.

- (c) Sustainable rural tourism and leisure developments which respect the character of the countryside.
 - (d) The retention of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.
- 8.14 Upon the Planning Officer's site visit to the application site, the Applicant stated that prior to their ownership of the application site, Woodview Farm was utilised as a dairy farm rather than for the production of hay and straw. As a result, the existing buildings within the application are too small and insufficient to accommodate the produce. This is also due to the fact that hay and straw bales need to be stored with circulation space and ventilation to reduce the risk of self-combustion. Furthermore, the adjacent agricultural building that was constructed under Prior Approval application 21/00485/AGDO is utilised to store grain and has no further capacity.
- 8.15 Within their Design and Access Statement, and their additional information from 24 January 2024, the Applicant has explained that they require dry storage for the hay and straw that they produce on their 140ha of arable land at Woodview Farm and their further 40ha of arable land on the neighbouring unit, Brockey Farm, which is also owned by the Applicant. The Applicant has advised that the access to Brockey Farm is inadequate for larger vehicles and machinery.
- 8.16 These areas of arable land can produce up to seven bales of straw per acre, that approximately measure 2.4m in length by 1.2m in width by 0.9m in height. In addition, there is approximately 80 acres of grassland from which hay can be cropped at a rate of 12 bales per acre.
- 8.17 In light of the above, it is estimated that the application site produces 2,200 bales of hay and straw, which creates a volume of 5,720sqm.
- 8.18 Therefore, it is considered that the development supports the development and diversification of an agricultural business, which is supported by Paragraph 88 and Section 6 of the NPPF.
- 8.19 In summary, development does not relate to, or comply with, any of the criteria above in Policy DM4 of the SADMP. However, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. As such, whilst the application does not accord with Development Plan Policy in principle, this is subject to the assessment of all other material considerations including the extent of the development's harm to the open countryside and the benefits of supporting the development of an existing rural business. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.20 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.

- 8.21 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.
- 8.22 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.23 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.
- 8.24 The development is 106m south of the main Woodview Farm complex and appears visually separated from the agricultural site. However, the proposal is identical to the design of the adjacent agricultural building that was constructed via Prior Approval planning application 21/00485/AGDO. Moreover, views of the proposal are limited from Ashby Road to the north and east due to the presence of the existing agricultural buildings and the 290m distance of the scheme from the public highway.
- 8.25 In addition, the agricultural building is over 215m to the north of Footpath T68 and is perceived in the context of the existing agricultural site. Therefore, whilst the structure is large, this is not considered to result in any significant adverse impacts in these site-specific circumstances to the visual character and experience of the Public Right of Way.
- 8.26 However, despite that the development is over 400m from Ashby Road to the south, it is considered that the structure is prominent to vehicles travelling northbound. This is considered to result in harm to the character of the surrounding area.
- 8.27 Notwithstanding this, the experience of the development from Ashby Road is limited in the context of perceiving the site whilst driving along at 50mph classified 'A' road parallel to the site. Moreover, the proposal is rural in character and viewed in the context of the agricultural use of the site, which is heightened by the identical agricultural building that has already been constructed adjacent to the scheme.
- 8.28 In summary, the development is sizeable and is likely to be perceivable from the public highway. However, by virtue of its distance from public highways, the precedent of the existing adjacent agricultural building and the wider agricultural site, and the agricultural character of the development, the proposal is considered to respect the intrinsic value, beauty, open character, and landscape character of the countryside in these site-specific circumstances in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.29 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.30 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.
- 8.31 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.32 The structure is not within the vicinity of any neighbouring residential properties to the extent that they are likely to be impacted by any loss of light or overbearing impacts from the development. In addition, the development is within a wider farming complex, and the structure is utilised for the storage of hay. Given the above, this proposal is not considered to exacerbate noise pollution from the site.
- 8.33 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.34 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.35 Ultimately, development should not be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.36 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.37 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

- 8.38 The development utilises an existing access on to the classified 'A' road that serves an established commercial agricultural operation. The scheme serves the existing demand of the agricultural use and therefore it is not considered to generate any additional vehicle moves to and from the site.
- 8.39 The Local Highway Authority (LHA) have confirmed that they are satisfied that the development is unlikely to generate any additional vehicle movements to and from the site as the new barn supports the existing activities within the site. Therefore, the LHA do not consider the proposal to have a material impact upon the public highway.
- 8.40 In light of the above, the scheme is regarded as in accordance 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 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 received by the Local Planning Authority as follows:
 - Existing Site Plan A-E10-002 (submitted: 22.12.2023).
 - Proposed Elevations and Floor Plans A-P11-001 (submitted 22.12.2023).
 - Proposed Site Plan A-P10-001 (submitted: 22.12.2023).

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).

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.