

Delegated Report

Planning Reference 26/00673/FUL
Applicant Ms Christy Carter
Ward Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Application Site White House Farm, Ashby Road, Stapleton

Proposal Proposed log cabin for the use of a shop (Use Class E(a)) and associated gravel surfacing, boundary treatments and parking

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Refuse planning permission** subject to planning reasons detailed at the end of this Report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a timber log cabin for a Use Class E(a) retail use and associated works including a 80sqm gravel surfaced footpath, post and timber rail fencing, and parking on land to the north of White House Farm, Ashby Road, Stapleton.
- 2.2. The proposed 71.5sqm log cabin would externally measure 12m in width by 6m in depth and would be constructed with a 4.2m high dual pitched roof that would have an eaves height of 2.3m. The Application Form suggests that the log cabin would sell sweets, local produce and hot beverages for people visiting the site.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to the west of Ashby Road ('A447') to the north of the rural hamlet of Stapleton in the designated open countryside. The site comprises an existing paddock that features a stable and tack room, which is for the private and personal use of the Applicant as secured by planning condition 3 of 23/00460/FUL. To the southwest of the site, outside of the red line boundary of the current scheme, is Field View Farm. Beyond this property, the site is surrounded by open agricultural land.

- 3.2. The red line boundary of this scheme also includes White House Farm, which is a two-storey detached residential property, to the southeast of the site. This dwelling was approved via 04/00817/COU and has since been developed via a number of planning applications. The 2004 application removed the property's Permitted Development Rights.

4. Relevant Planning History

- 4.1 **23/00460/FUL** Permitted (determined: 13.07.2023)
Proposed erection of stable/tack room

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. No responses have been received.

6. Consultation

- 6.1 No objections to the proposed development were raised by Leicestershire County Council as the Local Minerals and Waste Planning Authority, the Council's Drainage and Environmental Health Departments, or Kirkby Mallory, Peckleton and Stapleton Parish Council.
- 6.2 Leicestershire County Council as the Local Highway Authority ('LHA') did not consider the application as submitted to fully assess the scheme's impact on highway safety and further information was required to demonstrate this.
- 6.3 Leicestershire County Council ('LCC')'s Ecology Department raised a holding objection to the development as they did not consider the proposal to meet the 0.2ha size exemption to biodiversity net gain.

Case Officer Comments: *"Based on the Proposed Block Plan, the development includes the proposed gravel surfacing, the proposed log cabin and the proposed car parking area. At most, these factors would only total 761sqm, which would be below the 0.2ha size exemption. As such the development would be considered to be exempt from biodiversity net gain in these site-specific circumstances."*

- 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 DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Leicestershire Minerals and Waste Local Plan ('LMWLP') (2019):

- Policy M11: Safeguarding of Mineral Resources

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2026)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')

7.5 Other Relevant Local Authority Guidance:

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

8. Appraisal

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

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

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 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP'), and the Leicestershire Minerals and Waste Local Plan ('LMWLP'). Paragraphs 3 and 7 of the National Planning Policy Framework ('NPPF') confirms that the national decision-making policies within the Framework are a material consideration in making these decisions and should be read as a whole alongside the policies in the Development Plan.
- 8.4 Outside of settlements, NPPF Policy S5(1) identifies ten forms of development that would be acceptable in these locations. The proposal could represent development for rural business and services in accordance with NPPF Policy S5(1)(b).
- 8.5 NPPF Policy E2(1)(a) states that substantial weight should be given to the economic benefits of proposals for commercial development which allows businesses to invest, expand, and/or adapt. In applying, NPPF Policy E2(1)(a), NPPF Policy E4(1)(a) states that the sustainable growth of businesses in rural areas should be supported, including through the provision of well-designed new buildings. NPPF Policy E4(2)(b) requires the siting and design of such development to be appropriate having regard to the character of its surroundings.
- 8.6 Notwithstanding this, the existing site is not currently associated with a rural business or service, and the Applicant has not stated that the proposal would be for or associated with a rural business or service. The Applicant has also not provided any justification as to why such a commercial use and structure would be required in this location. Importantly, the only development within the application site is an existing dwellinghouse and the existing stable building, which is restricted by planning conditions to the private and personal use of the Applicant.
- 8.7 Given the above, the proposal would not fall into one of the categories set out in NPPF Policy S5(1). NPPF Policy S5(4) therefore confirms that the development proposal should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.

Transport Sustainability

- 8.8 NPPF Policy CC2(1)(a) states that development proposals should, where relevant to the proposal, support good access to facilities in order to limit the need to travel, whether through the development's location, through development densities which improve catchment populations for local services, or by incorporating community facilities and premises to support local employment opportunities. NPPF Policy TR3(1)(e) states that development proposals in rural areas should take opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.
- 8.9 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.10 Highway Development Management ('HDM') Policy 1 of the Leicestershire Highway Design Guide ('LHDG') states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.11 Stapleton is a rural hamlet that only features a public house, two churches, a village hall, and one bus stop. The access to the site would be 850m from the bus stop, which would exceed the reasonable walking distances defined at Appendix B of the NPPF. Over 380m of this distance would also be along a classified 'A' road that is unlit and does not benefit from any pedestrian footways or cycleways. Given the poor quality of the routes to the application site, this would be considered to discourage people from walking or cycling to the proposed facility.
- 8.12 It is therefore considered that the application site would not feature convenient and safe access for walking and cycling, nor meaningful alternative sustainable modes of travel to the private car to the site. As a result, the application site would be considered to be in an area that suffers from poor transport sustainability where the future users of the scheme would be highly likely to be dependent on private motorised travel to access the site. It is not considered that there would be any realistic, practical opportunities for this level of development to exploit that would make this location more sustainable.

- 8.13 By virtue of these factors, the application site would be in an unsustainable location that suffers from poor transport sustainability where the future users of the scheme would be highly likely to be dependent on private motorised travel to access the site. This would result in significant environmental harm in principle that would be contrary to, and in conflict with, NPPF Policies CC2 and TR3, and Policy DM17 of the SADMP, and HDM Policy 1 of the LHDG.

Design and Impact upon the Character of the Area

- 8.14 NPPF Policy DP3(1) confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings. NPPF Policy N2(1)(a) requires developments to contribute positively to the natural environment and consider the environmental qualities of land proposed for development including landscape character and the natural beauty of the countryside.
- 8.15 NPPF Policy DP3(3) states that development proposals should be refused if, without clear justification, they conflict with NPPF Policy DP3(1) or relevant aspects of the principles in NPPF Policy DP3(2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.16 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. 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.
- 8.17 The proposed development is not supported by NPPF Policy S5 or Policy DM4 of the SADMP in principle. Whilst the structure would be considered to be of a modest height, scale and design, the Applicant has failed to demonstrate why a commercial retail use would be required in the designated open countryside in these site-specific circumstances.
- 8.18 As a result, the proposed use and associated built form would represent the unjustified development and urbanisation of the countryside, which would result in significant and permanent harm to the character of the surrounding area and the natural beauty of the countryside.

- 8.19 The scheme's use and associated built form would therefore fail to integrate or enhance the character of the surrounding area, and the significant harm of the proposal would be visually prominent from Ashby Road to the north and south, and from Public Byway T76 to the northeast of the site.
- 8.20 Given the above, the scheme would be considered to be contrary to, and in conflict with, NPPF Policies S5, DP3, and N2, and Policies DM4 and DM10 of the SADMP. As the development would conflict with NPPF Policy DP3, NPPF Policy DP3(3) confirms that the proposal should be refused.

Impact upon Residential Amenity

- 8.21 NPPF Policy P3(1) states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity.
- 8.22 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.
- 8.23 The closest neighbouring residential properties would be White House Farm, and Field View Farm. As White House Farm is within the red line boundary of this application site, a planning condition could be utilised to link the proposed use with the occupation of the dwelling to prevent any significant adverse impacts to the occupiers of this property.
- 8.24 Both properties would be over 75m from the proposed log cabin. In light of these separation distances, the size and scale of the proposed building, and the proposed Use Class E(a) retail use of the property, the scheme would not be considered to result in any significant adverse impacts to neighbouring residential amenity, subject to planning conditions restricting the proposed use and operational hours of the development. Importantly, the Council's Environmental Health Department have raised no concerns with the proposed scheme.
- 8.25 By virtue of these factors, the proposal would be considered to accord with NPPF Policy P3 and Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.26 NPPF Policy TR6(4) states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.
- 8.27 NPPF Policy TR3(1)(c) states that any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach.
- 8.28 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. 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')).
- 8.29 HDM Policy 2 of the LHDG states that Leicestershire County Council as the Local Highly Authority ('LHA') will apply a risk-based assessment of proposals for new accesses onto the existing highway network and alterations to and / or intensification of existing accesses so that they do not result in unacceptable road safety and operational concerns.
- 8.30 NPPF Policy TR4(1)(e) requires development proposals to provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan, and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.
- 8.31 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.32 The development proposes to utilise a vehicular access onto Ashby Road, which is a classified 'A' road that forms part of the Leicestershire Resilient Network. Ashby Road is subject to a 40mph speed limit, which increases to 50mph 15m to the north of the proposed access.

- 8.33 Based on the Case Officer's site visit, the access has been partially constructed on site, including its width and the hard surfacing from the red line boundary up to the highway boundary.
- 8.34 The LHA confirmed that the submitted details within this application would not fully assess the highway impact of the proposed development, and a significant number of additional details would be required to overcome their concerns. These details would include amendments to the proposed site access, which would need to be assessed via an independent Stage 1 Road Safety Audit and potentially a traffic/ speed survey. The revisions to the site access would also need to be informed by further clarity on the proposal including vehicular visibility splays, swept path analysis of the access, and details regarding the trip generation for the scheme.
- 8.35 In the absence of these details, it is considered that the Applicant has failed to demonstrate that the proposed development and its access onto a classified 'A' road that forms part of the Leicestershire Resilient Network would not result in unacceptable impact upon highway safety or a severe adverse impact on the transport network.
- 8.36 In accordance with Figure 29(c) of the LHDG, as a Use Class E(a) use, the 71.5sqm proposal would be required to provide 8 off-street vehicle parking spaces. However, the scheme only proposes five parking spaces, and it is noted that these five parking spaces would not accord with the minimum parking standards detailed at Figure 44 of the LHDG.
- 8.37 By virtue of the above factors, the Applicant has failed to demonstrate that the proposed development would be provided with a suitable number of off-street vehicle parking spaces, nor that the proposed scheme and its access would not result in unacceptable impact upon highway safety or a severe adverse impact on the transport network. As a consequence, the scheme would be considered to be contrary to, and in conflict with, NPPF Policies TR3, TR4, and TR6, Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.38 In summary, applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. National decision-making policies within the Framework are a material consideration in making these decisions and should be read as a whole alongside the policies in the Development Plan.

- 8.39 The development proposal would not be offered any support in principle by NPPF Policy S5(1). As such, the scheme should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.
- 8.40 The application site would be in an unsustainable location that suffers from poor transport sustainability where the future users of the scheme would be highly likely to be dependent on private motorised travel to access the site. It is not considered that there would be any realistic, practical opportunities for this level of development to exploit that would make this location more sustainable. The scheme would therefore result in significant environmental harm in principle, which would be contrary to, and in conflict with NPPF Policies CC2 and TR3, and Policy DM17 of the SADMP, and HDM Policy 1 of the LHDG. This would attract significant negative weight in the planning balance.
- 8.41 The Applicant has failed to demonstrate why a commercial retail use would be required in the designated open countryside in these site-specific circumstances. As a result, the proposed use and associated built form would represent the unjustified development and urbanisation of the countryside, which result in significant and permanent harm to the character of the surrounding area and the natural beauty of the countryside. The scheme would therefore fail to integrate or enhance the character of the surrounding area. Given the above, the scheme would be considered to be contrary to, and in conflict with, NPPF Policies S5, DP3, and N2, and Policies DM4 and DM10 of the SADMP. This would attract significant negative weight in the planning balance. Notably, as the development would conflict with NPPF Policy DP3, NPPF Policy DP3(3) confirms that the proposal should be refused.
- 8.42 Furthermore, the Applicant has failed to demonstrate that the proposed development would be provided with a suitable number of off-street vehicle parking spaces, nor that the proposed scheme and its access would not result in unacceptable impact upon highway safety or a severe adverse impact on the transport network. As a consequence, the scheme would be considered to be contrary to, and in conflict with, NPPF Policies TR3, TR4, and TR6, Policies DM17 and DM18 of the SADMP, and the LHDG. This would attract significant negative weight in the planning balance.
- 8.43 The Applicant has not identified any benefits of the development proposal. Whilst the proposed commercial retail use could be likely to be related to a rural business, the Applicant has not provided any details to demonstrate this and there is no existing rural business on the site at present.

- 8.44 Therefore, any potential weight associated to such benefits as required by NPPF Polies E2 and E4 would not be applicable in these site-specific circumstances. Notwithstanding this, given the size, scale, and proposed retail use of the development, the potential benefits associated with the development in this location and in these site-specific circumstances would be considered to attract very limited positive weight in the planning balance.
- 8.45 In conclusion, it is considered that the significant adverse impacts of the development to the character of the surrounding area, highway safety, and the environment would substantially outweigh any potential benefits of the proposed development in these site-specific circumstances. In accordance with NPPF Policies S5 and DP3, the proposal is recommended for refusal.

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 is refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to planning reasons detailed at the end of this Report.

11.1 Reasons

1. The proposal would represent the unjustified development and urbanisation of the countryside, which would result in significant and permanent harm to the character of the surrounding area and the natural beauty of the countryside. The scheme would therefore fail to integrate or enhance the character of the surrounding area, and would be contrary to, and in conflict with, Policies S5, DP3, and N2 of the National Planning Policy Framework (2026), and Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). This significant harm would substantially outweigh any potential benefits of the proposed development in these site-specific circumstances. In accordance with Policies S5 and DP3 of the National Planning Policy Framework, the development is therefore refused.
2. The application site would be in an unsustainable location that suffers from poor transport sustainability whereby the future users of the scheme would be highly likely to be dependent on private motorised travel to access the site. The scheme would therefore result in significant environmental harm in principle, which would be contrary to, and in conflict with Policies CC2 and TR3 of the National Planning Policy Framework (2026) and Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
3. The Applicant has failed to demonstrate that the proposed development and its access would not result in unacceptable impact upon highway safety or a severe adverse impact on the transport network. As a consequence, the scheme would be contrary to, and in conflict with, Policies TR3, TR4, and TR6 of the National Planning Policy Framework (2026), Policies DM17 and DM18 of the adopted Site Allocations and

Development Management Policies Development Plan Document (2016), and the Leicestershire Highway Design Guide (2024).

a. Notes to Applicant

1. The application has been determined in accordance with the following submitted details received by the Local Planning Authority on 12 August 2026:
 - Application Form
 - Existing and Proposed Block Plan 881 06
 - Proposed Floor Plans & Elevations – 881 07
 - Site Location Plan