

Appeal Statement

**65A Newbold Road, Barlestone, CV13
0DY**

**Proposed new stable block and
associated storage area**

Client Name: Mr and Mrs A Gibson

Date of Issue: March 2024

Local Authority: Hinckley and Bosworth Borough Council

Prepared by: J J M Planning Ltd



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Independent Planning Consultancy Services

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1.0 Introduction and background

- 1.1 This appeal statement has been prepared by JJM Planning, a planning consultancy operating in the East Midlands, who are representing the appellant in respect of this appeal.
- 1.2 The appeal arises from the decision of Hinckley and Bosworth Borough Council to refuse planning permission 24/00054/FUL for a proposed new stable block with associated storage area, fence and landscaping (resubmission 23/00392/FUL) at 65A Newbold Road, Barlestone. The application was refused on 13th March 2024 for the following reason:

The development fails to complement or enhance the character of the surrounding area as a result of its size, scale, volume, and use of materials. This impact is exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the southwest. Given the above, the scheme causes significant harm to the rural character of the application site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to significantly and demonstrably outweigh any potential benefits of the scheme. As a result, the scheme is in conflict with, and contrary to the Good Design Guide (2020), Policy H2 of the Barlestone Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 12 of the National Planning Policy Framework (December 2023).

- 1.3 This statement describes the appeal site and the proposal, details the planning history of the site, identifies the planning policy considerations that apply to the proposal, provides an assessment and justification in relation to the appellant's case, and finally, provides a conclusion in respect of this appeal.

2.0 Appeal Site

- 2.1 The appeal site measures 1303 square metres and is rectangular in shape and includes for an existing open fronted shed. The wider site comprises of 65A Newbold Road, which is an existing two storey dwelling, as well as a detached garage, a single storey building encompassing two stables and associated paddock land to the west. The appellant also rents further paddock land to the north of the proposed site.
- 2.2 The existing open fronted shed externally measures 7.4m in width x 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The single storey stable block is to the northwest of the dwelling and externally measures 18m in width x 5.1m in depth. The existing paddock land which is owned by the appellant measures 4025 square metres (0.99 acres) and the paddock land to the north which is rented measures in the region of 5 acres.
- 2.3 To the north of the site is Mill Farm cottage, which is separated from the site via the existing paddock land, and beyond this is open agricultural fields and allotment land. Further to the west of the site is more residential dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development fronting onto Newbold Road.
- 2.4 The appeal site is located to the southeast of, and outside of, the identified settlement boundary for Stand Alone Key Rural Centre, Barlestone. However, the residential property, 65A Newbold Road, is within its identified settlement boundary.
- 2.5 The appeal site is not located in a Conservation Area and is not located in close proximity to any Listed Buildings. There are no trees on the application site that would be affected by the proposed development. Up to date photographs of the appeal site are included in Appendix 1.
- 2.6 The site and its surroundings are shown in more detail on the image below:



(Source: Google Maps)

3.0 PLANNING HISTORY

- 3.1 The application site and the wider plot have been subject to the following planning applications:

24/00054/FUL – Proposed new stable block with associated storage area, fence and landscaping (resubmission 23/00392/FUL) – Refused 13 March 2024.

23/00392/FUL - Proposed new stable block with associated storage area – Permitted 10 November 2023.

16/00349/CONDIT - Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access – Permitted 23.06.2016.

15/01197/CONDIT - Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes – Permitted 21.12.2015.

12/00954/FUL - Demolition of existing dwelling and erection of one new dwelling and detached garage – Permitted 15.01.2013

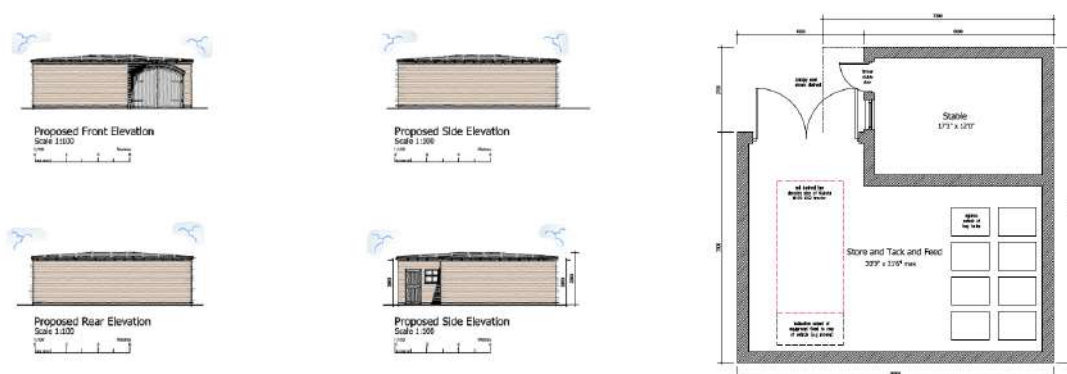
12/00006/FUL - Extension and alterations to dwelling and erection of garage – Permitted 30.03.2012

4.0 PROPOSED DEVELOPMENT

- 4.1 Planning application 23/00392/FUL was approved by HBBC in November 2023 for a proposed new stable block with associated storage area (the officer report in respect of this application is re-produced in Appendix 4). When the application was originally submitted consent was sought for the erection of a tractor store, store/workshop, tack and feed room and two stables as shown on the images below:



- 4.2 During the course of the application, officers raised concern over the acceptability of the proposal and requested amended plans. Amended plans were received which amended the size and design of the proposed building. Planning permission was subsequently granted for a single stable along with a store/tack/feed room as shown on the images below:



- 4.3 The approved scheme fails to provide a suitable level of accommodation for the appellants needs. The appellant and his family currently own four horses, two of these are stabled on the site in the existing stables and the other two are having to be stabled off site due to the lack of suitable stables on site. In addition, the approved building does not provide a suitable level of accommodation for the storage of machinery and equipment associated with maintaining the land that they own and rent in the immediate area or for associated ancillary equestrian activities such as storage of tack and feed for four horses.

The diagram is a site plan for a property located at No. 65A. It shows a large 'Paddock' area at the top, a 'Yard' in the center, and a 'Shed' at the bottom right. The property is bordered by 'NEWBOLD ROAD' to the south and a 'creek' to the east. Various buildings are shown, including a 'main house' and a 'shed'. Numerous annotations indicate proposed changes, such as 'addition new two storey to front entry', 'new gate to paddock', 'new driveway to be constructed, more formal', and 'new building (plans, 22 and on 27 existing footprint)'. A red hatched area is located near the driveway, indicating a specific site of interest.

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5.0 Planning policy

- 5.1 The (revised) National Planning Policy Framework (2023) (NPPF) confirms that it does not change the statutory status of the development plan as the starting point for decision making. It also confirms its status as a material consideration in determining planning applications. The NPPF continues to advise that proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF also advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 5.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3 The policy context for this application is provided by the development plan and national planning policy in the NPPF as well as Planning Practice Guidance issued in April 2014 (as subsequently amended) (PPG). The development plan includes the Core Strategy (adopted 2009) (CS) and the Site Allocations and Development Management Policies DPD (adopted 2016) (SADMP).
- 5.4 Those policies which are the most important for determining this planning application are set out below:

Core Strategy (2009) (CS)

- 5.5 No relevant policies found within the Core Strategy.

Site Allocations and Development Management Policies DPD (2016) (SADMP)

- 5.6 *Policy DM1 – Presumption in Favour of Sustainable Development* repeats the presumption in favour as found in the Framework.
- 5.7 *Policy DM4 – Safeguarding the Countryside and Settlement Separation* seeks to protect the intrinsic value, beauty, open character and landscape character from unsustainable development and lists suitable sustainable development, subject to satisfying certain criteria.
- 5.8 *Policy DM10 – Development and Design* provides a series of design-based criteria to which new development is required to meet.

- 5.9 *Policy DM17 – Highways and Transportation* confirms that development proposals should be in accordance with highways design standards as set out in the most up to date guidance adopted by the relevant Highway Authority.
- 5.10 *Policy DM18 – Vehicle Parking Standards* confirms that new development proposals will be required to provide an appropriate level of parking provision justified by assessment.

Barlestone Neighbourhood Plan (2022) (NP)

- 5.11 *Policy H2 – Settlement Boundary* states that development proposals on sites within the Settlement Boundary will be supported where they respect the character of that area of Barlestone and comply with other Plan policies. Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.

The National Planning Policy Framework 2023 (NPPF)

- 5.12 Paragraphs 7-10 of the NPPF state that at the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective, a social objective, and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant, and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built, and historic environment, including making effective use of land.
- 5.13 Amongst other things, paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.14 Paragraph 47 of the NPPF indicates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.15 Paragraphs 55-57 set out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use

of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

- 5.16 Paragraph 115 of the NPPF states that development should only 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.
- 5.17 Paragraphs 123 and 124 of the NPPF seeks to make the effective use of land. It states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.18 Paragraphs 131-135 of the NPPF seeks to achieve well-designed places. It states the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place using streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.19 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 states that Local Planning Authorities should ensure that floor risk is not increased elsewhere when determining planning applications.
- 5.20 Paragraphs 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It also requires a contribution towards remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 5.21 Paragraphs 185-186 is concerned with habitats and biodiversity and seeks to protect and enhance. It advises that development which results in significant harm to biodiversity should be refused unless it can be adequately mitigated, or, as a last resort, compensated for. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.
- 5.22 Paragraphs 189-191 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Other Policy and Guidance

- 5.23 Although not having the formal status and weight of adopted planning policy there are a number of other pieces of guidance relevant to decision-making within Hinckley and Bosworth including:
- National Planning Practice Guidance - March 2014 (as amended)
 - The Conservation of Habitats and Species Regulations 2017
 - Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
 - National Forest Strategy 2014-2024
 - National Design Guide – October 2019
 - Leicestershire Highways Design Guide (Leicestershire County Council)

6.0 The Appellant's Case

6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

6.2 It is considered that the only planning consideration in the determination of this appeal relate to the issues raised in the single reason for refusal which is primarily focussed on the visual impact of the proposal. The reason for refusal on the decision notice (reproduced in Appendix 2) states the following:

The development fails to complement or enhance the character of the surrounding area as a result of its size, scale, volume, and use of materials. This impact is exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the southwest. Given the above, the scheme causes significant harm to the rural character of the application site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to significantly and demonstrably outweigh any potential benefits of the scheme. As a result, the scheme is in conflict with, and contrary to the Good Design Guide (2020), Policy H2 of the Barlestone Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 12 of the National Planning Policy Framework (December 2023).

6.3 The appeal statement below fully assesses the proposal in relation to the Councils reason for refusal and reaches a conclusion in respect of compliance.

Is the size, scale and volume of the building unacceptable?

6.4 The Council have accepted as part of the previous application that a building measuring a maximum length of 10 metres, a maximum depth of 10 metres and with an eaves height of 2.85 metres and a ridge height of 3.3 metres is acceptable in terms of visual impact. The officer report for the previous application stated that the proposed building, *'is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the open countryside'*. The main issue regarding the acceptability of the appeal is whether the proposed larger building would alter the previous conclusions reached by the Council.

6.5 The previously approved building had a footprint of 87 square metres, an eaves height of 2.85 metres and a ridge height of 3.3 metres. The currently proposed

building would have a footprint of 159 square metres, an eaves height of 2.53 metres and a ridge height of 4.88 metres. It is accepted that the proposed building is larger and taller than that which was previously approved. However, the proposals still represent a modestly sized dual agricultural and equestrian use structure in comparison to the size of the land in question and in relation to the scale and height of surrounding buildings that includes two storey built development.

- 6.6 The Council have no detailed guidance on acceptable size, scale and volume of stables and agricultural buildings in the countryside. However, it is noted that the Council recently lost an appeal on visual amenity grounds regarding an application for a stable block and an agricultural barn as part of 22/00021/FUL. Full details of this appeal decision and the submitted plans are provided in Appendix 5. The table below compares the size, scale and volume of the buildings submitted as part of 22/00021/FUL compared to those submitted as part of the current appeal proposals in order to provide a comparison:

	22/00021/FUL (stables)	22/00021/FUL (barn)	24/00054/FUL
Size (length)	23.0 m	17.15	14.5 m
Size (width)	13.0 m	7.5 m	16.6 m
Scale (height to ridge)	4.0 m	5.45 m	4.88 m
Volume	537 cubic m	619 cubic m	630 cubic m
Footprint	165 square m	127 square m	159 square m

- 6.7 The inspector dealing with the stable block and an agricultural barn as part of 22/00021/FUL stated that, *'The proposed buildings would be extremely modest in overall height'*. As can be seen from the table above, the barn building which was allowed as part of that appeal is 0.6 m taller than the building that is subject to this appeal. It therefore follows that the height of the proposed building as part of this application can only be considered as extremely modest.
- 6.8 What is evident from the figures above is that the stables and barn approved at appeal recently in Hinckley and Bosworth have a significantly larger size, scale and volume in comparison to the modestly sized structure sought under the current appeal. On this basis, it is clear that the size, scale and volume of the appeal building is significantly smaller than those which have been found to be acceptable elsewhere within the district.

Are the materials of the building unacceptable?

- 6.9 It is understood that the only issue with the proposed materials relates to the use of slate roofing tiles on the proposed building. The officer report (re-produced in Appendix 3) for the application states the following:

Moreover, the proposal utilises a slate roof that matches the existing residential dwelling within the site. This is considered to give the development a residential and domestic appearance that is contrary to the existing agricultural and rural appearance of the application site and its associated outbuildings. As a result, this considered to result in further harm to the rural character of the application site.

- 6.10 It is not considered that the use of slate tiles on the proposed building would result in the building having a domestic appearance. The totality of the materials and design of the building need to be considered in coming to a view on whether the building has the appearance of a stable/tractor store or a domestic building. The building consists predominantly of timber cladding, contains two large door openings to provide access to the tractor store and the store/workshop and a number of stable doors. These elements of the design combine to provides a building with a rural/agricultural aesthetic regardless of the proposed roofing material.
- 6.11 The Council's Good Design Guide gives guidance on the appearance of buildings on page 14. It states that: *'Materials should be practical, durable, affordable and attractive'* and that *'They may not have to match, but colour, texture, grain and reflectivity can all support harmony'*. It is considered that the use of slate tiles on the building would match those used on the main dwelling and provide harmony. The selected materials would also be practical, durable, affordable and attractive. On this basis, there is no guidance which indicates that the suggested roofing material would be unacceptable.
- 6.12 It is also noted that the submitted drawings indicated that a metal roof covering could be utilised. Such a roof covering was previously considered to be acceptable as part of application 23/00392/FUL. If the Council considered that the use of slate roof tiles was an inappropriate material then this could have formed an appropriately worded planning condition, rather than a reason for refusal, in line with the advice in paragraph 55 of the NPPF. Indeed, the Council's own Good Design Guide suggests this approach on page 35.
- 6.13 On this basis, it is clear that the proposed materials of the appeal building would be acceptable.

Would the proposal be visually prominent and cause significant harm to the rural character of the application site?

- 6.14 The Council's Officer Report identifies visual harm arising from the proposal. It states that:

In addition, due to the size, scale, and ground level disparity between the application site and the public highway, it is considered that the built form and scale of the scheme is likely to be prominent from the south of the site along the adjacent public footpath

on Newbold Road. This is considered to exacerbate the harm caused by the development.

- 6.15 It is noted that the Council's officer report states that the proposal *'is likely to be prominent'*. Such an assessment is not considered to be a detailed and robust assessment of the application documents and the situation on the site. The Council should have concluded that either the scheme will be prominent or it won't be prominent and provide detailed evidence to support such a conclusion.
- 6.16 The conclusions reached by the Council bear no resemblance to the situation on the ground. The submitted plans included an indicative street scene from Newbold Road which demonstrated that the existing mature landscaping on the site frontage would substantially screen the proposed development. The level of screening and the lack of views from the south and east of the site is made clear from the photographs below.



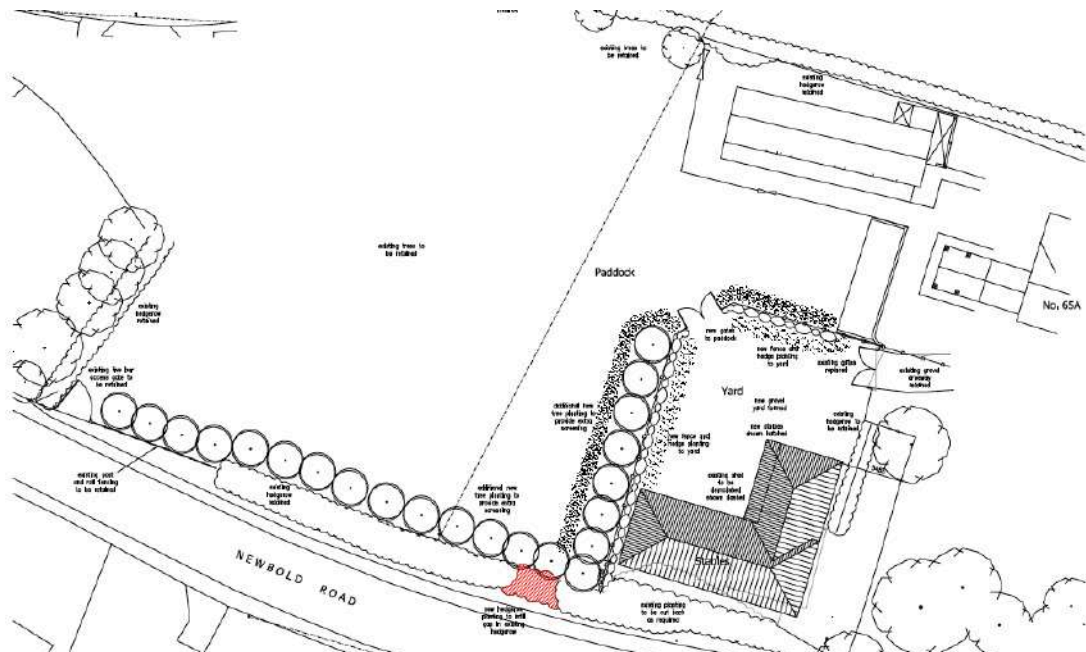
- 6.17 It is absolutely clear that the proposal would not be prominent from views from the south or east and would not result in any visual harm let alone significant harm.
- 6.18 The Council's Officer report also considers the impacts of the proposal from the west. It states:

...the proposal is considered to be highly prominent from the long views from the west along Newbold Road in an easterly direction. This is supported by the fact that the Applicants accept within their Planning Statement, that there are more open views of the application site from the west of Newbold Road.

- 6.19 It is accepted that there are more open views of the application site from the west of Newbold Road given a break in the landscaping. This is demonstrated by the photograph below:



- 6.20 In order to provide additional screening of the proposed development, the scheme includes for additional hedge and tree planting along the southern perimeter of Newbold Road and also immediately to the west of the proposed stables as shown by the site plan extract below:



- 6.21 It is clear that the existing and proposed landscaping would provide a significant degree of screening of the proposed single storey modest building. The Council's officer report raises concern regarding the screening offered by the existing/proposed landscaping. In terms of the existing landscaping, mature hedge and trees have been in place for a significant period of time and provide extensive screening. In addition, the proposal seeks to provide additional

landscaping inside of the existing landscaping which would further bolster the level of screening and provide additional screening from views from the west. The existing and proposed landscaping can be controlled through an appropriately worded planning condition which can ensure that the landscaping is maintained at a certain height in perpetuity and that any trees/hedges that fail are replaced. Therefore, contrary to the assertion of the Council it is considered that the existing and proposed landscaping can be relied upon to provide screening of the proposed development.

- 6.22 What the Council's officer report fails to note is that there are already long range and uninterrupted views established towards built development (including taller two storey development) on the site as demonstrated below in red:



- 6.23 The Council's decision notice states that:

Given the above, the scheme causes significant harm to the rural character of the application site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside.

- 6.24 The existing site already benefits from an existing building located in this part of the site, the Council have already approved a new stable block building in this location and there is other built development on the application site. The appeal proposals seek an enlarged building compared to the existing/approved building but as demonstrated above it would not be highly prominent from the surrounding area.
- 6.25 The Council's decision notice refers to the open character of the countryside. The application site does not consist of open countryside. It consists of areas of built development to the east of the application site and open paddock land to the west. The appeal proposals would be wholly in keeping with the existing landscape character of the site and surrounding area and would contain built development

within the eastern part of the site. Therefore, the appeal proposals would not cause significant harm to the rural character of the application site (which is already characterised by both single storey and two storey development).

- 6.26 Therefore, it is concluded that any long range views towards to the building would be substantially screened by the existing/proposed landscaping and any views through or over the landscaping would be seen against the backdrop of existing built development (including development which has a greater volume, scale and size in comparison to the proposed development). There would be no significant impacts on the rural character of the application site and the proposal would not impact on the open countryside contrary to the assertions made by the Council in their decision notice.

Is the proposal contrary to the Good Design Guide?

- 6.27 The Council's decision notice indicates that the proposal is contrary to the Good Design Guide. The Good Design Guide is a 134 page document which provides wide ranging information on providing good design within the Borough. It would be anticipated that if the application were considered to be contrary to a specific part of The Good Design Guide that the Council would refer to this within their officer report. However, the officer report contains vague and generalised assertions regarding compliance against the Good Design Guide.
- 6.28 Page 14 of the Good Design Guide sets out a series of individual components of design that can be collectively utilised to describe the elements of the design proposals. These are listed below in italic and an assessment against each of the criteria is provided below:
- 6.29 *Layout: This is how buildings, street blocks, routes and open spaces are positioned in an area and how they relate to each other. This provides the basic plan for development. Developments that endure have flexible layouts and design. New development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another.*

The building is positioned in a part of the site that already contains an open fronted shed and in a part of the site where the Council have previously accepted that a new stable block could be sited. The building is positioned in the eastern part of the site where other built development is proposed and does not impact on the open paddock land to the west.

- 6.30 *Scale: Building scale can be formed in many ways, from tall towers, individual stand alone units, long and low blocks, to terraces. They can all be successful, or unsuccessful, depending on where they are placed, how they relate to their surroundings, their use and their architectural and design quality. Similarly streets can take different scales,*

from wide motorways with few entrances and exits to narrow lanes with direct access to buildings. Care should be taken to design the right scale and form for the right place.

The building is single storey in scale and significant lower than the main two storey dwelling that is located only 20 metres away from the proposed building. The inspector dealing with the stable block and an agricultural barn as part of 22/00021/FUL stated that, *'The proposed buildings would be extremely modest in overall height'*. The barn building which was allowed as part of that appeal is 0.6 m taller than the building that is subject to this appeal.

- 6.31 *Appearance: The important smaller elements of building and spaces, including what a building is made from and the approach taken to its detailing. The quality of new development can be spoilt by poor attention to detail. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. It is vital not only to view these elements in isolation, but also consider how they come together to form a whole.*

Materials should be practical, durable, affordable and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They may not have to match, but colour, texture, grain and reflectivity can all support harmony. There are a wide range of building and open space materials available and more products developed all the time. Innovative construction materials and techniques can help to achieve well designed homes and other buildings.

The Council's sole concern in relation to the appearance of the building appears to be in relation to the use of slate roofing tiles. As discussed elsewhere in this appeal statement, it is considered that the use of slate tiles on the building would match those used on the main dwelling and provide harmony. The selected materials would also be practical, durable, affordable and attractive. On this basis, there is no guidance which indicates that the suggested roofing material would be unacceptable. Even if the decision maker considered that an alternative roof tile is required this matter could be controlled through an appropriately worded planning condition.

- 6.32 *Landscape: Landscape design includes considering all treatments of the external environment, from planting, trees and drainage design to lighting, road design and street furniture.*

External spaces, whether public or private, provide the opportunity for relaxation, recreation, meeting with others and as such are paramount for mental and physical health, as well as a key contributor to quality of life.

It is essential to consider firstly how the open space and public realm of a scheme will be treated to ensure that the existing character of a place is protected; and secondly how it can be enhanced to provide for current and future residents or users of the

scheme. Consideration should also be given to ongoing management and maintenance, to ensure that the completed proposals function well in the long term.

Boundary treatments are also a critical element of character and quality, with different approaches required for different spaces relative to their type, size and location.

The proposal includes for the retention of all existing landscaping on the site and also includes for significant areas of additional landscaping within the site. The submitted plans include for a landscape specification that sets out the ongoing management and maintenance of the landscaping as well as the protection of existing landscaping during the construction process.

- 6.33 When assessing the application against the key components of establishing good design, it is clear that the proposals would be in accordance and comply with the principles contained in the Good Design Guide.

Is the proposal contrary to Policy H2 of the Barlestone Neighbourhood Plan?

- 6.34 Policy H2 of the Barlestone Neighbourhood Plan states the following:

Development proposals on sites within the Settlement Boundary will be supported where they respect the character of that area of Barlestone and comply with other Plan policies. Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.

- 6.35 It is unclear as to which element of Policy H2 the Council consider that the scheme does not comply with. Policy H2 relates more to the principle of uses within and outside of the settlement boundary rather than specific issues relating to design and visual amenity. The Council's officer report confirms that there are no issues with the principle of development on the site and this is confirmed by the fact that planning permission 23/00392/FUL has already been granted on the site for a new stable block.
- 6.36 Having regard to the assessment above, it is considered that the proposal would comply with Policy H2 of the Barlestone Neighbourhood Plan.

Is the proposal contrary to Policy DM4 of the adopted Site Allocation and Development Management Policies Development Plan Document?

- 6.37 The Council have accepted that the appeal proposals comply with the first element of Policy DM4 which sets out acceptable uses within the countryside. The second element of Policy DM4 contains a series of criteria that are used to assess the impact of a proposal on the countryside. These are listed below in italic and an assessment against each of the criteria is provided below:

- 6.38 *i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside;*

Paragraphs 6.14 to 6.25 of this appeal statement deal with this matter in detail and demonstrate that the appeal proposals would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.

- 6.39 *ii) It does not undermine the physical and perceived separation and open character between settlements; and*

The proposal is located within Barlestone and is not located between existing settlements. In dealing with planning application 23/00392/FUL for a similar proposal, the Council did not identify any issues with this element of the policy. There are no planning grounds for a different conclusion to be reached as part of this appeal.

- 6.40 *iii) It does not create or exacerbate ribbon development;*

It is considered that the proposal would not create or exacerbate ribbon development and the site is well contained by existing and proposed landscaping. In dealing with planning application 23/00392/FUL for a similar proposal, the Council did not identify any issues with this element of the policy. There are no planning grounds for a different conclusion to be reached as part of this appeal.

- 6.41 *iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9;*

The site is not located in the Green Wedge.

- 6.42 *v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21*

The site is not located in the National Forest.

- 6.43 Having regard to the assessment above, it is considered that the proposal would comply with Policy DM4 of the adopted Site Allocation and Development Management Policies Development Plan Document.

Is the proposal contrary to Policy DM10 of the adopted Site Allocation and Development Management Policies Development Plan Document?

- 6.44 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.

- 6.45 The proposed stable block and storage area is single storey in height and to be constructed in timber cladding, metal roof covering/slate roof covering and timber windows and doors. The height of the building is considered to be subservient to taller built development on the site and the selected palette of materials is considered to strike an acceptable balance between the existing agricultural buildings on the site and the sites location in the countryside.
- 6.46 The size, scale, volume and use of materials has been fully assessed as part of this appeal statement and they would complement the character of the surrounding area and not cause any significant visual harm.
- 6.47 Having regard to the assessment above, it is considered that the proposal would comply with Policy DM10 of the adopted Site Allocation and Development Management Policies Development Plan Document.

Other matters

- 6.48 The Council's officer report and decision notice details how they consider that the proposal would have a significant visual impact and a significant impact on the rural character of the application site. It is interesting to note that these concerns were not shared by any statutory consultees or neighbours who were consulted as part of the proposals. Barlestone Parish Council raised no objection to the application and there was one neighbour objection but they did not raise any issues in relation to visual amenity or design.

7.0 Conclusions

- 7.1 The determination of the appeal should be in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration of considerable weight.
- 7.2 This appeal statement provided a robust assessment of the proposals against the concerns raised by the Council. It is considered that the size, scale, volume and use of materials is acceptable both in terms of the application site and in regard to similar proposals which have been deemed acceptable elsewhere.
- 7.3 The proposal would be single storey in height and would not be highly prominent from the surrounding area. The existing/proposed landscaping would combine to ensure that the proposed building would be well screened. Any views towards the proposed building would be from a long distance and seen against the backdrop of existing built development on the site. It is clear that the proposals would not have a significant detrimental effect on views of the open countryside nor would they result in an encroachment into the open countryside.
- 7.4 The appeal statement has also gone on to demonstrate that the visual impact and design of the development is acceptable in light of Policy DM4 and DM10 of the SADMP and the Good Design SPD. The Council have referred to Policy H2 of the Barlestone Neighbourhood Plan but this policy is not considered directly relevant to the reasons for refusal.
- 7.5 When considering the environmental, social and economic aspects of the proposed scheme, it is clear that the proposal would represent sustainable development. Therefore, the presumption in favour of sustainable development applies and the appeal proposals should be allowed.
- 7.6 It is hoped that, with the help of this appeal statement the appointed Inspector can assess the merits of the proposal and respectfully allow this appeal.

Appendix 1 – Photographs of the site





















Appendix 2 - 24/00054/FUL decision notice

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Refusal of Planning Permission

Name and Address of Applicant

Mr and Mrs A Gibson
65 A Newbold Road
Barlestone
CV13 0DY

Name and Address of Agent (if any)

David Granger
David Granger Architectural Design Ltd
The Old Cottage Hospital
Leicester Road
Ashby De La Zouch
LE65 1DB

Part I - Particulars of Application

Date of Application

17 January 2024

Application No.

24/00054/FUL

Particulars and location of development:

Proposed new stable block with associated storage area, fence and landscaping (Resubmission 23/00392/FUL)

65A Newbold Road Barlestone Nuneaton Leicestershire CV13 0DY

Part II - Particulars of decision

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s):-

1. The development fails to complement or enhance the character of the surrounding area as a result of its size, scale, volume, and use of materials. This impact is exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the southwest. Given the above, the scheme causes significant harm to the rural character of the application site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to significantly and demonstrably outweigh any potential benefits of the scheme. As a result, the scheme is in conflict with, and contrary to the Good Design Guide (2020), Policy H2 of the Barlestone Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 12 of the National Planning Policy Framework (December 2023).

NOTES TO APPLICANT :-

1. The application has been determined in accordance with the following submitted details:
 - Block Plan, Roof Plan and Street Scene 11_2679_25 A (submitted: 17.01.2024).
 - Existing Elevations 11_2679_24 (submitted: 17.01.2024).

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

24/00054/FUL

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REFULZ

- Planning Statement (submitted: 17.01.2024).
- Proposed Floor Plans and Elevations 11_2679_26 (submitted: 17.01.2024).
- Site Location Plan (submitted: 17.01.2024).
- Topographical Survey 11_2679_19 (submitted: 17.01.2024).

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date: 13 March 2024

Appendix 3 - 24/00054/FUL officer report

Delegated Report

Planning Ref: 24/00054/FUL
Applicant: Mr and Mrs A Gibson
Ward: Barlestone Nailstone And Osbaston

Site: 65A Newbold Road Barlestone Nuneaton



Proposal: Proposed new stable block with associated storage area, fence and landscaping (Resubmission 23/00392/FUL)

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for a new stable block with an associated storage area at 65A Newbold Road, Barlestone. The scheme includes the provision of two stables, a store/workshop, a tack and feed room, and a tractor/trailer store. The Applicants state that the scheme is for the keeping of horses and the agricultural equipment required to maintain their owned and rented paddock land. To facilitate this development, an existing open fronted shed is removed from the site.
- 2.2. The structure externally measures 16.7m in width by 14.5m in depth, which creates a total footprint of 160.6sqm. The scheme features two hipped roofs that have a ridge height of 5.4m and 4.9m respectively. The building is constructed with timber cladding, timber doors and windows, and Marley Eternit slate roof tiles.
- 2.3. The development is supported by additional new tree planting along the site's boundary with Newbold Road to provide extra screening. The details of this planting have not been provided within this planning application.
- 2.4. This proposal is a resubmission of planning application 23/00392/FUL but with additional floor space as the Applicants claim that the previously approved scheme fails to provide a suitably accommodate their needs.

3. Description of the Site and the Surrounding Area

- 3.1. The application site comprises of 65A Newbold Road, which is an existing two-storey, red brick dwelling, as well as a detached garage, a single-storey stables, an existing open front shed, and paddock land.
- 3.2. The existing open front shed externally measures 7.4m in width by 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The single storey stable block is to the northwest of the dwelling and externally measures 18m in width by 5.1m in depth. The existing stable block currently accommodates two stables and the storage of equestrian and agricultural equipment.
- 3.3. The existing paddock land, which is owned by the Applicants, is approximately 1ha in size, and the paddock land to the north, which is rented by the Applicants, measures in excess of 5ha. The paddock land owned by the Applicants is identified within the Barlestone Neighbourhood Plan (BNP) (2022) as a site of biodiversity significance and the paddock land to the north that is rented by the Applicants is

classified as a Local Wildlife Site within the BNP. Both sites are also highlighted within Figure 12 of the BNP as part of a wildlife corridor through the area.

- 3.4. The application site straddles the boundary between countryside and settlement but importantly the proposed building, the existing stable block and the open fronted shed are all located to the southeast of, and outside of, the identified settlement boundary for Barlestone, which is a Stand Alone Key Rural Centre. However, the residential property, 65A Newbold Road, and its garden lie within the identified settlement boundary.
- 3.5. The site is accessed via a part-shared drive onto Newbold Road, which is a classified 'C' road that is subject to a 30mph speed limit. The site's southern boundary is well screened from the highway by existing mature landscaping comprising predominantly of tall conifer trees, but views of the site can be seen on Newbold Road from the west.
- 3.6. The property is set back from the highway and occupies an elevated position in relation to it. The location of the proposed development is adjacent to the highway boundary and also occupies an elevated position in relation to it by approximately 2m in comparison to the public footpath. The paddock to the west of the site slopes down towards the two neighbouring dwellings, 61 and 63 Newbold Road. Beyond these neighbouring dwellings are allotment gardens.
- 3.7. To the north of the site there is Mill Farm cottage, which is separated from the site via a paddock, and beyond this are open agricultural fields. Further to the west of the site are more dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development, but beyond this are further open agricultural fields.
- 3.8. Planning permission 23/00392/FUL approved a new stable block with an associated storage area that externally measured 10m in width x 10m in depth, with a total footprint of 88.4sqm. The scheme featured two hipped roofs that have a ridge height of 3.3m, and an eaves height of 2.9m. The building was constructed with timber cladding, timber doors and windows, and a metal roof covering. The scheme included the provision of one stable, and a store and tack and feed room. To facilitate this development, the existing open front shed was removed from the site.

4. Relevant Planning History

4.1 23/00392/FUL

- Proposed new stable block with associated storage area
- Permitted
- 10.11.2023

4.2 16/00349/CONDIT

- Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access.
- Permitted
- 23.06.2016

4.3 15/01197/CONDIT

- Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes.

- Permitted
 - 21.12.2015
- 4.4 **12/00954/FUL**
- Demolition of existing dwelling and erection of one new dwelling and detached garage
 - Permitted
 - 15.01.2013
- 4.5 **12/00006/FUL**
- Extension and alterations to dwelling and erection of garage
 - Permitted
 - 30.03.2012
- 5. Publicity**
- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 One member of the public objected to the planning application for the following reasons:
- Harm to visibility splays of neighbouring property.
 - Highway safety concerns.
 - Proposed tree planting restricting visibility splays from site access.
 - Site access concerns.
- 5.3 No further responses have been received.
- 6. Consultation**
- 6.1 There have been no objections from the following consultees:
- Barlestone Parish Council
 - 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) (subject to conditions)
- Ecology
- 6.2 The County Council's Ecology Department advised that whilst no surveys are required, it is recommended that the proposed hedge planting is made up of locally native species.
- Highways
- 6.3 Providing that the scheme is for the private use of the Applicants, the Local Highway Authority (LHA) advises that it has no objections to the use of the existing access. The existing site access is used to access the Applicants' land at present and the LHA do not consider it possible to demonstrate the proposal leads to an intensification in its use. Furthermore, on the basis that the proposal is for the private use of the Applicants, the LHA are satisfied that the vehicle parking and turning facilities within the site are sufficient.
- 6.4 Therefore, the LHA advised that, in its view, the impacts of the development on highway safety are not unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not severe, subject to two conditions ensuring that the parking and turning facilities are implemented prior to

the first use of the development, and to restrict the use of the development to the private use of the Applicants.

6.5 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

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 Barlestone Neighbourhood Plan (2022):

- Policy H2: Settlement Boundary

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
- Planning balance

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, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and the Barlestone Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the 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 Policy H2 of the Barlestone Neighbourhood Plan (BNP) states that land outside the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 8.9 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.”*
- 8.10 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 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.

- 8.11 The Local Planning Authority acknowledges that that the riding of horses is widely regarded as a recreational pursuit. Whilst the riding of horses may entail a recreational activity that is undertaken by the rider, the principal purpose of stables is for the shelter and keeping of horses, which is not considered to be ancillary to a recreational use of land. This is because stables are considered to be an equestrian sui generis use. Fundamentally, the welfare of horses is not considered to be a recreational use.
- 8.12 Furthermore, the application site is not utilised for, nor associated with a commercial agricultural business to justify the provision of additional agricultural storage space in principle.
- 8.13 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.14 For example, the provision of an additional stable block that replaces the existing open front shed was approved within the application site via planning permission 23/00392/FUL.
- 8.15 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.16 Given the above, whilst the Council considers that the proposal is offered no support by Policy DM4 of the SADMP in principle, the principle of a replacement stable block is considered to be acceptable in these site-specific circumstances, due to the material consideration of the approval of planning permission 23/00392/FUL. All other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.17 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.
- 8.18 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.
- 8.19 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.

- 8.20 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.
- 8.21 It is acknowledged that the scheme is for the private use of the Applicants, which could be secured via planning condition.
- 8.22 Furthermore, the scheme results in the provision of four stables within the application site, which is considered to be an acceptable capacity for a private residential use.
- 8.23 Within their Planning Statement, the Applicants accept that their proposed building is larger and taller than that previously approved within planning permission 23/00392/FUL.
- 8.24 The current development proposal is 6.7m wider, 4.5m deeper and almost twice the footprint of the approved structure within planning permission 23/00392/FUL. Furthermore, the current scheme has a ridge height that is 2.1m and 1.6m higher respectively than the approved structure. Therefore, this scheme results in a development that is over three-times the footprint of the existing structure within the site, and one that is also almost double the height of the existing structure. The Local Planning Authority note that this results in a structure that is larger than all other outbuildings within the application site. Ultimately, this significant increase in size, scale, and volume fails to complement or enhance the character of the surrounding area and is therefore considered to result in harm to the character of the wider area.
- 8.25 Moreover, the proposal utilises a slate roof that matches the existing residential dwelling within the site. This is considered to give the development a residential and domestic appearance that is contrary to the existing agricultural and rural appearance of the application site and its associated outbuildings. As a result, this considered to result in further harm to the rural character of the application site.
- 8.26 The harm identified within this proposal is heightened by the significant level differences from the application site to the public highway to the south and southwest. As identified within the Existing Topographical Survey, the ground level of the existing open fronted shed is approximately 2 metres higher than the adjacent pavement. The ground level along the public footpath then falls to the west. Consequently, the proposal is considered to be highly prominent from the long views from the west along Newbold Road in an easterly direction. This is supported by the fact that the Applicants accept within their Planning Statement, that there are more open views of the application site from the west of Newbold Road. In addition, due to the size, scale, and ground level disparity between the application site and the public highway, it is considered that the built form and scale of the scheme is likely to be prominent from the south of the site along the adjacent public footpath on Newbold Road. This is considered to exacerbate the harm caused by the development.
- 8.27 In an attempt to address the concerns of these open views, the Applicants have proposed additional hedge planting to the north and west of the development. Nevertheless, vegetation cannot be relied upon to provide permanent or substantial buffers to views. This is because it can be removed without planning permission, it is susceptible to disease, and it is ever evolving and reliant on regular maintenance

to retain a consistent form. Furthermore, views of the development are likely to be visible from the south-western site boundary of the site via Newbold Road.

- 8.28 By virtue of the size, scale, volume, and use of materials, the development results in a structure that is domestic in appearance, as a result of its slate roof, and fails to complement or enhance the character of the surrounding area. This impact is likely to be exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the west. Whilst additional planting is likely to be beneficial, vegetation cannot be relied upon to provide permanent or substantial buffers to views, nor to overcome the impact of the development. Given the above, the scheme causes significant harm to the rural character of the application site, and the intrinsic value, beauty, open character, and landscape character of the countryside, which conflicts with, and is contrary to the Good Design Guide, Policy H2 of the BNP, Policies DM4 and DM10 of the SAMDP, and Section 12 of the NPPF.

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 development is 25m away from the host dwelling and over 60m from the nearest neighbouring dwelling to the west of the site. Therefore, it is not considered that the development results in any loss of light, overbearing or overshadowing impacts to neighbouring residential amenity.
- 8.33 To safeguard the residential amenity of surrounding neighbours, the development is limited to the private use of the Applicants, which is secured via planning condition.
- 8.34 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 residential amenity and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.35 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.

- 8.36 Ultimately, development should only 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.
- 8.37 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)).
- 8.38 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39 The development utilises the existing residential access onto Newbold Road, which is a part-shared access with 65 Newbold Road. The proposal makes no amendments to this access.
- 8.40 Based on the available records to the Local Highway Authority (LHA), there have been no recorded Personal Injury Collisions within 500m either side of the site access within the last five years.
- 8.41 On the basis that the stables are used for the private use of the Applicants, the LHA have no objection to the use of the existing access without any further works. This is because the existing access is used to access the Applicants' land at present, and the LHA do not consider it possible to demonstrate that a proposal for a private use is likely to lead to an intensification in the use of the access. However, to ensure that the scheme does not result in an unacceptable intensification of the site and its access, this secured via planning condition.
- 8.42 Furthermore, on the basis that the stables are used for the private use of the Applicants, the LHA consider the gravel yard shown within the Proposed Site Plan to be sufficient for vehicle parking and turning.
- 8.43 In light of the above, and subject to planning conditions, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.44 The Core Strategy and the SADMP were adopted some time ago and in some respects are out-of-date. It is necessary therefore to consider that the 'tilted' balance in Paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 225 of the NPPF states though that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework and the closer

the policies in the plan are to the policies in the Framework the greater the weight that can be given to them.

- 8.45 Barlestone Neighbourhood Plan was made in June 2022 and so is considered up-to-date and its policies should be afforded full weight
- 8.46 Policy DM4 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework. Policy H2 of the BNP states that in the countryside development will be carefully controlled in line with local and national strategic planning policies.
- 8.47 Whilst the proposal is located outside of any identified settlement boundaries, in light of planning permission, 23/00392/FUL, the provision of a new stable block that replaces the existing open front shed is considered to be acceptable in principle in these site-specific circumstances, subject to the assessment of all other material considerations.
- 8.48 Furthermore, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity, highway safety, nor the road network. Nevertheless, as this proposal does not improve the existing situation, these factors are considered to have negligible weight in the planning balance.
- 8.49 By virtue of the size, scale, volume, and use of materials, the development fails to complement or enhance the character of the surrounding area, which is considered to result in significant harm to the rural character of the application site, and the intrinsic value, beauty, open character, and landscape character of the countryside. Therefore, the scheme conflicts with, and is contrary to the Good Design Guide, Policy H2 of the BNP, Policies DM4 and DM10 of the SAMDP, and Section 12 of the NPPF. This harm is considered to attract significant weight to the planning balance.
- 8.50 The Applicants have attempted to justify their development by referring to approved planning application 22/00115/FUL, which was for a structure hosting three stables, a tack room, and a hay barn, as well as the allowed appeal decision of planning application 22/00021/FUL, which was for an agricultural barn and a structure containing seven stables and a tack/ feed storage room for private and commercial uses. It is noted that there were no existing stables within both application sites, and both were adjacent to, or formed part of, former farm complexes.
- 8.51 As per Paragraph 7 of the appeal decision of planning application 22/00021/FUL, the Inspector considered the development to be acceptable due to its, *"Proximity to, and adjacent to, existing buildings on the site,"* which would, *"Not appear incongruous within the site complex in terms of massing and materials of construction."*
- 8.52 In comparison, the current application site only features a residential dwelling and an existing stable block. The site, nor its character, form part of, or adjacent to, a farm complex or associated structures, and the proposed structure is larger than all existing outbuildings within the site.
- 8.53 The Applicants have also attempted to justify their development by stating that a development of this size is required to accommodate two stables and the storage of agricultural machinery and equipment including a tractor, a trailer, chain harrows, a

mower, a topper, a roller, a sprayer, a hedge cutter, fencing equipment, and storage for other sundry items.

- 8.54 For clarity, the Applicants' use of the site and the rented paddock is for their private use, and no commercial use has taken place, nor is proposed. Therefore, it is not considered that the scheme provides any material economic benefit.
- 8.55 As per the information provided by the Applicants within the previous application on 14 September 2023 and 16 October 2023 respectively, which the Applicants have not included within this application, the tractor has been utilised within the site since 2016 and the rented paddock land to the north of the site has been rented for over 20 years.
- 8.56 In addition, within their Planning Statement, the Applicants have highlighted that approximately half of the existing stable block is utilised for the storage of equestrian and agricultural equipment. However, the Applicants have suggested that the existing stable block is not suitable because it cannot accommodate storage for larger machinery and equipment due to its height. Notwithstanding this, as per the images on Page 25 of the Applicants' Planning Statement, it is noted that the tractor does not need to be stored inside and no other equipment highlighted within the Planning Statement is of a similar height.
- 8.57 Whilst it is acknowledged that there is a minor social benefit to the Applicants in keeping their additional two horses within the application site, the provision for stabling within this development only consists of a third of its total proposed footprint, which is half the footprint of the approved proposal within planning permission 23/00392/FUL.
- 8.58 Ultimately, whilst a new structure in this location is acceptable in principle, it is considered that the scheme fails to complement or enhance the character of the surrounding area, which is considered to result in significant harm to the rural character of the application site, and the intrinsic value, beauty, open character, and landscape character of the countryside. The Applicants have demonstrated that their required provision of stables can be accommodated in a third of their proposed design and that the use, management, and maintenance of their owned and rented paddock lands, including the storage of their tractor, can be, and has been, facilitated within the confines of their existing built structures for over 20 years. Therefore, given that there is no intensification or change in the use of this paddock land, it is not considered that the size and scale of the proposal is not justified in these site-specific circumstances. Therefore, it is not considered that the Applicants have provided sufficient justification to demonstrate that the scheme is acceptable in spite of its resultant significant harm to the character of the site and the wider area.
- 8.59 In light of the above, it is considered that the significant adverse impact of the development on the rural character of the area, and the intrinsic value, beauty, open character, and landscape character of the countryside significantly and demonstrably outweighs the minor social benefits of the scheme. Therefore, the proposal is in conflict with, and contrary to, the Good Design Guide, Policy H2 of the BNP, Policies DM4 and DM10 of the SAMDP, and Section 12 and the overarching ambitions of the NPPF.
- 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 outlined at the end of this report.
- 11.2 **Reasons**
 1. The development fails to complement or enhance the character of the surrounding area as a result of its size, scale, volume, and use of materials. This impact is exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the southwest. Given the above, the scheme causes significant harm to the rural character of the application site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to significantly and demonstrably outweigh any potential benefits of the scheme. As a result, the scheme is in conflict with, and contrary to the Good Design Guide (2020), Policy H2 of the Barlestone Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 12 of the National Planning Policy Framework (December 2023).
- a. **Notes to Applicant:**
 1. The application has been determined in accordance with the following submitted details:
 - Block Plan, Roof Plan and Street Scene 11_2679_25 A (submitted: 17.01.2024).
 - Existing Elevations 11_2679_24 (submitted: 17.01.2024).
 - Planning Statement (submitted: 17.01.2024).

- Proposed Floor Plans and Elevations 11_2679_26 (submitted: 17.01.2024).
- Site Location Plan (submitted: 17.01.2024).
- Topographical Survey 11_2679_19 (submitted: 17.01.2024).

Appendix 4 - 23/00392/FUL officer report

Delegated Report

Planning Ref: 23/00392/FUL
Applicant: Mr and Mrs A Gibson
Ward: Barlestone Nailstone And Osbaston

Site: 65A Newbold Road Barlestone Nuneaton



Proposal: Proposed new stable block with associated storage area

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 a new stable block with an associated storage area at 65A Newbold Road, Barlestone. The scheme includes the provision of one stable, and a store and tack and feed room. To facilitate this development, an existing open front shed is removed from the site.
- 2.2. The structure externally measures 10m in width x 10m in depth, with a total footprint of 88.4sqm. The scheme features two hipped roofs that have a ridge height of 3.3m, and an eaves height of 2.9m. The building is constructed with timber cladding, timber doors and windows, and a metal roof covering.
- 2.3. The Planning Officer raised concerns regarding the scale of the development and its likely impact on the intrinsic value, beauty, open character, and landscape character of the countryside. Following the discussion of these concerns with the Applicant, the Applicant significantly reduced the size and scale of the development.
- 2.4. Originally, the new stable block externally measured 18.1m in width x 15.1m in depth, which created a total footprint of 188sqm. The development also initially utilised two hipped roofs that had a ridge height of 5m, and an eaves height of 3.2m.

3. Description of the Site and the Surrounding Area

- 3.1. The application site comprises of 65A Newbold Road, which is an existing two-storey, red brick dwelling, as well as a detached garage, a single-storey stables, an existing open front shed, and paddock land.
- 3.2. The existing open front shed externally measures 7.4m in width x 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The single storey stable block is to the northwest of the dwelling and externally measures 18m in width x 5.1m in depth.
- 3.3. The application site is located to the southeast of, and outside of, the identified settlement boundary for Stand Alone Key Rural Centre, Barlestone. However, the residential property, 65A Newbold Road, is within its identified settlement boundary.
- 3.4. The site is accessed via a part-shared drive onto Newbold Road, which is a classified 'C' road that is subject to a 30mph speed limit. The site's southern boundary is well screened from the highway by existing mature landscaping comprising predominantly of tall conifer trees, but views of the site can be seen on Newbold Road from the west.

- 3.5. The property is set back from the highway and occupies an elevated position in relation to it. The location of the proposed development is adjacent to the highway boundary and also occupies an elevated position in relation to it by approximately 2m in comparison to the public footpath. The paddock to the west of the site slopes down towards the two neighbouring dwellings, 61 and 63 Newbold Road. Beyond these neighbouring dwellings are allotment gardens.
- 3.6. To the north of the site there is Mill Farm cottage, which is separated from the site via a paddock, and beyond this is open agricultural fields. Further to the west of the site is more residential dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development, but beyond this is further open agricultural fields.
- 4. Relevant Planning History**
- 4.1 **16/00349/CONDIT**
- Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access.
 - Permitted
 - 23.06.2016
- 4.2 **15/01197/CONDIT**
- Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes.
 - Permitted
 - 21.12.2015
- 4.3 **12/00954/FUL**
- Demolition of existing dwelling and erection of one new dwelling and detached garage
 - Permitted
 - 15.01.2013
- 4.4 **12/00006/FUL**
- Extension and alterations to dwelling and erection of garage
 - Permitted
 - 30.03.2012
- 5. Publicity**
- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 No responses have been received.
- 6. Consultation**
- 6.1 There have been no objections from the following consultants:
- Barlestone Parish Council
 - 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
 - The Local Highway Authority (subject to conditions)

- 6.2 On 17 May 2023, the Local Highway Authority requested clarity as to whether the stables are to remain in the private ownership of the Applicant, or whether they are for a commercial use. The LHA also requested that the Site Location Plan was revised so that the access route to Newbold Road is shown fully within the red line boundary of the site.
- 6.3 The Applicant confirmed that the scheme was for the private use of the Applicant on 14 September 2023, and then submitted a revised Site Location Plan on 25 October 2023. On the basis that the stables are to remain private, which was recommended to be secured via planning condition, the LHA advised that it had no objection to the use of the existing access without any further works on 03 November 2023.
- 6.4 No further responses have been received.
- 7. Policy**
- 7.1 Core Strategy (2009):
- Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Stand Alone
- 7.2 Site Allocations and Development Management Policies (SADMP) DPD (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 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (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, and that the NPPF is a material planning consideration in planning decisions.
- 8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

- 8.3 Paragraph 12 of the NPPF states 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.
- 8.4 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6 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 174(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."
- 8.7 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".
- 8.8 Whilst the riding of horses may entail a recreational activity that is undertaken by the rider, the principal purpose of stables is for the shelter and keeping of horses, which is not considered to be ancillary to a recreational use of land. This is because stables are equestrian sui generis use and, fundamentally, the welfare of horses is not considered to be a recreational use.
- 8.9 Furthermore, the application site is not utilised for, nor in association with a commercial agricultural business to justify the provision of additional agricultural storage space in principle.

- 8.10 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.11 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.12 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

- 8.13 Paragraph 134 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 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.
- 8.15 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.
- 8.16 As highlighted previously within this report, the proposal lies outside of the identified settlement boundary of Barlestone and does not fall under any of the exception categories allowed by Policy DM4 of the SADMP and is therefore unacceptable in principle.
- 8.17 Although the site's southern boundary benefits from being well screened from the highway by existing mature landscaping, vegetation cannot be relied upon to provide permanent or substantial buffers to views. This is because it can be removed without planning permission, it is susceptible to disease, and it is ever evolving and reliant on regular maintenance to retain a consistent form. Furthermore, views of the development are likely to be visible from the south-western site boundary of the site via Newbold Road.
- 8.18 Moreover, there is already an existing 90sqm stable block within the site that is 18m in width and 5.1m in depth, which is a major material consideration within this application. This is because the Applicant has not provided any justification as to why they require further stabling, and how the increased provision of stabling is acceptable for a singular residential use.

- 8.19 Nevertheless, the Applicant has reduced the capacity of the current proposal to one additional stable, which increases the total stabling capacity of the site to five. This is considered by the Local Planning Authority to be the limit to the acceptable capacity of stabling that is in association with a single residential use.
- 8.20 Notwithstanding this, the proposed structure is only 2.6m wider and deeper than the existing structure within the site, which increases the footprint of the buildings on site by 34.4sqm. Whilst this is slightly over half the footprint of the original structure, as the scheme replaces an existing structure within this location, the provision of a new dual agricultural and equestrian use structure for the private use of the Applicant that is slightly larger than the existing building is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the open countryside in these site-specific circumstances.
- 8.21 In addition, the proposal retains a limited height of 3.3m, which is only 0.2m higher than the existing structure within the site. Given the massing of the existing building and the limited visibility of the structure from the street scene, this is not considered to be unacceptable in these site-specific circumstances.
- 8.22 Although existing mature landscaping cannot be relied on for permanent and substantial buffers to views of the development from Newbold Road, the Applicant has proposed additional fencing and hedge planting to the north and west of the development. This is considered to reduce the impact of the development and improve the character of the site. However, due to the lack of detail of this landscaping, a landscaping scheme is secured via planning condition to ensure that appropriate landscaping is achieved within the site.
- 8.23 Moreover, the scheme is for the private residential use of the Applicant, which is secured via planning condition, and is therefore the proposal is not considered to result in any significant intensification of the use of the site.
- 8.24 To summarise, the development causes harm in principle to the open countryside, contrary to Policy DM4 of the SADMP. Whilst there is an existing stable block within the site, the development does not increase the capacity of stabling within the site beyond a reasonably acceptable scale for a singular residential use. As the scheme is for a private residential use, the scheme does not cause any significant intensification of the site, which reduces its impact on the character of the countryside and the surrounding area.
- 8.25 Moreover, whilst the development is slightly larger than the existing structure it replaces, it is sited in a similar position to this existing building and retains its limited height and volume, which is considered to further reduce its impact on the character of the countryside and the surrounding area.
- 8.26 By virtue of its design, proposed use of materials, size, scale, massing, volume, and siting, the development is considered to be acceptable in these site-specific circumstances and is likely to respect the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.27 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.28 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.
- 8.29 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.30 The development is 25m away from the host dwelling and over 60m from the nearest neighbouring dwelling to the west of the site. Therefore, it is not considered that the development results in any loss of light, overbearing or overshadowing impacts to neighbouring residential amenity.
- 8.31 To safeguard the residential amenity of surrounding neighbours, the development is limited to the private use of the Applicant, which is secured via planning condition.
- 8.32 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 residential amenity and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.33 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only 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.
- 8.34 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)).
- 8.35 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.36 The development utilises the existing residential access onto Newbold Road, which is a part-shared access with 65 Newbold Road. The proposal makes no amendments to this access.
- 8.37 Based on the available records to the Local Highway Authority (LHA), there have been no recorded Personal Injury Collisions within 500m either side of the site access within the last five years.

- 8.38 On the basis that the stables are used for the private use of the Applicant, the LHA have no objection to the use of the existing access without any further works. This is because the existing access is used to access the Applicant's land at present, and the LHA do not consider it possible to demonstrate that a proposal for a private use is likely to lead to an intensification in the use of the access. However, to ensure that the scheme does not result in an unacceptable intensification of the site and its access, this secured via planning condition.
- 8.39 Furthermore, on the basis that the stables are used for the private use of the Applicant, the LHA consider the gravel yard shown within the Proposed Site Plan to be sufficient for vehicle parking and turning.
- 8.40 In light of the above, and subject to planning conditions, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, 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 The proposed development is considered to be compliant with the relevant national and local policy as it:
- Is an appropriate scale and design.
 - Does not have an adverse impact upon the character and appearance of the area.
 - Does not have a significant adverse impact upon residential amenity.
 - Does not have a significant adverse impact upon highway safety.
 - Provides sufficient vehicle parking spaces for off-street parking.

- 10.2 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:

- Proposed Floor Plan and Elevations 11 2679 23 E (submitted: 25.10.2023).
- Proposed Site, Roof, and Block Plan 11 2679 22 F (submitted: 25.10.2023)
- Site Location Plan (submitted: 25.10.2023)
- Topographical Survey – Drg No. 11.2679.19 (submitted: 24.04.2023)

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).

3. The materials to be used on the external elevations of the development hereby permitted shall accord with the materials outlined within the Proposed Floor Plan and Elevations 11 2679 23 E (submitted: 25.10.2023).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The application site and the structure hereby permitted shall be used for the private use of the Applicant's family's horses only and for ancillary storage. Neither the application site, nor the structure hereby permitted shall be utilised for events, nor for any commercial or industrial purposes, including for its use as livery stables. Should the stables become redundant the building shall be demolished and the site restored to grassland unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has been granted on the basis that the building is required for the accommodation of the Applicant's family's horses and should that use no longer be required then alternative uses are unacceptable or unlikely to be supported in the interests of the amenity and character of the area in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. The development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with Proposed Site, Roof, and Block Plan 11 2679 22 F (submitted: 25.10.2023). Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2023)

6. The development hereby permitted shall not be first used until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. This development is for a private stable block that is outside of the identified settlement boundary of Barlestone in the open countryside. In these site-specific circumstances, the Local Planning Authority do not consider that the application site is a suitable location for a residential dwelling.
3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
5. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in

the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

Appendix 5 - 22/00021/FUL (APP/K2420/W/23/3321728)



The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/K2420/W/23/3321728

**Sheepy Parva Farm, Wellsborough Road, Sheepy Parva, Atherstone
CV9 3RF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Miller against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 22/00021/FUL, dated 27 September 2021, was refused by notice dated 17 March 2023.
 - The development proposed is erection of stable block, erection of new agricultural barn, change of use of land to the keeping of horses.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a stable block, erection of a new agricultural barn, change of use of land to the keeping of horses at Sheepy Parva Farm, Wellsborough Road, Sheepy Parva, Atherstone CV9 3RF in accordance with the terms of the application Ref 22/00021/FUL dated 27 September 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following submitted plans:

Site Location Plan (07.2300)

Block Plan (07.2300.35)

Proposed Plans and Elevations (07.2300.38)

Floor Plan – Stable Block (07.2300.37)

Proposed Elevations – Stable Block (07.2300.35)

Application for costs

2. An application for costs was made by Mr Miller against Hinckley and Bosworth Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the development on the open countryside.

<https://www.gov.uk/planning-inspectorate>

UL

Appeal Decision APP/K2420/W/23/3321728

Reasons

4. The appeal site is accessed directly from the B585 Wellsborough Road and has a long planning history. There are a number of buildings already in-situ on the site, as well as the original farmhouse. The site no longer operates as a working farm.
5. The proposals constitute a L-shaped stable block and an agricultural barn, located to the rear of the built up area of the site, on an existing concrete hardstanding. The stable block would be sited adjacent an existing open agricultural barn, whilst the new agricultural barn would be sited across from the entrance to the existing barn, and opposite an existing building. An existing field located to the east, almost three hectares in size, would be used to keep the horses.
6. The Council are concerned with the built development aspect of the proposals failing to respond positively to the context of the site and encroaching into the open countryside, causing harm various aspects of its character.
7. I find that I cannot agree with the reasoning of the Council on this matter, the buildings proposed would be located in close proximity to, and adjacent to existing buildings on site, and would share a concrete hardstanding area with those buildings. The proposed buildings would be extremely modest in overall height, and will not appear incongruous within the site complex in terms of massing and materials of construction.
8. Having viewed the area around the site and related viewpoints, I do not concur with the Council's opinion with regard to the possibility that the impact of the building proposals would be excessive; it would be visible, but not to a level that would cause material harm.
9. I also note the Council's Officer Report stated that no detail had been provided about any commercial use for the stables, but the evidence in front of me demonstrates an email exchange between the parties that clearly shows that the stables would be for both private and commercial usage.
10. The usage of the field for horses is an acceptable usage in the open countryside and can be seen on numerous occasions in various countryside areas in other locations. There is little doubt that this, combined with the stables, which relate to the welfare of the horses, is an equestrian use, but again, is not an unusual sight. As this aspect also tallies up with the commercial aspect of the livery, I find that the site-specific conditions and appropriate location of the stable block with not be an unacceptable use in the open countryside.
11. As such, I do not find conflict with policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016), and policies S1 and S8 of the Sheepy Parish Neighbourhood Plan which amongst other matters, expect development not to have a significant adverse effect on the intrinsic value, beauty, open and landscape character of the countryside, and would complement the character of the surrounding area.

Appeal Decision APP/K2420/W/23/3321728

Conditions

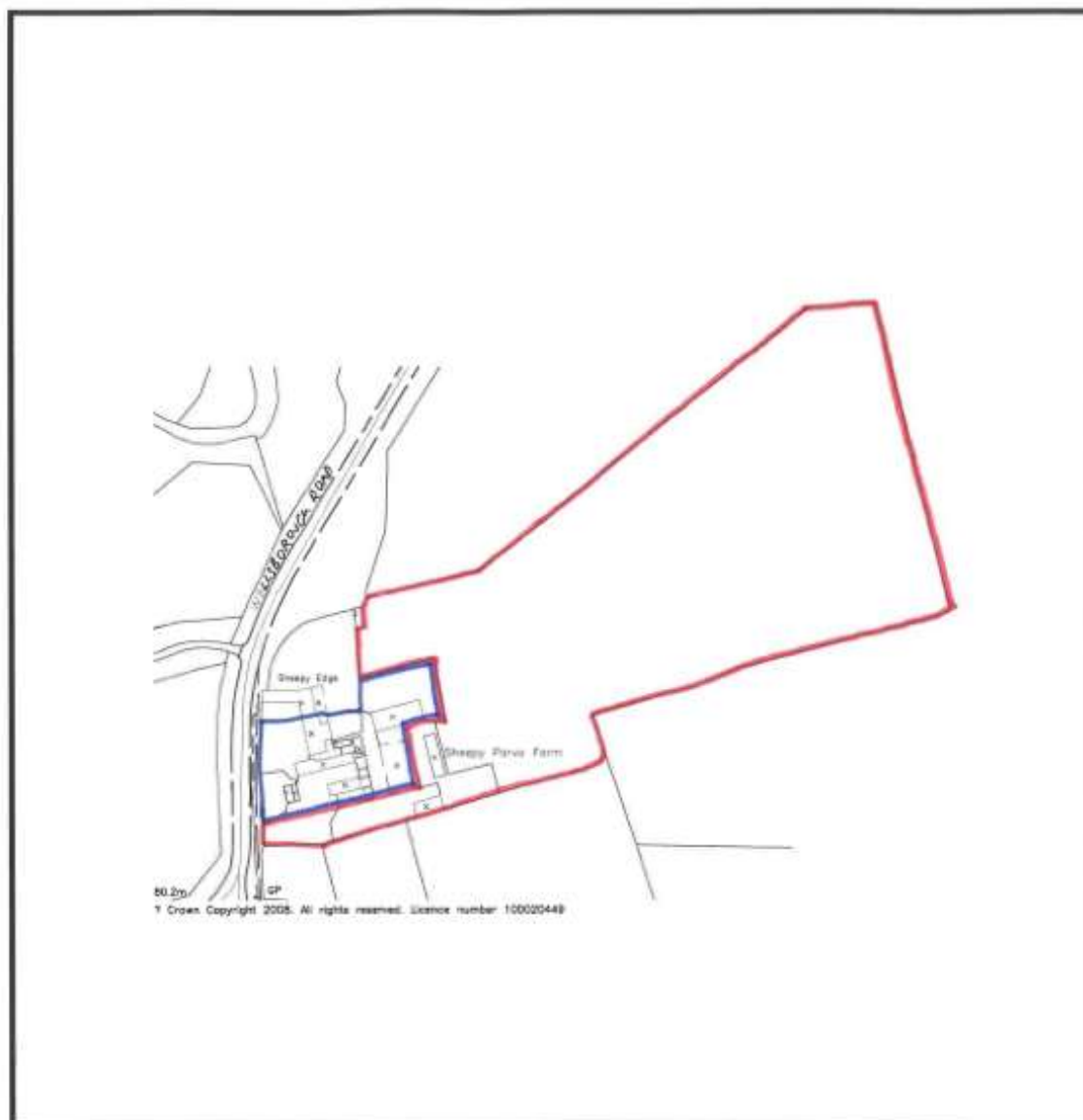
12. I consider both conditions requested by the Council to be standard in nature, and both fair and reasonable in the interests of good planning.

Conclusion

13. For the reasons given above, I conclude that the appeal should succeed.

Paul Cooper

INSPECTOR



Location Plan
Scale 1:2500

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DGADL Job Ref: 07.2300



Indicative North



PROPOSED NEW BARN AND STABLES - SHEEPY PARVA FARM - WELLSBOROUGH ROAD - SHEEPY PARVA - NUNEATON - WARKS



Readings :

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PROPOSAL
Proposed Barn and Stables
Sheep Pura Farm
Widdowough Road, Sheep Pura
Haverdon, Warrick
Warwickshire, Warwick

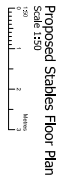
DETAILED PAVING PROPOSALS
Sheet 1 of 4

NAME: **D. Granger**
DATE: **07.2.2008**
SCALE: **1:2500**
SHEET: **001**
DATE: **2008**

BY: **DAVID GRANGER**
CHECKED BY: **DAVID GRANGER**
DATE: **2008**

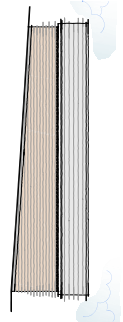
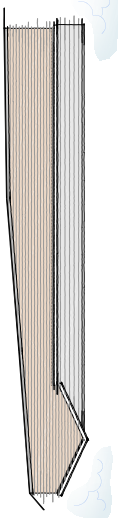
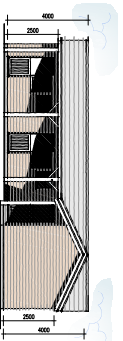
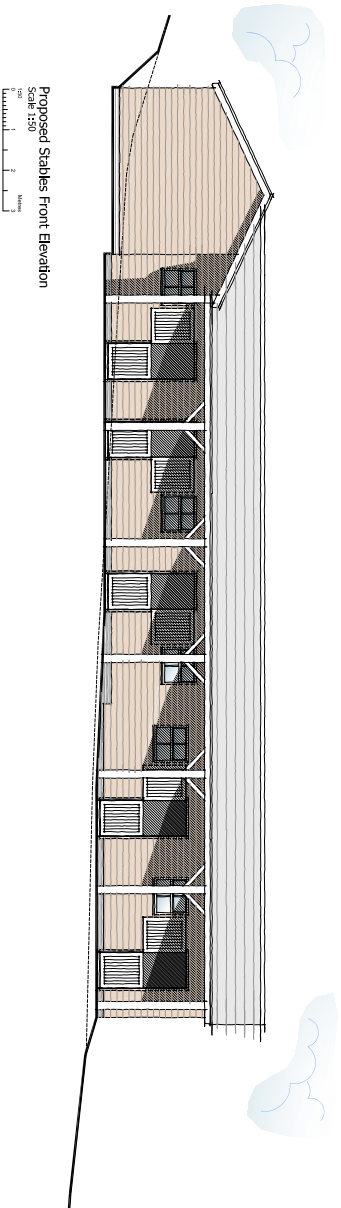
THE 15th CENTURY BARN AND STABLES
Widdowough Road, Sheep Pura Farm
Arbuckle's Zoo, Lekeston, LE25 1PB

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PROPOSED NEW BARN AND STABLES ~ SHEEPY PARVA FARM ~ WELLSBOROUGH ROAD ~ SHEEPY PARVA ~ NUNEATON ~ WARMS

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DETAILED PLANNING PROPOSALS

PROPOSED NEW BARN AND STABLES - SHEEPY PARVA FARM - WELLSBOROUGH ROAD - SHEEPY PARVA - NUNEATON - WARKS

- Materials Schedule
- Timber cladding
 - Plain tiles
 - Timber windows and doors

Revisions:

No.	Description	Date
1	Initial design and planning proposals	10/01/2023
2	Revised design and planning proposals	10/01/2023
3	Final design and planning proposals	10/01/2023

DAVID GRANGER
ARCHITECTURAL DESIGN LIMITED

Project:
Proposed Barn and Stables
Sheepy Parva Farm
Wellsborough Road, Sheepy Parva
Nuneaton, Warwickshire, CV13 0DY

Detailed Planning Proposals
Sheet 2 of 4

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Tel: 01223 000 36
Email: david@dgad.co.uk
Website: www.dgad.co.uk

Drawn by: Mr David Granger
Checked by: Mr David Granger
Date: 10/01/2023

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