

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

WRITTEN STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

PLANNING APPEAL BY MR AND MRS GARY AND AMY KNIGHT

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF
A TWO STOREY CHILDCARE FACILITY WITH ANCILLARY SERVICES AND
ASSOCIATED EXTERNAL PLAY AREAS AND ANIMAL INTERACTION AREAS**

AT

**BARNHILLS FARM, MERRYLEES ROAD, THORNTON,
LEICESTERSHIRE, LE67 1AP**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

24/00657/FUL

THE PLANNING INSPECTORATE REFERENCE

APP/K2420/W/25/3362567

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1. INTRODUCTION

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the provision of a two-storey childcare facility with ancillary services and associated external play areas and animal interaction areas at Barnhills Farm, Merrylees Road, Thornton.

2. DESCRIPTION OF THE APPEAL SITE AND THE PROPOSAL

The Appeal Site

- 2.1. The appeal site is located outside of the identified settlement boundary of Thornton within the designated countryside, Charnwood Forest, and the National Forest. The appeal site is also partially within Flood Zone 2 along its eastern site boundary and within 18m of a main river watercourse, Rothley Brook
- 2.2. The appeal site is accessed via an existing access onto Merrylees Road, which was approved via planning application 80/0514/4. Merrylees Road is an adopted and classified 'C' road that is subject to a 30mph speed limit when adjacent to the application site. This speed limit increases to the National Speed Limit 100m north along Merrylees Road.
- 2.3. Within the appeal site, the site consists of dilapidated agricultural buildings and grassland. The site has planning permission for the removal of 98.7sqm of these buildings and the provision of a new agricultural building via planning application 22/00883/FUL. This approved development externally measured 9.5m in width by 45m in depth, and featured a ridge height of 3.9m and an eaves height of 2.5m. The Applicants stated that this development was for the breeding and rearing of small game birds and would benefit from four full time members of staff.
- 2.4. Beyond the red line boundary, the site is associated with Barnhills Farm, which is within the ownership of the Appellants. Prior to the Appellants' ownership of the site, Barnhills Farm was previously principally utilised to raise beef cattle. Beyond the red line boundary, Barnhills Farm now consists of a dwelling and various outbuildings associated with the dwelling and the agricultural use within the site.
- 2.5. The site is surrounded by agricultural fields with other farms to the north, south, and northwest. Public Right of Way (PRoW) Footpath R77 runs in a northern direction from the western boundary of the site. Rothley Brook bounds the eastern boundary of the site. The deciduous woodland to the east of the site is highlighted as a habitat of principle importance for conserving, or enhancing, biodiversity.

The Appeal Proposal

- 2.6. The appeal proposal is for the erection of a new two-storey child day care facility (Use Class E(f)) at Barnhills Farm, Merrylees Road, Thornton. The Appellants have stated that the proposal represents the growth and expansion of an existing nearby facility, Markfield Day Nursery.
- 2.7. The development provides for 70 children and creates 14 full-time jobs. The ground floor accommodates children up to three years of age, and the first floor provides care for children over the age of three. The opening hours of the appeal proposal shall be between 07:00 and 18:30 Monday to Friday, and the scheme shall not operate on weekends or bank holidays.

- 2.8. The appeal site and the wider Barnhills Farm site are both accessed via an amended existing vehicular site access via Merrylees Road. To support the development, 25 off-street vehicle parking spaces are proposed (13 of which are for members of staff and 12 of which are for parent drop off and collection space) alongside cycle storage provision.
- 2.9. The proposed structure externally measures 12m in width by 30.6m in depth, which creates a total footprint of 370sqm. The scheme features a pitched roof with a ridge height of 7.2m and an eaves height of 4.7m. The Design and Access Statement states that the development is constructed with timber cladding and composite cladding panels. This proposal includes five childcare rooms, a sleep room, a kitchen, a laundry room, and a staff room, amongst others, as well as 450sqm of external play areas, 932.7sqm of recreational areas, and 1,235sqm of animal housing and grazing areas. The play area is constructed with soft rubber-crumb porous surfacing, which is bounded by round-top picket fencing. The wider site is bounded by timber post and rail fencing to the car parking and animal areas. The recreation area and animal areas are not proposed to be surfaced.
- 2.10. The Appellants have stated that the animals within the site shall include donkeys and goats, but they shall be housed elsewhere. It was asserted that the animals involved with the development are only intended to be within the site on short-term basis to enhance children's educational learning and therefore only one mobile timber field shelter is proposed for the animals within the site.

3. SITE HISTORY

- 3.1 Pre-application advice was sought via application 24/10008/PREHMO for a two-storey child day care facility (Use Class E(f)) for up to 70 children. The Local Planning Authority advised that such a proposal was unlikely to be supported due to the significant environmental harm of the scheme.

3.2 22/00883/FUL

- Erection of barn (resubmission of 19/00263/FUL)
- Permitted
- 07.09.2023

3.3 19/00263/FUL

- Demolition of existing barns and erection of a new barn
- Permitted
- 20.05.2019

4. NATIONAL POLICIES

- 4.1 National Planning Policy Framework (NPPF) (2024).

4.2 National Planning Practice Guidance (PPG).

4.3 National Design Guide (NDG) (2019).

5. LOCAL POLICIES

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Core Strategy (2009):

- Policy 21: National Forest
- Policy 22: Charnwood Forest

5.3 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

5.4 Other Relevant Guidance:

- Good Design Guide (GDG) (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Assessment (LSA) (2017)
- Leicestershire Highways Design Guide (LHDG) (2024)

6. THE CASE FOR THE LOCAL PLANNING AUTHORITY

6.1 The planning application 24/00657/FUL was refused on 17 January 2025 under delegated powers for the following reasons:

1. The development results in significant adverse impacts to the rural character of the site, Charnwood Forest, the National Forest, and the designated open countryside. This harm is exacerbated by the significant intensification of the use of the site and the visual prominence of the development from the public highway and Public Footpath R77, as well as the works required to provide an appropriate vehicular site access.

Therefore, the proposal is contrary to, and in conflict with, Policies DM4(i) and (v) and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 21 and 22 of the adopted Core Strategy (2009), Chapters 2, 12, and 15 (including Paragraphs

89 and 135) of the National Planning Policy Framework (2024), and the Good Design Guide (2020). These adverse impacts significantly and demonstrably outweigh the benefits of the development in these site-specific circumstances.

2. The development is in an unsustainable location, which is not accessible by convenient or safe walking, cycling, or public transport routes, and therefore users of the site are highly likely to be dependent on private motorised transport, which results in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 89, 115 and 161, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

3. The Applicants have failed to demonstrate that adequate parking provision has been provided to serve the development, nor that a safe and suitable access has been provided for all users.

By virtue of these factors, the development is contrary to, and in conflict with Policies DM17 and DM18 of the of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraphs 115 and 116 of the National Planning Policy Framework (2024), and the Leicestershire Highway Design Guide (2024).

- 6.2 It is considered that the main planning issues in relation to this appeal are the adverse effects of the proposed development on the environment, and the intrinsic value, beauty, open character and landscape character of the countryside and highway safety.

Determination of the Appeal Proposal

- 6.3 As confirmed at Paragraph 8.4 of the Delegated Officer Report, the age of the relevant policies within the adopted Core Strategy and the adopted SADMP are out of date. Therefore, the 'tilted' balance in Paragraph 11(d) of the NPPF is engaged within the determination of this appeal.
- 6.4 However, as highlighted by Paragraph 8.5 of the Delegated Report, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 6.5 The Appellants have not sought to argue that the policies within the reasons for refusal are not consistent with the NPPF and the LPA considers that these policies attract full weight in the determination of this appeal proposal.

- 6.6 For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.7 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).
- 6.8 It is noted that Key Policy Paragraphs 66, 84, 91 and 110 of the NPPF are not applicable in these site-specific circumstances.
- 6.9 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 6.10 Key Policy 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 (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The Transport Sustainability of the Development's Location

- 6.11 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF defines the three overarching objectives of sustainable development.
- 6.12 Paragraph 8(b) of the NPPF states that the social overarching objective of sustainable development includes the fostering of well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs.
- 6.13 Paragraph 8(c) of the NPPF confirms that the environmental overarching objective of sustainable development includes minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.14 Chapter 9 of the NPPF promotes sustainable transport. Key Policy Paragraph 115(a) and (b) of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised, taking account of the vision for the site, the type of development, and its location, and ensure that a safe and suitable access to the site can be achieved for all users.
- 6.15 Key Policy Paragraph 129(c) of the NPPF confirms that planning decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.
- 6.16 Key Policy Paragraph 135(f) of the NPPF confirms that places should be safe, inclusive, and accessible, which promote health and wellbeing.
- 6.17 Paragraph 161 of the NPPF confirms that the planning should support the transition to net zero by 2050. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and association infrastructure.
- 6.18 For the avoidance of doubt, the proposal does not contribute to radical reductions in greenhouse gas emissions, or include the reuse of existing resources, nor the conversion of existing buildings, and no information has been provided to suggest that the development supports renewable and low carbon energy. This is contrary to, and in conflict with, Paragraph 161 of the NPPF.
- 6.19 Policy DM17(a), (b), and (d) of the SADMP requires development proposals to:
- (a) Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustainable the viability of those services; and
 - (b) Provide a convenient and safe access for walking and cycling to services and facilities; and
 - (d) Be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.20 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 6.21 Paragraph 83 of Guidance Point M2 of the National Design Guide (NDG) confirms that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools, and other facilities.

- 6.22 In light of the above, there is a clear requirement within the heart of local and national planning policy and guidance to reduce the dependence on private motorised travel. The Appellants have not disputed this.
- 6.23 In spite of this, the Appellants have not sought at any stage of their Statement to argue that the appeal site is within a sustainable area that is accessible by convenient or safe walking, cycling, or public transport routes. On the contrary, Paragraph 6.19 of the Appellants' Statement confirms that movements to and from the appeal proposal shall be undertaken by private car.
- 6.24 This supports the Local Planning Authority's assessment of the sustainability of the site at Paragraphs 8.12 to 8.26 inclusively of the Delegated Report, which concludes that visitors and staff are highly likely to be dependent on private motorised transport to access the site due to the poor transport sustainability of the site. Importantly, the Appellants have failed to respond to this assessment within their Appeal Statement.
- 6.25 In summary, the development is in an unsustainable location, which is not accessible by convenient or safe walking, cycling, or public transport routes, and therefore users of the site are highly likely to be dependent on private motorised transport. Therefore, the proposal is contrary to, and in conflict with, Chapter 9 of the NPPF, including three of the five Key Policy Paragraphs (Paragraphs 115, 129 and 135), and Paragraphs 8 and 161, as well as Policy DM17(a), (b), and (d) of the SADMP, HDM Policy 1 of the LHDG, and Guidance Point M2 of the NDG.
- 6.26 The Appellants have not sought to refute the Local Planning Authority's position and the second reason for refusal remains valid and attracts significant weight in the planning balance.

Principle of the Development

- 6.27 Paragraph 8.51 of the Delegated Report states that the proposal does not accord with the Development Plan and is unacceptable in principle, subject to the assessment of all other material considerations. The Appellants have not sought to disagree with this within their Appeal Statement.
- 6.28 However, the Appellants have queried the Local Planning Authority's assessment of the appeal proposal against Policy DM4 of the SADMP in light of the determination of planning application 21/01261/FUL at Linton Farm, Merrylees Road, Thornton. Planning application 21/01261/FUL was for the change of use of agricultural land to caravan storage for up to 50 caravans.
- 6.29 For the avoidance of doubt, and as highlighted at Paragraph 8.36 of the Delegated Report for the refused planning application 24/00657/FUL, to 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.
- 6.30 At Paragraph 6.11 of the Appellants' Statement, it is suggested that the determination of 21/01261/FUL gave significant weight to the scheme's diversification of a rural business, as well as the income generated for the farm and the low level of employment provision.
- 6.31 Contrary to these assertions, the Delegated Report for 21/01261/FUL does not state that significant weight was given to these factors. Paragraph 8.4 of the Delegated Report for 21/01261/FUL clearly states that the wording for Policy DM4(c) of the SADMP, which requires developments to significantly contribute to economic growth, job creation and/or diversification of a rural business. Paragraph 8.5 of this Delegated Report then acknowledges that the scheme does not significantly contribute to job creation and confirms that the assessment was based on the diversification of the existing rural business.
- 6.32 Ultimately, every planning application should be determined on its own merits and the extent to which the proposal within 21/01261/FUL was considered by the Case Officer to significantly contribute to the diversification of the existing rural business in accordance with Policy DM4(c) of the SADMP was based on the site-specific circumstances of the application.
- 6.33 Whilst the Case Officer for the current appeal proposal suggested that the proposal could be considered to involve rural diversification at Paragraph 8.30 of the Delegated Report for the refused planning application 24/00657/FUL, this is not the criteria for Policy DM4 of the SADMP. The Case Officer's assessment of the appeal proposal against the criteria of Policy DM4 of the SADMP is clearly set out at Paragraph 8.38 of the Delegated Report, which states that:
- "The Applicants have not demonstrated that the proposal significantly contributes to economic growth, job creation, nor the diversification of a rural business. Ultimately, the creation of 14 full-time jobs is not considered to significantly contribute to job creation within the Borough."*

- 6.34 Again, the Appellants have not sought to argue within their Appeal Statement that the appeal proposal significantly contributes to economic growth, job creation, or the diversification of an existing rural business.
- 6.35 Importantly, the Appellants have never sought to argue that the proposal contributes to the diversification of an existing rural business, nor that the proposal affects any existing rural business within the site. The only assertion made by the Appellants is that the *“Proposal will assist with the diversification of the rural economy,”* at Paragraph 5.14 of their Statement. For the avoidance of doubt, this is not the criteria of Policy DM4 of the SADMP.
- 6.36 The Appellants’ existing business, Markfield Day Nursery, is located within the centre of Markfield and is not considered to be a rural business for the purposes of Policy DM4 of the SADMP. The Appellants have never referred to an existing agricultural use within the site, and this was highlighted at Paragraph 8.64 of the Delegated Report. Given the above, the appeal proposal does not relate to an existing rural business, nor does it significantly contribute to economic growth or job creation and therefore the development does not comply with Policy DM4(c) of the SADMP. As a result, and as stated at Paragraph 8.50 of the Delegated Report, the appeal proposal represents new and unjustified development within the open countryside, which causes significant harm in principle.
- 6.37 Notwithstanding this, as confirmed in Paragraph 6.25 of the Local Planning Authority’s Statement, the proposal is in an unsustainable location where users of the site are highly likely to be dependent on private motorised transport.
- 6.38 In addition, as highlighted at Paragraph 8.51 of the Delegated Report, the proposal fails to contribute to the National Forest Strategy and fails to meet the requirements for proposals within the Charnwood Forest. This results in harm to the character of the National Forest and Charnwood Forest in principle. The Appellants have not sought to refute these statements and therefore the development is contrary to, and in conflict with Policies 21 and 22 of the Core Strategy in principle.
- 6.39 In summary, the appeal proposal does not accord with the Development Plan and is unacceptable in principle, subject to the assessment of all other material considerations. The Appellants have not sought to disagree with this point. The proposal is considered to result in significant harm to the environment and the intrinsic value, beauty, open character, and landscape character of the countryside, Charnwood Forest, and the National Forest in principle.

Impact upon the Character of the Surrounding Area and the Open Countryside

- 6.40 Paragraph 89 of the NPPF confirms that in circumstances where local business and community needs in rural areas have to be found adjacent to, or beyond, existing settlements in locations that are not well served by public transport, it will be important to ensure that development is sensitive to its surroundings.

- 6.41 Chapter 11 of the NPPF promotes 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. This demonstrates that safeguarding and improving the environment and the character of the countryside is an effective use of land.
- 6.42 Key Policy Paragraph 129(d) of the NPPF states that planning decisions should support development that makes an effective use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 6.43 Chapter 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places. Notably, Key Policy Paragraph 135(a) and (c) of the NPPF require development to:

“Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,”

and to be,

“Sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”

- 6.44 Key Policy 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.
- 6.45 Outside of defined settlement boundaries, the countryside is not regarded as a sustainable location for new development, and commercial uses are not considered to be a form of development that protects the character of these rural locations.
- 6.46 Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(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.”*
- 6.47 In accordance with Policy 21 of the adopted Core Strategy, developments that contribute to the National Forest Strategy shall be supported provided that:
- The siting and scale of the proposed development is appropriately related to its setting within the Forest; and

- The development respects the character and appearance of the wider countryside; and
 - The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 6.48 Policy 22 of the adopted Core Strategy supports proposals within Charnwood Forest that retain local character and complement the local landscape.
- 6.49 Policy DM4(i) and (v) 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
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 6.50 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.
- 6.51 Paragraph 14.3 of the SADMP states that:
- “The Borough Council will ensure that all new development helps to create an attractive and safe environment that is in keeping with the character of the location in which is situated.”*
- 6.52 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 6.53 Guidance Point I1 of the NGD highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas and landmarks, and landscaping, amongst others.
- 6.54 Ultimately, Guidance Point I2 of the NDG advised that well-designed places should contribute to local distinctiveness.
- 6.55 As highlighted at Paragraph 6.38 of this Appeal Statement and Paragraph 8.62 of the Delegated Report, the appeal proposal results in significant harm to the rural and agricultural character of the site, the countryside, the National Forest, and Charnwood Forest in principle.
- 6.56 The Appellants have queried the Local Planning Authority’s assessment of the appeal proposal in light of Paragraph 8.7 of the Delegated Report for planning

application 21/01261/FUL, which suggests that the Linton Farm application site was not a valued landscape for the purposes of the NPPF.

- 6.57 For clarity, at no stage during the processing of the current appeal proposal have the Local Planning Authority suggested that the appeal site could be considered to be a 'valued' landscape for the purposes of Paragraph 187 of the NPPF.
- 6.58 Nevertheless, there is a clear intention to conserve and enhance the natural environment within National Planning Policy, and the Development Plan confirms that the intrinsic value, beauty, open character and landscape character of the open countryside, Charnwood Forest, and the National Forest should be protected from unsustainable development.
- 6.59 However, the commercial use of the site encroaches into the open countryside and fundamentally and detrimentally alters the rural and agricultural character of the site. This impact is heightened by the significant intensification of the use of the site and the significant urbanisation of the site to facilitate the development of the 7.2m high and 30.6m deep childcare facility and its associated off-street parking, access arrangements and 932.7sqm of surfaced play areas. These impacts result in a significant adverse impact on the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated open countryside, Charnwood Forest, the National Forest.
- 6.60 Paragraph 5.15 of the Appellants' Statement then suggests that:
- "New development on the site has been established through the approval of an application for a new barn."*
- 6.61 Notably, the Appellants have failed to engage with Paragraphs 8.63 and 8.64 of the Delegated Report. To reiterate the Local Planning Authority's position, although the appeal site benefits from extant planning permission for the development of a single storey agricultural building via planning application 22/00883/FUL, this is a materially different use of the site to the provision of a two-storey structure for a commercial use providing care for 70 children.
- 6.62 Given the above, this appeal proposal also has a significantly different and more harmful impact on the character of the area in comparison to an agricultural building in a site that the Appellants previously claimed was utilised in association with an agricultural business. Therefore, the benefit of the extant planning permission attracts limited weight in support of the current appeal proposal.
- 6.63 It is also noted that the Appellants have referred to the 'dilapidated' condition of the existing buildings and their state of 'disrepair' six times within their Appeal Statement. However, the Appellants have failed to respond to the Local Planning Authority's assessment of this case at Paragraphs 8.111 to 8.113 of the Delegated Report inclusively.

- 6.64 Agricultural buildings are not included within the NPPF's definition of previously developed land and therefore the redevelopment of the land does not represent a benefit in these site-specific circumstances. Whilst the replacement of the existing structures could, in some respects, improve the character of the area, it is within the power of the Appellants to remove the redundant and dilapidated buildings from the site to improve the character of the area without the benefit of planning permission for a large commercial building. Therefore, the benefits of redeveloping the agricultural site to a commercial use does not attract any weight in the planning balance.
- 6.65 Paragraph 3.8 of the Appellants' Statement also suggests that the scale of the appeal proposal is, *"In keeping with the existing built form of the site."*
- 6.66 Once again, the Appellants have failed to respond to the Local Planning Authority's assessment of the appeal proposal at Paragraphs 8.65 and 8.67 of the Delegated Report. There are no other two storey structures within the site and the proposed development is almost double the height of the previously approved scheme within 22/00883/FUL. As a result, the appeal proposal is not in keeping with the existing agricultural built form of the site and results in significant harm to the rural character of the site.
- 6.67 Whilst Paragraph 6.7 and Figure 3 of the Appellants' Statement refer to structures and uses in the wider area, it is noted that there are no two storey structures visible along Merrylees Road within 318m of the appeal site to the south and within 770m to the north of the site, which is a total distance of over 1km from Thornton. The lack of built form and two-storey structures is particularly apparent upon the approach to the site heading south from Thornton along Merrylees Road, which heightens the appeal proposal's harm to the character of the area.
- 6.68 Although some of the structures associated with Linton Farm to the west are visible near the appeal site, these are single storey agricultural structures associated with the established livery within the site. Whilst it is appreciated that the wider use of Linton Farm has planning permission for the storage of 50 caravans, the site already had planning permission for caravan storage via 20/01389/FUL and the development was created on hard standing that was already approved via applications 19/01174/FUL and 19/01175/FUL. Furthermore, this existing commercial use of Linton Farm cannot be seen from public views and caravans have a maximum internal height of 3.05 metres in accordance with the Caravan Sites Act 1968, which is significantly less than the 7.2m height of the proposed development. Therefore, the impacts of the two developments on the character of the area are not comparable and are significantly different.
- 6.69 By virtue of these factors, the appeal proposal is not in keeping with the existing built form of the site or the surrounding area. The harm of the proposal is heightened by its visual prominence from public viewpoints.
- 6.70 Similar to the Viewpoints 1, 2, and 3 identified within Figure 2 of the Appellants' Statement, the Local Planning Authority agrees that the primary viewpoints of the

appeal proposal are from Merrylees Road heading northbound towards Thornton, Merrylees Road heading southbound towards Merrylees Industrial Estate, and along Public Right of Way R77.

- 6.71 As confirmed at Paragraph 8.69 of the Delegated Report, whilst long views of the appeal site are limited, this does not diminish the significant and adverse visual impact of the development on the character of the surrounding area. Importantly, the development is still visually prominent from these locations in the vicinity of the site.
- 6.72 The comments accompanying Photograph 1 on Page 19 of the Appellants' Statement state that, "*The existing buildings and agricultural complex are visible from the public footpath.*" The accompanying comments also confirm that even the proposed hard standing and the car parking provision shall be visible from Public Footpath R77.
- 6.73 Notably, the Appellants refer to this view as of an 'agricultural complex.' This demonstrates that the proposed commercial use of the site would introduce an incongruous character to the existing rural and agricultural character of the site, which is considered to result in significant harm to the character of the area.
- 6.74 As demonstrated by this image within the Appellants' Statement, the views of the appeal site from this location are significantly prominent from the Public Right of Way R77. This visual prominence shall be exacerbated by the appeal development's bulk and massing, which is over double the height of any of the existing structures within the site, as well as the scheme's provision of 25 off-street parking spaces in front of the proposed structure and the 932.7sqm of rubber-crumb porous surfaced play spaces and associated boundary treatment to the north of the property directly towards the Public Right of Way.
- 6.75 Photograph 2 on Page 20 of the Appellants' Statement also identifies the appeal site's location on a bend on Merrylees Road in an area that is subject to a 30mph speed limit. As a result, the appeal site is visually prominent from views at reduced speeds heading southbound along Merrylees Road.
- 6.76 Although Photograph 2 of the Appellants' Statement suggests that there shall be limited views of the appeal site from this view, the Appellants have failed to consider within their Statement the height, massing, and bulk of the proposal in comparison to existing buildings within the site. Even when glimpsed, the proposed building would appear as a visually jarring and discordant feature in the verdant landscape. Photograph 2 of the Appellants' Statement also clearly shows that the existing mature trees and hedgerows along the western boundary of the site are not sited in front of the appeal proposal and do not screen it from views from the public highway. Therefore, the proposal is visibly prominent from the public highway and appears as a visually jarring and uncharacteristic building at odds with its verdant rural environment.

- 6.77 Notwithstanding this, the Appellants have failed to respond to the Local Planning Authority's assessment of the visual impact of the development following the removal of sections of existing mature vegetation to facilitate the improvements to the site access at Paragraphs 8.70 to 8.72 of the Delegated Report inclusively.
- 6.78 By virtue of these factors, the development results in significant adverse impacts to the character of the rural character of the site, Charnwood Forest, the National Forest, and the designated open countryside. This harm is exacerbated by the significant intensification of the use of the site and the visual prominence and uncharacteristic nature of the development from the public highway and Public Footpath R77, as well as the hedgerow removal works required to provide an appropriate vehicular site access.
- 6.79 Therefore, the proposal is contrary to, and in conflict with, Policies DM4(i) and (v) and DM10 of the SADMP, Policies 21 and 22 of the Core Strategy, Paragraph 89, Chapters 11, 12 and 15, and two Key Policy Paragraphs (129 and 135) of the NPPF, as well as the National Design Guide, and the Good Design Guide. This harm attracts significant weight in the planning balance and the Appellants have not sought to disagree with this weighting.
- 6.80 As the appeal proposal results in significant harm to the character of the area, the scheme is not well designed, and it fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is recommended that the appeal proposal is dismissed.

Highways Matters

- 6.81 The Appellants have submitted a Highway Appeal Statement at Appendix 27 of their Statement. This has been reviewed by Leicestershire County Council as the Local Highway Authority, who provide professional advice on all highways matters to Hinckley and Bosworth Borough Council as the Local Planning Authority.
- 6.82 Following the review of the Appellants' Statement, which included speed surveys, a revised visibility drawing and clarification over the proposed car parking spaces, the Local Highway Authority considered the appeal proposal to be acceptable, subject to six planning conditions and four planning obligations.
- 6.83 In light of the above, the Local Planning Authority do not seek to uphold the third reason for refusal, subject to the planning conditions and obligations requested by the Local Highway Authority being applied to the appeal proposal.

Material Considerations for the Appeal Proposal

- 6.84 Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.

The Demand for Childcare Facilities and Services

- 6.85 Paragraph 6.19 of the Appellants' Statement justifies the development by referring to the *"Exceptional circumstances around childcare places."*
- 6.86 To support the 'exceptional circumstances' around childcare places, Paragraph 3.17 of the Appellants' Statement refers to a *"Recent,"* study about the demand for childcare in 2025. The Appellants have also, *"Noted,"* changing attitudes that are creating a demand for childcare.
- 6.87 Without any accurate or credible information in relation to the vague and unnamed study and the unsupported statement, these claims are generalisations that should not bear any weight in the determination of this appeal in this instance.
- 6.88 Appendix 26 of the Appellants' Statement includes an email from Leicestershire County Council's Free Early Education Entitlement Co-Ordinator and Sufficiency Officer that provides a table of Early Education Entitlement figures within Markfield and Thornton.
- 6.89 There are no dates on the submitted table, there isn't a clear outcome of the table, there are no links to where this information is publicly available, and there isn't any supporting methodology to support any conclusions of the table. The table states that there were 203 childcare spaces available and in Autumn 2024 188 of these spaces were claimed, which would suggest a surplus 15 childcare spaces. Even at the highest predicted scenario for demand for childcare spaces, the appeal proposal creates 16 additional childcare spaces beyond the requirements of the whole of Markfield and Thornton. This demonstrates the scale of the development and the resultant adverse impact that the development will have on the area due to the significant intensification of the use of the site.
- 6.90 The County Council's Free Early Education Entitlement Co-Ordinator and Sufficiency Officer also refers to the local authority's duty to secure efficient early learning and childcare places for children and families in Leicestershire.
- 6.91 For the avoidance of doubt, Hinckley and Bosworth Borough Council is in a two-tier authority system whereby Leicestershire County Council is the local authority for education, early years, and childcare matters. Therefore, the Borough Council as the Local Planning Authority are not the local authority responsible for the provision of the necessary childcare services. Nonetheless, whilst the Local Planning Authority can appreciate the need for additional childcare facilities, planning applications must be determined in accordance with the Development Plan and National Planning Policy and Legislation.
- 6.92 Paragraph 3.18 of the Appellants' Statement highlights the recent amendments to statutory guidance for early education and childcare.
- 6.93 It is important to note that these amendments are to National Guidance, which does not affect the statutory requirements of the planning system. These changes to

National Guidance also do not relate to planning-related policy and legislation. Therefore, this justification attracts no weight in the planning balance.

- 6.94 The Appellants have also suggested at Paragraph 3.18 of their Statement that the increased demand, *"In most cases,"* will have to rely on land outside of identified settlement boundaries. This is an inaccurate generalisation that is not supported by any specific information and should not attract any weight in the planning balance.
- 6.95 Although Paragraph 1.13 of the Appellants' Statement suggests that they have reviewed other potential sites for their new childcare facility, no further details have been provided of the Appellants' efforts to search for an alternative location for their development beyond a reference to a, *"Recent Rightmove search,"* at Paragraph 3.15 of their Statement.
- 6.96 Given the above, the Local Planning Authority do not consider that the Appellants have undertaken sufficient investigation into alternative sites for their proposed development to declare that there are, *"No suitable alternative locations within the local area,"* at Paragraph 6.14 of their Appeal Statement.
- 6.97 It is clear that the Appellants' justification for their appeal is based on a supposition rather than appropriate planning justification. This can be seen by the fact that the Appellants have failed to respond to the Local Planning Authority's assessment of the development in light of these amendments to statutory guidance at Paragraphs 8.47 and 8.48 of the Delegated Report.
- 6.98 In summary, whilst there may be a national increasing need for childcare facilities, this is a generalisation, and the Appellants have not provided any suitable information or planning considerations to appropriately demonstrate or justify that a new childcare facility needs to be located in an unsustainable location beyond any identified settlement boundary in the open countryside. This justification therefore attracts no weight in the planning balance.

Business Case for the Appeal Proposal

- 6.99 The Appellants have also referred to the benefits of expanding an existing business. To support this, the Appellants have referred to Spatial Objective 3 and Policy 7 of the Core Strategy.
- 6.100 It is noted that both Spatial Objective 3 and Policy 7 of the Core Strategy support employment opportunities within Key Rural Centres. As confirmed at Paragraph 8.42 of the Delegated Report, the appeal site is not within the identified settlement boundaries of any Key Rural Centre, and therefore both Spatial Objective 3 and Policy 7 of the Core Strategy do not support the appeal proposal.
- 6.101 The Appellants have then relied on Paragraphs 85, 88, and 89 of the NPPF.
- 6.102 Paragraph 85 of the NPPF highlights that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight

should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

6.103 Paragraph 88 of the NPPF also states that, planning decisions should enable:

- (a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed beautiful new buildings; and
- (b) The development and diversification of agricultural and other land-based rural businesses; and
- (c) Sustainable rural tourism and leisure developments, which respect the character of the countryside; and
- (d) The retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.

6.104 Whilst Paragraph 89 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, Paragraph 89 of the NPPF also confirms that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope of access on foot, by cycling, or by public transport.)

6.105 The appeal proposal results in significant environmental harm and has a significant adverse impact on the character of the site and the surrounding area. This is contrary to the requirements of Paragraph 89 of the NPPF.

6.106 In summary, in light of the requirements of Paragraphs 85 and 88 of the NPPF, the Local Planning Authority strongly refute the Appellants' suggestion at Paragraph 6.11 of their Statement that the benefits associated with the creation of one commercial use that employs 14 members of staff should attract significant weight in the planning balance. The Appellants have not provided any appropriate justification to demonstrate that such weight should be attracted to these potential benefits. Importantly, the proposal is not sensitive to its surroundings and therefore does not comply with Paragraph 89 of the NPPF. By virtue of these factors, and in accordance with Paragraph 8.111 of the Delegated Report, the Local Planning Authority offer the social and economic benefits of the provision of a new daycare facility limited weight in the planning balance.

Summary

6.107 In summary, whilst there may be an increasing national need for childcare facilities, this is a generalisation, and the Appellants have not provided any suitable

information, evidence or planning considerations to appropriately demonstrate or justify that a new childcare facility needs to be located in the appeal site in an unsustainable location beyond any identified settlement boundary in the open countryside. This material consideration therefore attracts no weight in the planning balance.

6.108 The Local Planning Authority also acknowledge the requirements of Paragraph 85 and 88 of the NPPF and the social and economic benefits of providing a new daycare facility in the Borough. Due to the scale and capacity of the development, these benefits attract limited weight in the planning balance.

6.109 Given the above, the Local Planning Authority have considered the material considerations within their assessment of the appeal proposal and maintain the position that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme.

7. CONCLUSION

7.1 To summarise, Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.

7.2 It is acknowledged that the Development Plan was adopted prior to the publication of the latest NPPF. However, as a result of the strong consistency with the wording of the NPPF, due weight should be given to the policies within the Development Plan, such as Policies DM4, DM10, and DM17 of the SADMP and Policies 21 and 22 of the Core Strategy, in accordance with Paragraph 232 of the NPPF.

7.3 In the determination of this appeal, the 'tilted' balance in Paragraph 11(d) of the NPPF is engaged whereby 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.4 The Local Planning Authority do not seek to uphold the third reason for refusal, subject to the planning conditions and obligations requested by the Local Highway Authority being applied to the appeal proposal.

7.5 It is acknowledged that there are social benefits of the scheme including providing an additional daycare facility within the area, and economic benefits associated with the construction of the development, the employment of 14 full-time members of staff, and the expansion of an existing business. Due to the scale of the scheme, the social benefit of the development and the economic benefit of the scheme attract limited weight in the planning balance.

- 7.6 Whilst there may be an increasing national need for childcare facilities, this is a generalisation, and the Appellants have not provided any suitable information or planning considerations to appropriately demonstrate or justify that a new childcare facility needs to be located in the appeal site an unsustainable location beyond any identified settlement boundary in the open countryside. This material consideration therefore attracts no weight in the planning balance.
- 7.7 Crucially, the Framework should be read as a whole in accordance with Paragraph 3 of the NPPF, and the Appellants have misled themselves in their assessment of the appeal proposal by solely focusing on the 'exceptional' circumstances of the material considerations of the scheme that are based on generalisations and suppositions.
- 7.8 The development is in an unsustainable location, which is not accessible by convenient or safe walking, cycling, or public transport routes, and therefore users of the site are highly likely to be dependent on private motorised transport. Therefore, the proposal is contrary to, and in conflict with, Chapter 9 of the NPPF, including three Key Policy Paragraphs (115, 129 and 135), and Paragraphs 8 and 161, as well as Policy DM17(a), (b), and (d) of the SADMP, HDM Policy 1 of the LHDG, and Guidance Point M2 of the NDG. The Appellants have not sought to refute the Local Planning Authority's position and therefore the second reason for refusal remains valid and attracts significant weight in the planning balance.
- 7.9 By virtue of its incongruous massing, bulk, and use, the appeal proposal also results in significant adverse impacts to the character of the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated open countryside, Charnwood Forest, the National Forest. This harm is exacerbated by the significant intensification of the use of the site and the visual prominence of the development from the public highway and Public Footpath R77, as well as the works required to provide an appropriate vehicular site access. Whilst the Appellants have provided some justification for their proposal, the Appellants have failed to respond to numerous matters within the Local Planning Authority's assessment of the appeal proposal within the Delegated Report. Therefore, the proposal is contrary to, and in conflict with, Policies DM4(i) and (v) and DM10 of the SADMP, Policies 21 and 22 of the Core Strategy, Paragraph 89, Chapters 11, 12 and 15, and two Key Policy Paragraphs (129 and 135) of the NPPF, as well as the National Design Guide, and the Good Design Guide. This harm attracts significant weight in the planning balance and the Appellants have not sought to disagree with this weighting.
- 7.10 As the appeal proposal results in significant harm to the character of the area, the scheme is not well designed, and it fails to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is recommended that the appeal proposal is dismissed.
- 7.11 As a consequence of all these factors, the development is contrary to, and in conflict with, all four of the applicable key policy paragraphs identified within the NPPF. The adverse impacts of the unsustainable location of the scheme and the

proposal's adverse impact on the character of the site and the surrounding area, and the intrinsic value and beauty of the open character and landscape character of the countryside, Charnwood Forest and the National Forest significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF taken as a whole in these site-specific circumstances. As a result, it is requested that the appeal is dismissed in accordance with Paragraph 11(d) and Key Policy Paragraph 139 of the NPPF.

- 7.12 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the Section 106 Agreement planning obligations to secure highways contributions and maintenance costs requested by the Local Highway Authority, and the following conditions and reasons suggested below.

8. CONDITIONS AND CONTRIBUTIONS

Planning Conditions

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. No development hereby permitted shall commence on site until such time as a Construction Traffic Management Plan, including as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to, and approved in writing by, the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

3. No development hereby permitted shall commence on site until a scheme for the investigation of any asbestos containing materials on the site has been submitted to, and approved in writing by, the Local Planning Authority, which shall include details of how any asbestos containing materials shall be

removed, The approved scheme shall be implemented in accordance with the approved details and any removal works so approved shall be carried out prior to the site first occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development shall be carried out in accordance with the submitted flood risk assessment (ref '10133, Thornton Daycare, Leicestershire, Flood Risk Assessment, Report Reference TDL-DCE-XX-XX-RP-C-0001, Revision P03, dated September 2024, compiled by Dice Consulting Engineering Limited') and the following mitigation measures it details:
 - Internal Finished floor levels shall be set no lower than 106.51 metres above Ordnance Datum (AOD)
 - There shall be an 8 metre easement provided between the development and the top of bank of the Rothley Brook
 - Any fencing used as part of the development shall be post and rail or post and wire. If you use wire, it must be either wire strands or at least 100mm spaced mesh.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development hereby permitted shall commence on site (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- (a) Identification of potentially damaging construction activities; and
- (b) identification of biodiversity protection zones; and
- (c) practical measures and sensitive working practices to avoid or reduce impacts during construction; and
- (d) timing of works to avoid harm to nesting birds; and
- (e) responsible persons for overseeing sensitive works; and

- (f) use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development hereby permitted shall commence on site until a scheme for the treatment of the Public Right of Way R77 has been submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, replacement gates, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2024).

11. The development hereby permitted shall not be brought into use until such time as the access arrangements shown on Access Alterations drawing number RHC-24-155-01 Revision C have been implemented in full. The access arrangements and visibility splays provided shall thereafter be permanently maintained with nothing within those visibility splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

12. The development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan drawing number 5681/MN/23/004 revision K. 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 (2024).

13. Notwithstanding the submitted plans, the development hereby permitted shall not be brought into use until secure and under cover cycle parking has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the onsite cycle parking provision shall be kept available for such use in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

14. The development hereby permitted shall not be brought into use until an amended Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2024).

15. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. 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 Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. No part of the development hereby permitted shall be brought into use until a scheme for the provision of waste and recycling storage and collection areas across the site shall be submitted to, and be approved in writing by, the Local Planning Authority. The scheme shall address accessibility to storage facilities and confirm adequate space is provided at the highway boundary to store and service wheeled containers. The development shall be implemented in accordance with the approved scheme prior to first occupation.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

17. Prior to installation, the details of any external lighting to be provided in association with the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and shall be demonstrate that the lighting will not cause harm to bat or their habitats. The details shall be installed, maintained, and operated as approved.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Planning Contributions

1. Travel Plan Monitoring Fees via Modeshift Stars (£6,000.00)

Reason: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

2. Two new bus stops (£17,888.00 total) to be installed at suitable locations to be determined and to include the following infrastructure:

- Pole (£198.00 per stop)
- Flag (£66.00 per stop)
- Timetable Case (£180.00 per stop)

- Hardstanding (£8,500 per stop)

Reason: To ensure the proposed development is accessible by bus and to encourage sustainable modes of travel.

3. Travel Packs (one per employee).

Travel Packs can be supplied by Leicestershire County Council at £52.85 per pack (£739.90 total). Alternatively, a sample Travel Pack shall be submitted to, and approved in writing by, Leicestershire County Council, which would attract an administration charge of £500.00.

Reason: To inform new employees from first occupation what sustainable travel choices are in the surrounding area to encourage employees to use bus services as an alternative to the private car.

4. Bus Passes (one per employee) (application form to be included in Travel Packs and funded by the Developer).

Bus passes can be supplied by Leicestershire County Council at an approximate cost of £415.00 per pass (£5,810.00 approximate total) (cost to be confirmed at implementation)

Reason: To encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes to encourage employees to use bus services as an alternative to the private car.

These planning contributions equate to an approximate total of £30,437.90.