

## Delegated Report

**Planning Ref: 25/01127/FUL**

**Applicant: Messrs Phillips**

**Ward: Cadeby Carlton M Bosworth & Shackerstone**

**Site: Land West Of Barton Road Carlton**



Hinckley & Bosworth  
Borough Council

**Proposal: Change of use to community open space**

---

### **1. Recommendations**

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

### **2. Planning application description**

2.1. The application seeks full planning permission for the change of use of Land West of Barton Road to community open space.

2.2. The submitted Design and Access Statement also refers to an adjacent Permission in Principle (PIP) application for 9 dwellings as detailed below and the level of information surrounding the proposed use of land for community open space is limited. This application is one for full planning permission and is not a PIP application and no mechanism has been presented linking the two applications.

2.3. The Design and Access Statement heavily refers to the PIP application but it does state that the land would remain undeveloped and can be laid out as a natural amenity area. Furthermore, it goes on to state that the “long-term delivery and retention of the open space can be secured through an appropriate legal agreement or planning obligation at the Technical Details Stage (TDS), ensuring it remains available for community use in perpetuity”. The latter reference to TDS is not relevant to this full planning application and no legal agreement or Heads of Terms have been submitted with the application.

### **3. Description of the site and surrounding area**

3.1. The application site is adjacent to the northern settlement boundary of Carlton in the designated open countryside within the Barton Village Farmlands Landscape Character Area.

3.2. The Barton Village Farmlands Landscape Character Area is characterised by undulating landform comprising a regular pattern of medium sized arable and pasture farmland. The Landscape Character Area is defined by small linear hilltop village settlements such as Carlton that are well-integrated into the landscape and are surrounded by vegetation. The small to medium size of the landscape pattern and the rural agricultural setting to villages and the extension rural views from them contribute towards the rural, tranquil character of the landscape and settlements, which are all identified as key sensitivities and values of this Landscape Character Area.

3.3. The application site itself comprises an agricultural field measuring 0.91 hectares, which forms part of a wider medium-sized arable field within the rural setting of Carlton. The site is considered to positively contribute to the key characteristics and sensitivities of the Barton Village Farmlands Landscape Character Area. The site is bounded by agricultural fields to the north, east and west. To the east is 11 residential properties at Northfields, which were approved via 12/00889/FUL as affordable housing units as part of a rural exception site. To the south of the site is a ribbon of residential development that leads towards the wider built form of Carlton to the south and southwest.

3.4. Barton Road and is a classified 'C' road that subject to a 30mph speed limit immediately to the south and the National Speed Limit immediately to the north of the site. The site is located approximately 92.00 metres back from the highway boundary, separated by an agricultural field that is currently the subject of a Permission in Principle application (Reference; 25/01130/PIP) for the erection of nine dwellings, which accompanies this proposal.

#### **4. Relevant planning history**

##### **10/00677/FUL**

- Erection of gateway including the formation of an access
- Planning Permission
- 17.12.2010

#### **5. Publicity**

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

5.2. Following publication, 30 letters of objection have been received. A summary of the planning matters only is provided below.

##### **Objections:**

- Outside of the settlement boundary;
- Poor, inaccessible location;
- Safety concerns particularly for children due to poor visibility, isolation, a single entry/exit point, and surrounding ditches and woodland;
- Design would encourage crime not deter;
- Urbanising effect;
- Noise increase;
- Lack of clarity about long-term use, management and maintenance;
- Access would not be wide enough for maintenance vehicles;
- There is not enough space for a football pitch or cricket field which would need changing facilities and associated parking, and a club house;
- Known flooding and drainage issues;
- Undermines the spirit of community integration;
- Parking concerns due to sites location;
- Not inclusive for disabled people;
- Precedent for future development;
- Adversely alter the character of the village and the approach;
- Loss of valuable arable farmland;
- Negative impacts on the adjacent conservation area;
- Impacts on Victorian spinney and its habitat.

#### **6. Consultation**

##### **Carlton Parish Council:**

*'Carlton Parish Council (the PC) objects to this application on the following grounds.*

- The applicant has failed to demonstrate that the proposed community open space cannot be located adjacent to the settlement boundary in accordance with Policy DM4 (a) of the Local Plan.*
- The proposed community open space would be located in open countryside and would have a significant adverse impact on the local landscape contrary to Policy DM4(i) of the Local Plan.*

- (iii) *The applicant has not defined what they mean by 'community open space' or stated how the area will be managed or who will own it.*
- (iv) *The proposed community open space is not directly accessible from the core residential area of the settlement and is therefore unlikely to attract significant use. The PC considers that the costs of establishment and management as an area of public open space would be very hard to justify.*
- (v) *The proposed access to the community open space is poorly located and would require users to walk along an unlit country lane without a footway, and then along an access track. It would not be in the interests of public safety to encourage users – particularly children and young people – to access this site. The site would not be easily accessible for disabled people.*
- (vi) *The proposed access track to the community open space appears to be very narrow, and may not be wide enough to accommodate maintenance vehicles and pedestrians.*
- (vii) *The proposed community open space would not be overlooked, which would not be in the interests of public safety.*
- (viii) *The proposed community open space is too small to accommodate a cricket or football pitch.*
- (ix) *The proposed community open space is a very wet field and not suitable for seeding with grass for formal or informal recreational use.*
- (x) *The introduction of a car parking area and/or a sports pavilion or clubhouse to the site would have an urbanising effect on an area of attractive open countryside.*

*Should the Local Planning Authority be minded to approve this application, the PC requests conditions that*

- a. *Access to the proposed community open space shall be through the existing gated access and along the northern side of the settlement boundary.*
- b. *Access to the proposed community open space shall be at least 4.5m wide and surfaced with bound materials and shall include a footway to current LCC Highways standards from Barton Road to the proposed community open space.*
- c. *A ditch and hedge shall be provided along the northern boundary of the site*
- d. *The community open space shall comprise a gift of land to the PC without conditions as to use, in order to allow the PC maximum flexibility in managing this site.*

*The PC notes that Leicester City Council defines community open space as areas that are open to the public for recreational and social purposes, and states that these spaces are essential for community development and provide opportunities for individuals and groups to come together. The proposed area of community open space will not be accessible enough to fulfil these functions.*

*The PC wishes to advise the Local Planning Authority that it requires an area of public open space for a cricket and/or football pitch, informal outdoor recreation, car parking and a village hall or sports facility. The PC would also like to provide allotments.*

*The Carlton Parish Plan 2021 documented public support for the acquisition of land for a playing field, nature reserve, village hall, playground, dog exercise, picnic area and sports pavilion.*

*The PC notes that the applicant owns land on the eastern side of Barton Road, adjacent to an existing area of public open space in the form of the Carlton Diamond Jubilee Orchard. The Carlton Diamond Jubilee Orchard already houses toddlers play equipment and has good pedestrian access to the settlement. The PC would prefer to extend this area rather than take on a separate small site.'*

## 6.2. HBBC Environmental Health (Pollution)

*'I would recommend that the following condition was applied to any permission granted due to the potential for past agricultural use to have impacted upon the soils.*

#### **CONTAMINATED LAND**

##### **C174. Land Contamination**

- a) *No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with.*
- b) *The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.'*

#### **6.3. HBBC Greenspaces;**

- No representations have been received.

### **7. Policy**

#### **7.1. Core Strategy (2009)**

- Policy 13: Rural Hamlets
- Policy 17: Rural Needs

#### **7.2. Site Allocations and Development Management Policies DPD (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

#### **7.3. National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

#### **7.4. Other relevant guidance**

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Open Space Study (2025)

### **8. Appraisal**

#### **8.1. Key Issues**

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Ecology
- Flood risk
- Highway safety

#### **Principle of development**

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate

otherwise. The NPPF is a material planning consideration in planning decisions. Paragraph 3 of the NPPF confirms that it should be read as a whole.

- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. 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.
- 8.4 The current Development Plan consists of the adopted Core Strategy, and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). 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 Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.6 Nevertheless, 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. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given.

*Assessment of the transport sustainability of the site*

- 8.7 The social and environmental overarching objectives of sustainable development are defined at Paragraph 8 of the NPPF, and both refer to creating safe places with accessible services that minimise waste and pollution and move towards a low carbon economy respectively.
- 8.8 Paragraph 8 of the NPPF objective (b) promotes strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 8.9 Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115 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 a safe and suitable access to the site can be achieved for all users. Paragraph 161 of the NPPF requires that the planning system supports the transition to net zero by 2050 and take full account of all climate impacts.
- 8.10 Policy DM17 of the SADMP states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.11 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.

- 8.12 Objections have been received that the proposed community open space is not accessible, safe, unlikely to attract significant use, not inclusive, and undermines the spirit of community integration.
- 8.13 To access the proposed open space residents of Carlton would be required to walk/cycle more than 60.00 metres beyond the settlement boundary via Bosworth Road which to the north is subject to the National Speed Limit and has no constructed public footpaths or street lighting. From this point residents would then need to walk/cycle a further 92.00 metres through the site before reaching the open space. The application includes no indication of any surfaced footway within the site. Given the site's location and the nature of the access, it would not provide convenient or safe walking/cycling routes for users and would as a result be unlikely to generate significant use.
- 8.14 By virtue of the above, the application site is considered to be in an unsustainable and isolated location that suffers from poor transport sustainability where visitors are highly likely to be dependent on private motorised transport to access the site. This is considered to result in environmental harm in principle, which is contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Paragraphs 8, 115 and 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, and HDM Policy 1 of the LHDG. The applicant states that the site would serve the local community, however, in the absence of suitable walking/cycling routes this significantly diminishes the claim and alleged benefits of providing open space for the village.

*Assessment of the sustainability of development in the open countryside*

- 8.15 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) of the NPPF 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.
- 8.16 Policy DM4 of the adopted SADMP outlines that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered 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 diversification of rural businesses; or
  - c) It significantly contributes to economic growth, job creation and/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.
- 8.17 Policy 17 of the Core Strategy states that community facilities adjacent to settlement boundaries will only be permitted provided that the need cannot be met within the settlement boundary of a Rural Hamlet.
- 8.18 The application site lies within the open countryside and seeks full planning permission for the change of use of land west of Barton Road to community open

space. While Policy DM4(a) and Policy 17 of the Core Strategy support outdoor recreation uses in the countryside, this applies only where it is clearly demonstrated that such provision cannot be accommodated in a more suitable location within or adjoining the settlement boundary.

- 8.19 In this case, the applicant has failed to demonstrate that the proposed open space cannot be provided within an alternate location within or directly adjacent to the settlement boundary contrary to the requirements of DM4(a). Pre-application advice was sought from the LPA in 2024 in relation to nine new dwellings and the provision of community open space at the site. Within this pre-application, the open space was indicated to the east of Barton Road adjoining the existing open space (under management of the Parish Council) which already benefits from established footpaths and lighting (albeit minimal). This alternative location is considered a considerably more appropriate location for such use which according to the representations received would be welcomed by the Parish and residents. While the LPA understand that the applicants circumstances may have changed, no evidence has been provided as to why the delivery of open space on this site is no longer achievable.
- 8.20 The Councils Open Space Study (2025) outlines that *'Carlton is below the current provision levels in amenity greenspace (1.34) and provision for children and young people (0.06). No other open space types exist within the parish, other than the cemetery. 'Amenity greenspace is defined within the aforementioned study as 'open space that has opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas'.*
- 8.21 Further to the above, the submitted Planning Statement outlines that the proposed open space will remain undeveloped and as a natural amenity area. While new open space is welcomed consideration to the typology of the open space is pertinent. In this case, there is a clear need for amenity greenspace within Carlton and not for natural greenspace as proposed. The proposal does not robustly address the needs of Carlton in terms of the typology of Open Space delivered, reducing the weight attributed to its provision.
- 8.22 Furthermore, whilst one mention of securing the sites community use and management is contained within the Design and Access, the level of information as to future use, maintenance and ownership is very poor. No legal agreement has been discussed with the LPA during the course of the application and in the absence of this the open space would not be secured in perpetuity, and its maintenance would not be guaranteed. Were the scheme otherwise acceptable the LPA would engage with the applicant to secure this, however, owing to the lack of legal agreement the provision and maintenance of the open space in perpetuity cannot be secured.
- 8.23 Given the above, it is considered that the proposal is offered no support by Policy DM4 of the adopted SADMP, Policy CS17 or the Open Space Study (2025).

#### Summary

- 8.24 In summary, Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, and the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.25 The application site is in an unsustainable and isolated location that suffers from poor transport sustainability where visitors are highly likely to be dependent on private motorised transport to access the site. The open space would not be easily accessible on foot or by cycle to the community it is intended to serve. This is considered to result in environmental harm in principle, which is contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including

Paragraphs 115 and 161 and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, and HDM Policy 1 of the LHDG.

- 8.26 The proposal represents new development in the designated open countryside.. Whilst it is appreciated that great weight is given to the need for the provision of new open space facilities, it is considered that the applicant has not demonstrated that the site cannot be located within the settlement boundary of Carlton or more appropriately located directly next to the settlement. The type of open space proposed would further not meet the need outlined in the Open Space Study (2025). Furthermore, in the absence of any mechanism to secure the open space and its maintenance the provision and upkeep of open space in perpetuity has not been demonstrated. The development is therefore in conflict with Policy 17 off the Core Strategy and Policy DM4 of the SADMP.
- 8.27 By virtue of these factors, the proposal is considered to be unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this report.

#### Design and impact upon the character of the area

- 8.28 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.
- 8.29 Policy DM4 of the SADMP seeks to protect the safeguard the countryside and requires development to not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and states extensions would only be permitted where they lead to an enhancement of the immediate setting. Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.
- 8.30 Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.
- 8.31 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.32 Objections have been received concerning the proposal's impact on the countryside, the village's character, the adjacent conservation area and long term management. Concerns have also been received about urbanisation and the potential precedent it may set for future development.
- 8.33 The Landscape Character Assessment (LCA) (2017) assesses the landscape of the Borough and divides the landscape into ten-character areas based on their characteristics. It also assesses the larger settlements (including Burbage) and identifies their urban characteristics.
- 8.34 The LCA identifies the application site as being part of Landscape Area J: Barton Village Farmlands. This character area is located centrally in the north of the Borough to the east of the more wooded landscape of Gopsall Parkland and slightly elevated

above Bosworth Parkland to the south. Key characteristics of this landscape relevant to the proposal include:

- 1) Undulating landform which rises to the east.
- 2) Mix of arable and pasture farmland.
- 3) Vegetated character as a result of individual trees, small copses and scattered trees within mixed hedgerows.
- 4) Regular pattern of medium sized fields which are smaller around settlements, including potential areas of ridge and furrow.
- 5) Rural, tranquil character with areas of little light pollution.
- 6) Few main roads with rural lanes lined by ditches, hedgerows and grass verges with little or no street lighting.
- 7) Small linear hilltop villages of Carlton, Barton in the Beans, Odstone and Nailstone which are well-integrated into the landscape and surrounded by vegetation creating an overall harmonious landscape pattern.
- 8) Long distance footpaths and public rights of way pass through the area providing recreational amenity.

- 8.35 Facing west from Barton Road, the levels fall gradually from east to west, and the views across the open countryside are extensive, with the settlement boundary of Carlton in the vicinity. As stated in the Landscape Character assessment, Carlton is well integrated into the landscape and the fringes of the village demonstrate a harmonious landscape character. The application site would be sited to the north of the settlement, directly adjacent to the nearby Spinney. It would be set away from the adjacent highway, Barton Road by approximately 92.00 metres by the remaining agricultural parcel to the east and would be surrounded by agricultural fields to the north and west. As a result, the proposed site would appear isolated, lacking integration with the remaining agricultural use of the surrounding fields particularly the one which immediately abuts the highway boundary. It is therefore considered that the proposed change of use in this countryside location would introduce a form of development which would be at odds with the existing character of the site and surrounding area.
- 8.36 Although the proposed development would be limited to the change of use of the land, development in any form would inevitably impact upon a purely agricultural/open landscape. An access track notably would be formed 60.65 metres from the boundary of 21 Tulip House and would be 2.68 metres in width and 92.00 metres in depth. While details of materials have not been confirmed as this is the only point of access to the site it would undoubtedly result in urbanisation of this aspect of the open countryside further exacerbated by its isolated community use to the middle of the field.
- 8.37 As identified above, management details have further not been confirmed, so the maintenance and upkeep of the open space raises a level of uncertainty.
- 8.38 The proposed site is situated 1.63km from Ashby Canal Conservation Area and 2.05km from Market Bosworth Conservation Area. The proposal is not considered to bear any direct impacts on either Conservation Area by way of their proximity from the application site.
9. In light of the above, the proposed change of use would have adverse effects to the intrinsic value, beauty, open character and landscape character of the sites countryside location and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. It would further appear to be an isolated,

incongruous addition contrary to Policies DM4 and DM10 of the SADMP and the overarching principles of the NPPF.

Impact upon neighbouring residential amenity

- 9.2 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 9.3 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.
- 9.4 Objections have been received concerning noise levels due to the uncertain recreational use.
- 9.5 The change of use of the open land would not result in physical development and therefore would not impact on the occupiers of neighbouring properties with regards to overbearing, overshadowing or overlooking.
- 9.6 The change of use would result in an intensification of use, but due to the nature of the open space proposed, it is not considered that visitors would cause a level of disturbance that would have an adverse impact on the occupiers of surrounding dwellings at this stage.
- 9.7 It is considered that the change of use would not have an adverse impact on neighbouring amenity in accordance with Policy DM10 of the adopted SADMP and Paragraph 135(f) of the NPPF.

Ecology impacts

- 9.8 Policy DM6 of the adopted SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 9.9 On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 9.10 Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- e) The need and benefits of the development in that location clearly
  - f) It has been adequately demonstrated that the irreplaceable habitat
  - g) Appropriate compensation measures are provided on site wherever possible and off site where this is not feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 9.11 Objections have been received concerning the impact on the adjacent Spinney and habitats.
- 9.12 The proposal seeks planning permission for the change of use of the land only at this stage and therefore the LPA do not foresee any ecological impacts. Should this application be approved and the applicant wish to develop the land further a brand new application would be required to be submitted and Ecology matters would be addressed appropriately.

- 9.13 The proposed change of use therefore satisfies Policy DM6 of the adopted SADMP in this regard.

Flood risk

- 9.14 DM7 of the adopted SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that a development would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.

10. Paragraph 181 of the NPPF requires Local Authorities, in determining planning applications, to ensure that flood risk is not increased elsewhere.

- 10.2 Objections have been received concerning the levels of water at the site.

- 10.3 The application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping does indicate that an area to the far west of the application site has a high risk of surface water flooding, but as the proposed site is less than 1 hectare and built form is not proposed, a site specific Flood Risk Assessment is not required.

- 10.4 The proposed change of use therefore satisfies Policy DM7 of the adopted SADMP in this regard.

Impact upon highway safety

- 10.5 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.

- 10.6 To support this, Policy DM17 of the adopted SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.

- 10.7 Objections have been received concerning the sites accessibility for maintenance vehicles.

- 10.8 Advice has been sought from the Local Highway Authority on the above concerns and while the maintenance vehicle type is unknown at this stage, the proposed access track would not be wide enough for a small van or a larger vehicle with a trailer for example.

- 10.9 For a small van the access road would be required to be wide enough for two cars to pass and for a larger vehicle then the access road would need to be wide enough to accommodate the wider vehicle and a car passing but it will also need to be wide enough at the site access to accommodate all movements in / out from the north and south.

- 10.10 The applicant would need to “track” the largest vehicle (at 15kph) at the site access with another car in situ to ensure all allowable movements can be made and there would not be a highway safety issue, while demonstrating that there is a sufficient turning space within the proposed development for any maintenance vehicle to leave the site in a forward gear and not reverse back on to Barton Road.

- 10.11 The additional information has not been requested from the applicant as it would not be sufficient to satisfy the LPA’s wider concerns. The proposed change of use is at

present therefore contrary to Policy DM17 of the adopted SADMP and Paragraph 115(b) and 116 of the NPPF in this regard

## **11. Equality implications**

11.1 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.

11.2 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.

11.3 There are no known equality implications arising directly from this development.

## **12. Conclusion**

12.1 The proposed change of use should be refused due to the reasons outlined below.

## **13. Recommendation**

13.1 **Refuse planning permission** subject to the reasons at the end of this report.

### **13.2 Reasons**

1. 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 and the development does not appropriately serve the community it is intended to. The applicant has also failed to demonstrate that the proposed open space cannot be provided within an alternate location within or directly adjacent to the settlement boundary and has not taken into consideration the typology of open space needed in Carlton. Furthermore, in the absence of any mechanism to secure the open space and its maintenance the provision and upkeep of open space in perpetuity has not been demonstrated. This is contrary to, and in conflict with, Policies DM4 and 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 8, 115 and 161, Chapter 9 of the National Planning Policy Framework (2024) and Policy 17 of the Core Strategy.
2. The development results in significant and permanent adverse impacts on the role, function, and character of the application site, which positively contributes to the character of the surrounding area, including the Barton Village Farmlands Landscape Character Area, and the designated open countryside. This harm is exacerbated by the visual prominence of the scheme on the approach to the settlement and its isolated, disconnected location. The proposal is therefore contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Chapter 12 and Paragraph 135 of the National Planning Policy Framework (2024).

3. The development results in significant and permanent adverse impacts on the public highway, Barton Road through the formation of an inadequate access track, unsuitable for maintenance vehicles. Turning facilities have further not been provided. The proposal would therefore impact highway safety contrary to, and in conflict with, Policies DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 115(b) and 116 of the National Planning Policy Framework (2024).