

Planning Committee 13 January 2026  
Report of the Assistant Director Planning and Regeneration

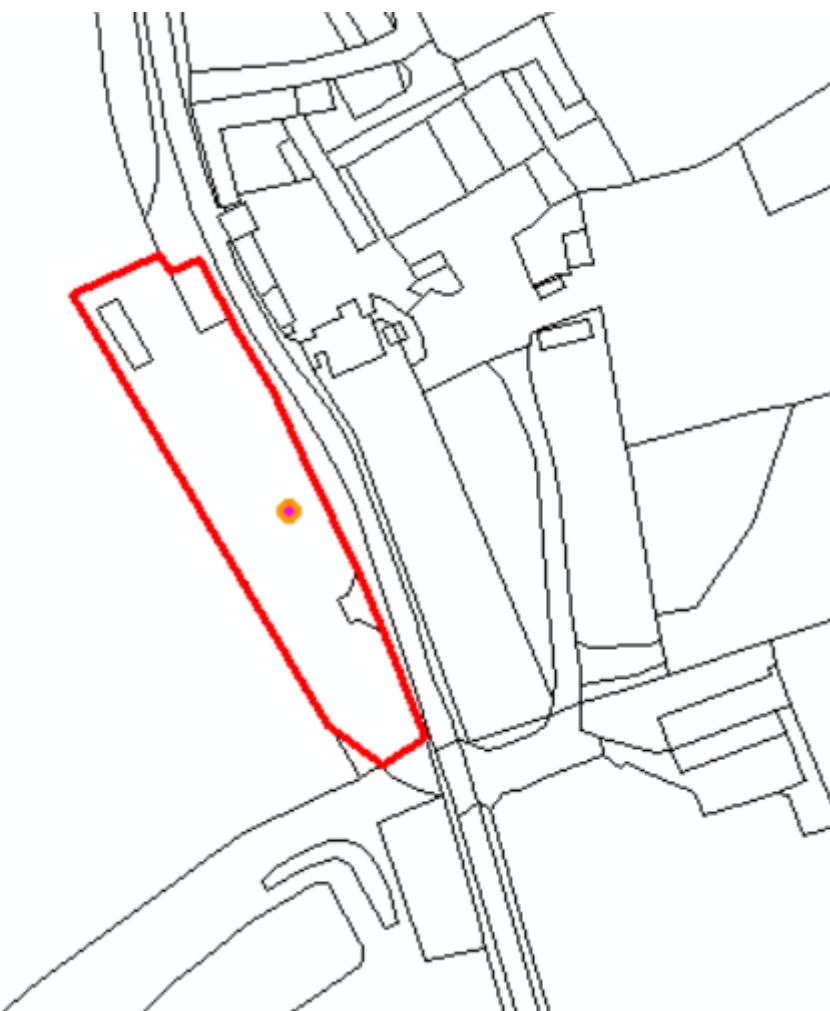


Hinckley & Bosworth  
Borough Council

Planning Reference 25/00902/FUL  
Applicant(s) Mr John Price  
Ward Ambien

Application Site Pinehollow Barn, Stoke Lane, Higham on the Hill

Proposal Siting of four static caravans and two touring caravans for residential use and conversion of the existing barn into a day room



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## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report; and
- That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions; and
- Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted details.

## **2. Planning Application Description**

- 2.1. This planning application seeks full planning permission for the provision of four static caravans and two touring caravans for residential use at Pinehollow Barn, Stoke Lane, Higham on the Hill. This application seeks to replace the existing planning permission for the site 08/000891/FUL, which currently permits two caravans for residential use in the site. Therefore, in comparison to this previous permission, the current application would increase the total capacity of the application site by three static caravans and one touring caravan.
- 2.2. The proposal would also include the conversion of an existing barn within the site into a day room alongside a 2.4m side extension to this structure. The proposed extension to the barn would be constructed in a brick finish and has a ridge height of 5m to match the existing structure.

## **3. Description of the Site and the Surrounding Area**

- 3.1. The 2,120sqm application site ('Pinehollow Barn') comprises a narrow strip of land along the western side of Stoke Lane to the north of, and outside of the identified settlement boundary of, Higham on the Hill and its associated conservation area in the designated open countryside. The site is located within the Higham on the Hill Landscape Sensitivity Area and the wider Stoke Golding Rolling Farmland Landscape Character Area. The rural character of the landscape, low hedgerows and uncluttered rural views of church spires are identified as key sensitivities of the character of this area.
- 3.2. Pinehollow Barn is an established gypsy and traveller site that was granted planning permission in 2008 for one family with two caravans and an associated vehicular access via application 08/00891/FUL. The site is enclosed by close-boarded timber fencing along its eastern boundary and there is an existing brick barn to the north of the site.
- 3.3. The north, south, and west of the site are bounded by open agricultural land. Approximately 105m to the west of the site is Public Footpath T48. The Higham on the Hill Conservation Area and Public Footpath T47 are both adjacent to the southern boundary of the application site.
- 3.4. On the opposite side of Stoke Lane is Vale Farm and its associated outbuildings, Upper Pullins Farm, and Elm Barn, which all feature residential dwellings and agricultural structures. Public Footpath T46 runs between Vale Farm and Upper Pullins Farm. Stoke Lane is an adopted and classified 'C' road that is subject to the National Speed Limit.

## 4. Relevant Planning History

### 4.1 24/00464/CONDIT

- Variation of Condition 12 (additional caravans or mobile homes) of planning application 08/00891/FUL to allow for the siting of four static caravans and two touring caravans for residential use
- Revoked due to unlawfully permitting additional caravans, contrary to the description of development of 08/00891/FUL
- 06.09.2024

### 4.2 11/00815/FUL

- Use of land as a residential caravan site for four gypsy families with 8 caravans including laying and additional hard standing
- Refused
- 08.03.2012

The development was refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development, by virtue of its distance from local services and facilities, would be contrary to Policy 18 of the adopted Hinckley and Bosworth Core Strategy.
2. In the opinion of the Local Planning Authority, the proposed development would be visually intrusive, constitute overdevelopment of the site, and would be out of keeping with the character of the area. It would not be capable of sympathetic assimilation into its surroundings and would be contrary to Policy 18 of the adopted Hinckley and Bosworth Core Strategy.
3. In the opinion of the Local Planning Authority, the development, by virtue of the number of pitches proposed, would not be proportionate with the scale of the nearest settlement, Higham on the Hill, its local services and infrastructure and would therefore be contrary to Policy 18 of the adopted Hinckley and Bosworth Core Strategy.
4. In the opinion of the Local Planning Authority, the proposed development is not considered to meet the standards set out in the document, *Designing Gypsy and Traveller Sites: Good Practice Guide*, and would therefore be contrary to Policy 18 of the adopted Hinckley and Bosworth Core Strategy.
5. In the opinion of the Local Planning Authority, the proposed development is not considered to provide a safe and healthy environment for residents and would therefore be contrary to Policy 18 of the adopted Hinckley and Bosworth Core Strategy.

4.3 **11/00475/CONDIT**

- Variation of Condition 12 of planning permission 08/00891/FUL to allow occupation of the site with 8 caravans, of which no more than 4 would be static caravans.
- Withdrawn
- 09.08.2011

4.4 **08/00891/FUL**

- Change of use of land to the keeping of horses and a residential caravan site for one gypsy family with two caravans and formation of access.
- Permitted
- 03.11.2008

4.5 **08/00117/COU**

- Change of use of land to the keeping of horses and a residential caravan site for one gypsy family with two caravans
- Refused
- 12.03.2008

4.6 **06/00326/FUL**

- Change of use of land from agricultural to the keeping of horses and erection of stables
- Permitted
- 11.07.2006

4.7 **05/01029/FUL**

- Change of use of land from agriculture to the keeping of horses and erection of stables
- Withdrawn
- 06.01.2006

**5. Publicity**

5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. To address the concerns raised by members of the public, the Applicant submitted revised plans, and a further round of public consultation was undertaken.

5.2 As a result of the first round of public consultation, nine responses have been received from five separate addresses, including one from a councillor, which all objected to the proposed development. Comments of the second round of public consultation will be included within the Late Items Report for this application.

5.3 A summary of the concerns raised in the first round of public consultation are detailed below:

1. Character

- Harm to the surrounding area
- Harm to the designated open countryside
- Inappropriate scale in comparison to the nearest settlement
- No additional landscaping is proposed
- Overdevelopment of the site
- Significant intensification of the use of the site
- Visual intrusion into the rural landscape

2. Detimental impacts to nearby local businesses

3. Environmental harm and harm to watercourses

4. Fire Safety Concerns

- Insufficient separation between pitches
- Leicestershire Fire and Rescue Service have previously highlighted potential obstruction issues to the site
- Flooding and drainage concerns

5. Highway Safety Concerns

- Emergency access concerns
- Increased traffic and congestion

6. Historic Character

- Harm to the Grade II Listed The Old Vicarage
- Harm to the Higham on the Hill Conservation Area

7. Infrastructure Concerns

- Inadequate water and waste management facilities within the site
- The proposal does not provide space for the keeping of horses
- Uncertain compliance with Building Standards
- Waste management concerns

8. Neighbouring Residential Amenity

- Noise and disturbance

9. Planning History

- Previous applications have been refused within this site for more pitches
- The site has a history of breaches of planning control and unlawful development

## 10. Planning Policy Matters

- The gradual expansion of the site undermines the integrity of the planning process
- Inappropriate use of the site for commercial purposes
- The site is not allocated for gypsy and traveller use within the current or emerging Local Plan
- The submitted drawings are inaccurate and not to scale

## 11. Sustainability

- There are no local services or infrastructure near the site
- Unsustainable location for development

5.4 Members of the public have also requested that, should planning permission be granted, a planning condition secures the use of the site to named occupants of the site and limiting the duration of the site to these applicants, alongside a further planning condition to limit further intensification of the use of the site.

## 6. Consultation

### Conservation

6.1 The Council's Conservation Officer considered that the proposed development would be compatible with the heritage significance of the Higham on the Hill Conservation Area and the heritage significance of the Grade II\* Listed Church of St. Peter.

### Ecology

6.2 Leicestershire County Council's Ecology Department had a holding objection to the development subject to the provision of a Preliminary Roost Assessment ('PRA') alongside the provision of additional information in relation to Biodiversity Net Gain ('BNG').

6.3 The Applicant submitted a PRA and additional BNG information on 12 December 2025 to address the outstanding concerns of the Ecology Department.

6.4 A response from the County Council to the Applicant's latest information was not received prior to the publication of the Committee Report. However, the Officer recommendation for the determination of this development is subject to Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted details.

#### Gypsy Liaison Officer

6.5 Leicestershire County Council's Gypsy Liaison Officer confirmed that the families associated with this development satisfy the definition of gypsy and traveller for the purposes of Annex 1 of the Planning Policy for Traveller Sites (2024), and all have strong local ties to the area, and are well known to the County Council's Multi-Agency Traveller Unit ('MATU').

#### Higham on the Hill Parish Council and Leicestershire Fire and Rescue Service

6.6 Higham on the Hill Parish Council made comments neither in objection, nor in support of the planning application, but the Parish Council did raise concerns in relation to fire safety such as due to insufficient separation between pitches and concerns in relation to the emergency vehicle access. The Parish Council therefore requested that Leicestershire Fire and Rescue Service were consulted on the planning application.

6.7 Leicestershire Fire and Rescue Service were consulted on the planning application, but no response was received. However, the Council's Environmental Health Department confirmed that they did not have any initial concerns with the development proposal from a Caravan Licensing perspective, subject to ensuring that all caravans are set away from the boundary fence of the site by a minimum of 3m.

*Case Officer Comment: Although the submitted Proposed Plan do not set the caravans within the site 3m from the boundary fencing, it is considered that there would be sufficient room within the site to enable this in order for the development to meet the requirements of the Council's Caravan Licensing requirements. A condition has been added to require an amended site layout to ensure the permitted drawings comply with these requirements.*

#### Highways

6.8 Leicestershire County Council as the Local Highway Authority, confirmed that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be serve in accordance with Paragraph 116 of the National Planning Policy Framework (2024), subject to planning conditions.

#### No Objections

6.9 The Council's Drainage or Environmental Health Departments, and Leicestershire County Council as the Mineral and Waste Planning Authority did not object to the planning application.

6.10 The Council's Waste Department did not object to the development subject to a planning condition that ensures the adequate provision for the storage and collection of waste and recycling containers across the site.

6.11 No further responses have been received.

## **7. Policy**

### 7.1 Core Strategy (2009):

- Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- Planning Policy for Traveller Sites ('PPTS') (2024)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')

### 7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Gypsy and Traveller Accommodation Needs Study ('GTAA') (2016)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- HBBC's Landscape Sensitivity Study ('LSS') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)

## **8. Appraisal**

### 8.1. The key issues in respect of this application are therefore:

- Principle of development
- Land supply of deliverable sites
- Design and impact upon the character of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

### Principle of Development

8.2 Paragraph 4 of the National Planning Policy Framework ('NPPF') confirms that the Framework should be read in conjunction with the Government's Planning Policies for Traveller Sites ('PPTS') and when making decisions on applications of these types of development, regard should also be had to the policies in this Framework, where relevant.

8.3 Paragraph 2 of both the NPPF and the PPTS confirm 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 and Paragraph 3 of the NPPF confirms that it should be read as a whole.

8.4 Paragraphs 23 to 28 within Policy H of the PPTS detail how planning applications should be determined for gypsy and traveller sites. In accordance with Paragraph 11 of the NPPF and Paragraph 24 of the PPTS, planning applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and the PPTS. 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.

8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP'). 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.

8.6 Paragraph 26 of the PPTS confirms that local planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas in the Development Plan.

8.7 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.

8.8 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 is an effective use of land.

8.9 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from

unsustainable development. To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:

- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.10 Therefore, the development proposal would not comply with any of the limitations set out above, and therefore the development would be contrary to, and in conflict with Policy DM4 of the SADMP. However, this does not mean that the development would not be sustainable.

8.11 For example, the site has an established use as a residential gypsy and traveller site, which was approved via planning permission 08/00891/FUL. This is a significant material consideration within the determination of this planning application. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in this Report.

#### *Summary*

8.12 In summary, the Development Plan is the starting point for decision making, and the NPPF and the PPTS are material considerations within the determination of planning applications for gypsy and travellers, which should be read in conjunction with each other and as a whole.

8.13 The development would be outside of any identified settlement boundaries in the designated open countryside and would therefore be offered no support by Policy DM4 of the SADMP or Paragraph 26 of the PPTS.

8.14 However, it is appreciated that the site has an established use as a residential gypsy and traveller site. Therefore, the principle of this development would be subject to the assessment of all other material considerations in these site-specific circumstances. Other material considerations are set out within the next sections of this Report.

#### Land Supply of Deliverable Sites

8.15 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.

8.16 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote Paragraph 27 of the NPPF confirm that the PPTS sets out how gypsy and travellers' housing needs should be assessed for those covered by the definition in Appendix 1 of that document.

8.17 Policy 18 of the adopted Core Strategy sets out the criteria for the provision of sites for gypsies, travellers, and travelling show people within the Borough. However, this policy is largely superseded by the PPTS. Therefore, the targets for residential pitches that are identified within Policy 18 of the adopted Core Strategy are considered to be out-of-date.

8.18 The Council's most up-to-date Gypsy and Traveller Needs Assessment ('GTAA') (2016) identified a need for seven pitches, including the two existing pitches within this site, and a supply of seven pitches. However, evidence on the need for gypsy and traveller accommodation remains to be updated. The County Council's Gypsy Liaison Officer also stated that due to age of the GTAA, this document is not considered to be relevant within the determination of this current application.

8.19 The Council has commissioned consultants to undertake a study to investigate the need for pitches to accommodate gypsies, travellers and travelling show people in the Borough. However, it is accepted that since 2016 there has been limited additional gypsy and traveller accommodation granted in the Borough.

8.20 In light of the absence of a new needs assessment for deliverable sites for gypsy and travellers, and due to the out-of-date targets within Policy 18 of the adopted Core Strategy and the out-of-date assessment within the GTAA, it is unlikely that the Council can demonstrate an up-to-date five-year supply of deliberate gypsy and traveller sites.

8.21 Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, the provisions of Paragraph 11(d) of the NPPF apply.

8.22 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.

8.23 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.

8.24 Paragraph 25 of the PPTS highlights that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications for traveller sites:

- (a) the existing level of local provision and need for sites; and
- (b) the availability (or lack) of alternative accommodation for the applicants; and
- (c) other personal circumstances of the applicant; and
- (d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- (e) that they should determine applications for sites from any travellers and not just those with local connections.

8.25 Firstly, it is acknowledged that the proposed development would be within an established gypsy and traveller site. Furthermore, as detailed within this Report, it is accepted that since 2016 there has been limited additional gypsy and traveller accommodation granted in the Borough, and it is unlikely that the Council can demonstrate an up-to-date five-year supply of deliverable gypsy and traveller sites.

8.26 The County Council's Gypsy Liaison Officer confirmed that the gypsy and traveller site at Aston Firs within the Borough of Blaby, which is owned and managed by Leicestershire County Council, is at capacity, and there are a number of families living on this site that have grown up children who would like to start their own families with nowhere to move to.

8.27 The Gypsy Liaison Officer confirmed that the development would be required to provide accommodation for the Applicant and their extended family including their children, parents, and parents-in-law.

8.28 In light of the above factors, the benefits associated with providing three additional static caravans and one further touring caravan to the Council's supply of deliverable

land for gypsy and traveller residential pitches would be considered to attract significant positive weight in the planning balance.

### *Summary*

8.29 In summary, the 'tilted' balance of 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. The benefits associated with providing three additional static caravans and one further touring caravan to the Council's supply of deliverable land for gypsy and traveller residential pitches would be considered to attract significant positive weight in the planning balance.

### Design and Impact upon the Character of the Area and the Historic Environment

8.30 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.

8.31 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.32 Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Therefore, in determining applications, Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be.

8.33 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.34 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.

8.35 Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient 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; and the importance of securing well-designed, attractive and healthy places respectively.

8.36 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.

8.37 Paragraph 26 of the PPTS confirms that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settlement community, and avoid placing an undue pressure on local infrastructure.

8.38 Policy 18 of the adopted Core Strategy states that planning permission for new gypsy and traveller sites will be granted providing the site is capable of sympathetic assimilation into the surroundings and is appropriate to the scale of the nearest settlement and its local services and infrastructure.

8.39 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.

8.40 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.41 The application site benefits from an established use as a gypsy and traveller residential site for a static caravan and a touring caravan. This domestic and urbanised use of the site has been in place for over 15 years and is considered to have been highly visually prominent from public views along Stoke Lane heading north, Public Footpath T48 to the west, and Public Footpath T47 to the south throughout this time.

8.42 The proposed development would increase the total number of caravans within the site to four static caravans and two touring caravans. The proposed development would not increase the size of the existing site, nor create or amend any of the existing boundary treatment or surfacing of the site.

8.43 Given the limited number of new caravans, the limited number of proposed works to facilitate the development, the size, scale and character of the existing site, and the established use of the site, the proposed increased capacity of the site would not be considered to result in any significant adverse impacts to the character of the site and the surrounding area in these site-specific circumstances.

8.44 By virtue of the size and scale of the proposed development and its visual containment within the site, the proposal would not be considered to have any

material effect upon key characteristics of the adjacent Conservation Area or result in any material reduction in the ability to appreciate and understand the significance of the Conservation Area and the Grade II\* Listed Church of St Peter when located within the setting of these designated heritage assets. As a result, in conjunction with the professional advice of the Council's Conservation Officer, the introduction of this small number of static and touring caravans within the application site would only be considered to result in a negligible, and not adverse effect, upon the heritage significance of both the Higham on the Hill Conservation Area and the Grade II\* Listed Church of St Peter.

8.45 Although some of the existing trees along the western boundary of the site would be removed to facilitate this development, given the size, scale and quality of these trees this impact would not be considered to result in a significant adverse impact to the character of the site or the surrounding area in these site-specific circumstances. It is also appreciated that these trees are not protected and could be removed without planning permission.

8.46 Furthermore, the minor extension to the existing barn would be considered to be in keeping with the existing character of the barn and the existing use of the site and therefore would not be considered to result in any significant harm to the character of the area.

8.47 By virtue of these factors, the proposal would be considered to respect the character of the existing site, the surrounding area, the designated open countryside, and the historic environment in accordance with Policies DM4, DM10, DM11, and DM12 of the SADMP.

#### Impact upon Residential Amenity

8.48 Key Policy Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

8.49 Policy 18 of the adopted Core Strategy states that planning permission for new gypsy and traveller sites will be granted providing the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site, and that the site is appropriate to provide a safe and healthy environment for residents.

8.50 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.51 The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of

amenity. Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.

8.52 There are no neighbouring residential properties immediately to the north, south, or west of the site. The closest residential properties to the site are therefore Elm Barn and its associated residential annexe, Vale Farm, and Upper Pullins Farm.

8.53 None of these neighbouring properties to the east feature principal windows to habitable rooms that face towards the application site. These properties are also separated from the application site by Stoke Lane, and it is therefore considered that the proposed development would not result in any significant adverse impacts to neighbouring residential amenity as a result of loss of privacy or any overlooking impacts.

8.54 The proposed development would consist of single storey structures. Whilst it is acknowledged that there are ground level changes within the site and the surrounding area, it is not considered that the provision of these additional static and touring caravans would result in any significant adverse impacts to neighbouring residential amenity as a result of loss of light or any overbearing impacts

8.55 Although concerns have been raised in relation to noise and disturbance, the proposal would increase the capacity of the site by only three static caravans and one touring caravan. This proposed scale, size, and capacity of development would not be considered to result in any adverse noise or disturbance or light impacts to the significant detriment of the neighbouring properties to the east. It is also noted that the neighbouring properties near to the site are also immediately adjacent to, or are associated with, established agricultural and commercial uses, such as the metalworks company at Vale Farm.

8.56 Ultimately, the Council's Environmental Health Department have reviewed the development proposal and did not have any objections to the development. Nevertheless, the capacity of the site could be secured via planning condition to prevent any significant adverse impacts to neighbouring amenity as a result of noise or disturbance.

8.57 By virtue of these factors, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity, in accordance with Policy DM10 of the SADMP, Policy 18 of the adopted Core Strategy, and the Good Design Guide, subject to planning conditions.

#### Impact upon Parking Provision and Highway Safety

8.58 Key Policy 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. In accordance with Key Policy Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network

(in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

8.59 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.

8.60 Policy 18 of the adopted Core Strategy states that planning permission for new gypsy and traveller sites will be granted providing the site has safe highway access, provision for parking, and servicing.

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

8.62 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).

8.63 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.

8.64 The proposed development would utilise, and makes no amendments to, an existing vehicular access onto Stoke Lane, which has served the established use of the site since 2008.

8.65 Leicestershire County Council as the Local Highway Authority ('LHA') highlighted that a previous variation of condition application (11/00475/CONDIT) sought permission for eight caravans within the site, of which no more than four would be static caravans. Whilst this application was withdrawn by the Applicant, the LHA noted that they raised no objections to this variation subject to a planning condition on 29 June 2011.

8.66 In comparison to this previously withdrawn scheme, the current proposal would be smaller in nature and would seek two less touring caravan pitches within the site. As such, the LHA are of the opinion that the current development would likely lead to less trips on the public highway than the previous scheme to which they raised no objection to.

8.67 Whilst the Proposed Site Plan does not include any details in relation to the scheme's proposed off-street parking, it is considered that, due to the size of the site, sufficient parking provision would be possible within the application site to facilitate this proposed development.

8.68 Although the current scheme includes the conversion of an existing barn into a day room, the LHA did not consider this to result in a material impact upon the public highway, subject to a planning condition that ensured the proposed day room would remain ancillary to the residential use of the site and that the structure cannot be used by third parties.

8.69 Public Footpath T47 runs to adjacent to the southern boundary of the site. This section of the Footpath is separated from the application site by an existing close-boarded fence, which screens the Public Footpath from this site. The LHA have highlighted that the proposed layout makes no practical difference to the existing situation, and the Applicant has confirmed in writing that the existing boundary treatment along this southern elevation is unaffected by the proposed works.

8.70 By virtue of these factors, in conjunction with the professional advice of Leicestershire County Council as the Local Highway Authority, the proposal would not be considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, Policy 18 of the adopted Core Strategy, Paragraph 116 of the NPPF, and the LHDG, subject to planning conditions.

#### Planning Balance

8.71 To conclude, the Development Plan is the starting point for decision making, and the NPPF and the PPTS are material considerations within the determination of planning applications for gypsy and travellers, which should be read in conjunction with each other and as a whole.

8.72 It is unlikely that the Council can demonstrate an up-to-date five-year supply of deliberate gypsy and traveller sites, and therefore the 'tilted' balance of 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.

8.73 The benefits associated with providing three additional static caravans and one further touring caravans to the Council's supply of deliverable land for gypsy and traveller residential pitches would be considered to attract significant positive weight in the planning balance.

8.74 Although the development proposal would not be considered to be offered support by Policy DM4 of the SADMP or Paragraph 26 of the PPTS in principle due to its countryside location, the application site has benefitted from an established use as a residential gypsy and traveller site for over 15 years.

8.75 Given the limited number of new proposed caravans, the limited number of proposed works to facilitate the development, the size, scale and character of the existing site, and the established use of the site, the proposed increased capacity of the site would not be considered to result in any significant adverse impacts to the character of the

site and the surrounding area in these site-specific circumstances in accordance with Policies DM4 and DM10 of the SADMP, subject to planning conditions.

8.76 Furthermore, in conjunction with the professional advice of the Council's Conservation Officer, the introduction of this small number of static and touring caravans within the application site would only be considered to result in a negligible, and not adverse effect, upon the heritage significance of both the Higham on the Hill Conservation Area and the Grade II\* Listed Church of St Peter in accordance with Policies DM10, DM11, and DM12 of the SADMP.

8.77 The proposed development would consist of single storey structures that are separated from the closest neighbouring residential properties to the east by Stoke Lane. In conjunction with the professional advice of the Council's Environmental Health Department, by virtue of the residential use of the site, the proposed capacity of the development, the separation distances between the site and the neighbouring residential properties, and the single storey massing of the proposed structures, the development would not be considered to result in any significant harm to neighbouring residential amenity in these site-specific circumstances in accordance with Policy DM10 of the SADMP, subject to planning conditions.

8.78 The proposed development would utilise, and makes no amendments to, an existing vehicular access onto Stoke Lane, which has served the established use of the site since 2008. A previously withdrawn application within this site sought planning permission for a development that had a larger capacity than the current scheme, to which LHA had no objections from a highway perspective. It is also considered that, due to the size of the site, sufficient parking provision would be possible within the application site to facilitate this proposed development. By virtue of these factors, in conjunction with the professional advice of Leicestershire County Council as the Local Highway Authority, the proposal would not be considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, Policy 18 of the adopted Core Strategy, Paragraph 116 of the NPPF, and the LHDG, subject to planning conditions.

8.79 In light of the above, it is considered that the potential adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. In accordance with Paragraph 11(d) of the NPPF and Paragraph 28 of the PPTS, the development proposal would therefore be recommended for approval.

## **9. Equality Implications**

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions, and subject to Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted ecology details.

## **11. Recommendation**

### **11.1 Grant planning permission subject to:**

- Planning conditions detailed at the end of this report; and
- That the Head of Planning be given powers to determine the final detail of planning conditions; and
- Leicestershire County Council's Ecology Department confirming that it is satisfied with the submitted details.

### **11.2 Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2024).

**Reason:** To ensure compliance with Policy 18 of the adopted Core Strategy (2009) and the Planning Policy for Traveller Sites (2024).

3. Notwithstanding the layout of the caravans within the site, the development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Proposed Plans (PHB 01A) (submitted: 12.12.2025)

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the stationing of more than two caravans on the site, an amended site layout demonstrating compliance with the Caravan Licencing requirements (particularly in respect of fire separation distances with boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the caravans shall not be stationed otherwise than in complete accordance with the approved details.

**Reason:** In the interests of the health and safety of the future occupiers of the site.

5. There shall be no more than four static caravans and two touring caravans on the site (with a caravan being as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968).

**Reason:** In the interests of visual amenity and to safeguard the intrinsic value, beauty, open character, and landscape character of the open countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Chapters 12 and 15 of the National Planning Policy Framework (2024).

6. There shall be no commercial activities undertaken at the site, including the external storage of goods or materials not ancillary to the residential use or the keeping of horses, and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

**Reason:** In the interests of visual amenity and to safeguard the intrinsic value, beauty, open character, and landscape character of the open countryside in

accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Chapters 12 and 15 of the National Planning Policy Framework (2024).

7. There shall at all times be provision on site for vehicles to enter and leave the site in a forward gear.

**Reason:** To ensure that vehicles entering and leaving the site may do so in a forward gear in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the stationing of more than two caravans on the site, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be 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 stationing of more than two caravans on the site. 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).

a. **Notes to Applicant(s)**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: [https://www.hinckley-bosworth.gov.uk/info/200249/view\\_planning\\_applications\\_and\\_decisions/1476/does\\_the\\_property\\_comply\\_with\\_planning\\_conditions](https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions).

**Highways**

3. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
4. The Public Right(s) of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
6. If the developer requires a Public Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.

#### Drainage

9. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory propositi test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
10. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

#### Waste

11. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).

It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.