

Delegated Report

Planning Ref: 24/00713/CONDIT
Applicant: Mr and Mrs G Sclater
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Apple Orchard Farm, Fenn Lanes, Dadlington, Leicestershire

Proposal: Variation of conditions 2, 3, 4, 5 and 7 on planning application 22/00770FUL. Amendments to include approved plans, materials, archaeology, landscaping and bat survey.

1. Recommendation

- 1.1. Grant planning permission subject to planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. Application 22/00770/FUL granted permission for the demolition of existing farm buildings and the refurbishment, renovation and recladding of remaining farm buildings and the erection of a carport with accommodation in the roof space.
- 2.2. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.
- 2.3. The existing site comprises the existing farmhouse and a farmyard that has seven existing farm buildings. Of these the four smallest are to be demolished. The three larger buildings are to be converted as follows:
- Building 1 – part demolished and new roof with steeper pitch added, and building converted to provide a larger workshop area with smaller separate rooms used as gym and office
 - Building 2 – existing partially open Dutch Barn with partially open lean to is to be enclosed and converted to provide stables and accommodation for livestock
 - Building 3 – totally open Dutch barn to be enclosed and used as a machinery and hay/straw store
- 2.4. The car port with studio accommodation in the roof space is to be located on the site of one of the smaller demolished buildings. The approved car port had bays for three cars and measured 2.2m to the eaves and 5.3m to the ridge. The upper floor was accessed via external stairs.
- 2.5. The application seeks the following changes to the car port building:
- Ridge increased to 5.6m
 - Depth increased from 5.2m to 7m
 - Length increased from 9.6m to 13m
 - Catslide roof added to the rear of the building
- 2.6. No other changes to the approved plans are sought. The application also submits information regarding materials, archaeology, landscaping and ecology so that conditions attached to the original permission requiring information to be submitted are now no longer required.

3. Description of the Site and Surrounding Area

- 3.1. Apple Orchard Farm is a grade II Listed building dating from the 17th century and is located within the designated Bosworth Battlefield. The application site is thought to be the site of a former windmill where the Duke of Norfolk was killed during the battle. The farm buildings all relate to the mid to late 20th century and are grouped to the north and west of the existing farmhouse with itself is set back over 240 metres from Fenn Lanes. Shenton Lane to the east is closer, being some 190 metres from the farm buildings.
- 3.2. The buildings are of no particular historic or architectural interest but are characteristic of structures within the rural landscape. Buildings that pre-date 1948 and that are within the curtilage of a listed building are treated as part of a listed building. All of the outbuildings are considered to be located within the curtilage of the listed farmhouse due to their physical proximity to it and their relationship as farm buildings. As assessment of historical maps though shows that only part of building 1 referred to above may possibly pre-date 1948. The building has no special historic or architectural interest and is a purely functional storage building. As such it is considered that alterations to this building do not require listed building consent.

4. Relevant planning history

- 4.1. 16/00593/HOU – erection of porch, single storey extension, alteration to southwest elevation, driveway and landscaping. Approved October 2016
- 4.2. 22/00770/FUL – Renovation and recladding of outbuildings. Demolition of outbuildings and erection of Oak Frame Carport structure. New driveway layout, walls and landscaping.

5. Publicity

- 5.1. The application has been publicised by means of a site notice being posted within the vicinity of the site.
- 5.2. No representations have been received to date.

6. Consultation

- 6.1. **Sutton Cheney Parish Council** – No comments to make on the application.
- 6.2. **LCC Archaeology** – Having reviewed the submitted trial trenching report it is confirmed that no further archaeological involvement is required. Although the post-investigation requirements remain outstanding, the report includes the necessary commitment and the applicant's archaeological consultant has also confirmed that the archive has been prepared for deposition. Given the limited results of the investigation and the positive progress towards completion of the post-investigation programme it is considered that a condition/note outlining the completed work with reference to the outlined post-investigation programme provisions would be appropriate. This would avoid the need for further conditions that would require a formal discharge.
- 6.3. **LCC Ecology** – The submitted Preliminary Bat Roost Survey and Bird Survey produced is acceptable and found no suitable bat roosting features in the buildings

to be demolished. The development should proceed in strict accordance with methods of working, mitigation and enhancement measures detailed in the report. The Barn Own box shown on the plans for building 1 is welcomed and is in a suitable position. If possible, the box should be integrated to provide suitable habitat for the life of the building. Condition 7 can be fully discharged.

- 6.4. **HBBC Conservation** – Within the north-eastern corner of the site permission has been granted to demolish the outbuildings and erect a new car port building. This application seeks to amend the approved plans (condition 2 of 22/00770/FUL), resulting in a new proposal for a single storey structure of a rectangular plan consisting of three parking bays and studio in the attic space accessed by external stairs. The building would have an oak framed structure, be clad in timber and have a plain clay tile dual pitched roof. In my opinion, despite the proposed increase in footprint of the structure, it would continue to be of an appropriate and moderate scale, is situated off the existing courtyard so functionally relates well to the Farmhouse rather than being isolated from it and has design characteristics that reflect the rural context of the site and the timber framed construction of the main Farmhouse. Overall it is considered that the car port will be a neutral but appropriate presence within the setting of the Farmhouse and reflect the rural character of Bosworth Battlefield.

Condition 3 of 22/00770/FUL requires full details of the types and colours of materials to be used on the external elevations of the car port, and buildings 1, 2 and 4.

In regards of the car port the submitted information confirms that the structure would have an oak frame, be clad in timber, have timber windows and doors, a plain (reclaimed) clay tile roof, Velux rooflights and a glazed balustrade. Building 1 would utilise the existing facing red brick, dark timber cladding to the rear elevation, timber windows and doors to the rear elevation, painted white windows to the front elevation, a plain (reclaimed) clay tile roof, and natural oak sliding doors. Buildings 2 and 4 (the Dutch barns) would utilise reclaimed red brick laid in the same bond as neighbouring buildings, rounded profile corrugated metal cladding, and corrugated metal sliding doors.

In my opinion these details confirm that the car port and buildings 1, 2 and 4 would have a satisfactory appearance, however, before determination I would request that the type of timber material for the cladding on the car port and building 1 is confirmed so an assessment can be made on its acceptability.

Comments in regards of condition 4 should be sought from Leicestershire County Council Planning Archaeology.

A landscaping plan has been provided for condition 6, which seeks to ensure this aspect of the proposal preserves the significance of the grade II listed building Apple Orchard farmhouse (by virtue of these features being located within its immediate setting) and preserve the significance of the Bosworth Battlefield.

The application site is currently accessed via a long single track driveway from Fenn Lanes which is flanked by native hedgerows. The farm courtyard and amenity areas to the farmhouse are surrounded by fields and bound by either timber post and rail fencing or hedgerows. There is approval to relocate the vehicular gate closer to the main farmhouse and divide the courtyard from the remaining agricultural uses on the site. The gates would be flanked by planting and railings. Whilst the details confirm that the planting is domestic in character but in my opinion

acceptable, the style, dimensions and materials of the railings and gate still need to be confirmed. A new native species hedgerow is proposed along the western boundary of the site to edge the courtyard; this would respect traditional boundary treatments in the local area and the rural landscape. Additional areas to the farm courtyard would be laid to concrete as per the existing surface treatment. In my opinion these landscaping details confirm that the development would predominantly have a satisfactory external appearance, however, before determination I would request that the style, dimensions and materials for the new gates and railings to the north of the farmhouse are confirmed so an assessment can be made on their acceptability.

I make no comments regarding condition 7.

7. Policy

- 7.1. 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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM24: Cultural and Tourism Facilities
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (Dec 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.3. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Study (2017)
 - Heritage Strategy (2020)
 - Leicestershire and Rutland Historic Environment Record

8. Appraisal

- 8.1. The principle of development, the siting and the design of the proposed works, with the exception of the changes proposed to the car port building, have been established through the earlier grant of the extant planning permission 22/00770/FUL on the site.
- 8.2. As the application seeks an increase in size of the car port building and to deal with matters that were previously the subject of conditions it is considered that the key issues in respect of this application are:
- Design and Impact on the Character and Appearance of the Area

- Impact on Heritage Assets

Design and Impact on the Character and Appearance of the Area

- 8.3. Policy DM4 of the adopted 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; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.4. Point c) of Policy DM10 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.
- 8.5. The Council's Landscape Character Assessment states that the site falls within Landscape Character Area G: Sense Lowlands. Two key characteristics of this landscape include "flat to rolling lowland vale landscape with rounded clay ridges and shallow valleys giving rise to extensive and open views" and "a rural and tranquil character". The presence of scattered farmsteads and barns is noted along with the strong heritage associations of the Bosworth Battlefield.
- 8.6. Key sensitivities and values noted in the Assessment include "rural character with a lack of significant intrusions or light pollution resulting in a sense of remoteness and tranquility" and "extensive views across the landscape". Two of the landscape strategies outlined in the Assessment include "conserve the open rural views", "retain areas of tranquility and rural character, ensuring that development in such areas respects the rural context".
- 8.7. The proposal result in the increase in size of the approved car port building. The increase in height is minimal and the increase in the depth of the building and in its length while greater in scale do not have a material impact with regard to the acceptability of the design or with regard to its impact on the character and appearance of the area. It is considered that the changes to the approved scheme do not have any significant effect on the character and appearance of the area and that they would, once landscaping is established, result in an improvement to the site and to its character and appearance and to that of the wider area in accordance with the requirements of Policies DM4 and DM10 of the SADMP.

Impact on Heritage Assets

- 8.8. 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 that affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.
- 8.9. Section 16 of the NPPF provides national policy on conserving and enhancing the historic environment. In determining planning applications, paragraph 197 of the NPPF advises local planning authorities to take account of
 - a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and

- c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.10. Paragraphs 199-202 of the NPPF require that great weight is given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification and for that harm to be weighed against the public benefits of a proposal. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.11. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.12. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- a. an understanding of the significance of the heritage asset and its setting; and
 - b. the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c. how the benefits of the proposal will outweigh any harm caused; and
 - d. any impact on archaeology in line with Policy DM13.
- 8.13. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that 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. In addition proposals which adversely affect the Bosworth Battlefield, or its setting should be wholly exceptional and accompanied by clear and convincing justification. Particular regard will be had to maintaining topographical features, archaeological remains or to the potential expansion of the Battlefield.
- 8.14. Council's Conservation Officer has assessed the application and has no objections to the proposals subject to detailed points regarding the material for the timber cladding and the detailed design of the railings and gates. The increased size of the car port building is considered to have a neutral effect within the setting of the Listed farmhouse and within the rural character of the Bosworth Battlefield. The changes are therefore acceptable.
- 8.15. The materials that have been submitted are also considered to be acceptable and the agent has confirmed that the cladding would be feather-edged sawn oak. This is considered to be a high quality material that is appropriate for the setting. The agent has also confirmed that the railings will be timber post and rail fencing and that the gates will be traditional five bar timber gates. These are similar to fencing and gates already featured elsewhere on the wider site and are acceptable in this setting.

- 8.16. There are no other significant changes and so it is considered that the proposal would comply with Policies DM11 and DM12 of the SADMP DPD, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

- 8.17. The proposed amendments are not considered to result in any adverse impacts to residential amenity, highway safety, parking provision, biodiversity or archaeology on the site.

Conditions

- 8.18. Planning permission 22/00770/FUL was subject to seven conditions.
- 8.19. Condition 1 relating to the time limit for implementation of the permission cannot be extended and so needs to refer to the original three year timescale.
- 8.20. Condition 2 relates to approved plans and is adjusted to take account of the amended dimensions of the car port building.
- 8.21. Condition 3 relates to materials. The Conservation Officer is satisfied that the details submitted are acceptable. The use of oak cladding is considered acceptable and is secured via a compliance condition.
- 8.22. Condition 4 relates to archaeology. Given the comments of the County Archaeology Unit a compliance condition is required.
- 8.23. Condition 5 relates to landscaping. The landscaping proposed is considered acceptable and the hard landscaping in terms of the boundary treatment and the use of five bar timber gates and timber post and rail fencing is also considered acceptable. A compliance condition is therefore required.
- 8.24. Condition 6 is a compliance condition that relates to the use of the buildings and so is repeated
- 8.25. Condition 7 relates to bats and given the comments of the Ecology Unit this condition is revised to be a compliance condition.
- 8.26. All conditions are either updated, revised, retained or removed. No additional conditions are considered necessary.

Conclusion

- 8.27. Taking national and local planning policies into account, and regarding all relevant material planning considerations, it is recommended that planning permission be granted subject to the imposition of appropriate conditions.

9. Equality implications

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

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 in the consideration 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. Recommendation

10.1 **Grant permission** subject to the conditions set out below

10.2 Conditions

1. The development hereby permitted shall be begun before 17 July 2026.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- o Site Location Plan - 15.3135 (approved by application 22/00770/FUL)
- o Proposed Site Plan - 15.3135.29 Rev A
- o Proposed Car Port - 15.3135.34 Rev B
- o Proposed Building 1 - 15.3135.25 (approved by application 22/00770/FUL)
- o Proposed Building 2 - 15.3135.26 (approved by application 22/00770/FUL)
- o Proposed Building 4 - 15.3135.27 (approved by application 22/00770/FUL)

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

3. The materials to be used on the external elevations of the car port, and buildings 1, 2 and 4 shall be feather edged sawn oak cladding and shall also be in full accordance with the details shown on the following drawings:

- Building 1 - 15.3135.30 Rev B

- Building 2 - 15.3135.31 Rev B
- Building 4 - 15.3135.32 Rev B
- Car Port Building - 15.3135.33 Rev C

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The archaeological fieldwork was carried out in accordance with the Written Scheme of Investigated by Archaeology and Built Heritage dated 2 February 2024 and submitted to the Local Planning authority on 4 October 2024. The programme for post-investigation dissemination and deposition of resulting material must be fulfilled within 6 months of completion of the fieldwork, and in accordance with the Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with the requirements of Policies DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. The scheme shall be carried out in full accordance with the approved landscaping scheme as detailed on the Proposed Site Plan 15.3135.29 Rev A and shall include the use of timber post and rail fencing and five bar timber gates. 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 given that they take place within the setting of the Grade II Listed farmhouse in accordance with Policies DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (Dec 2023).

6. The Car Port and Buildings 1, 2 and 4 shall be used only in connection with the applicants' domestic use of the existing farmhouse or own livestock/agricultural operations and no livery or other business or commercial use is permitted.

Reason: In accordance with the submitted application details and as such alternative uses have not been assessed and more intensive uses are unlikely to be acceptable given the limitations of the vehicular access, in the interests of the character and appearance of the area and general highway safety in accordance with Policies DM4, DM10, DM11, DM12 and DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (Dec 2023).

7. The development hereby approved shall be carried out in full accordance with the methods of working, mitigation measures and enhancement measures set out in the submitted Preliminary Bat Roost Assessment and Bird Survey by Christopher Smith dated September 2023 and received by the Local Planning Authority on 22 July 2024. Building 1 shall not be brought into use until the Barn Owl Box has been installed in accordance with the maker's instructions.

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