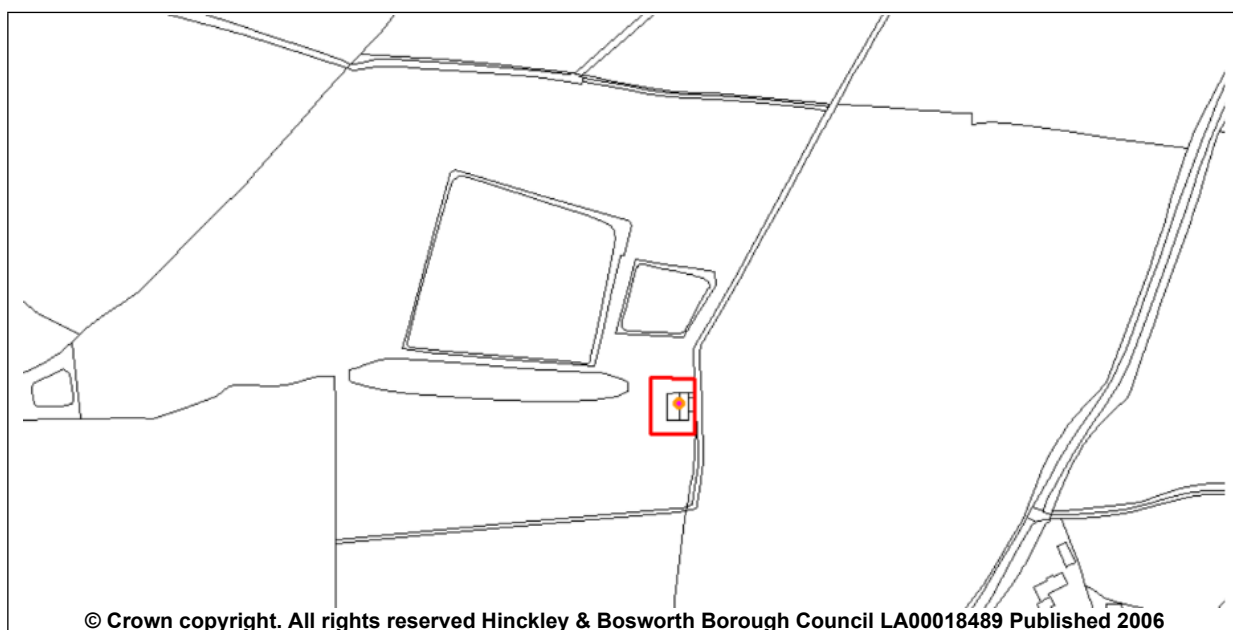


**Hinckley & Bosworth
Borough Council**

Planning Ref: 26/00096/FUL
Applicant: Mrs D Hughes
Ward: Twycross Sheepy & Witherley

Site: Clares Barn Farm 26 Sheepy Road Twycross

Proposal: Conversion of an existing redundant agricultural building to form a single dwellinghouse with associated works



1. Recommendations

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

2. Planning application description

- 2.1. The application seeks full planning permission for the conversion of an existing redundant agricultural building to form a single dwellinghouse with associated works at Clares Barn Farm, 26 Sheepy Road, Twycross.
- 2.2. Approval of the application would regularise existing extensions and alterations which have occurred without planning permission (detailed fully in section 4). Furthermore, the application includes a new single storey rear extension.

3. Description of the site and surrounding area

- 3.1. The application building relates to an agricultural barn outside of any identified settlement boundary within the open countryside. The application site is 393.20 metres south-west of Claes Barn Farm, which is an

established dairy farm also within the applicant's ownership. The application site is wholly surrounded by open countryside and there is a pond 66.20 metres to the north-west of the structure. The site is currently accessed off an existing track linked to the main farm complex.

- 3.2. Based on the submitted plans, the agricultural barn comprised a central brick-built barn, a single-storey mono-pitched extension to the eastern front elevation and an open timber attached extension to the western rear elevation of the property. All the elements of the building utilise metal profiled roofing sheets.
- 3.3. The existing building externally measured 18.50 metres in width by 8.50 metres in depth, which created a total footprint of 139.00sqm. These measurements included the 13.00 metres wide and 3.10 metres deep mono-pitched extension on the front elevation of the property. The structure had a pitched roof with a ridge height of 6.9m and an eaves height of 3.90 metres. The mono-pitched extension had a maximum height of 3.70 metres.
- 3.4. Approximately half of the existing building which currently exists on site has been completely rebuilt and is not original. A detailed breakdown of the planning history and evolution of the existing building is set out in section 4 below.

4. Relevant planning history

22/00555/P3CQ

- Conversion of an existing agricultural building into 1no. new residential dwelling with new access facility
- Prior Approval Approved
- 11.10.2022

25/00089/P3CQ

- Notification to determine if Prior Approval is required for the change of use of an agricultural building to a dwellinghouse (Class C3)
- Prior Approval Refused
- 01.04.2025

- 4.1 Application 22/00555/P3CQ granted prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the conversion of the building to a dwelling. At the time of this application, the structural survey and photos showed that most of the elevations of the original building existed but part of the southern part of the building was missing a roof and required some structural repair. The conversion was approved subject to conditions, including that the development was completed within three years (by October 2025).
- 4.2 The applicant's previous agent contacted a Planning Officer in 2024 advising them that work had not commenced and there were concerns that this would not be completed within the 3-year period due to the applicants' personal circumstances. The Planning Officer advised that the GPDO legislation

required completion within 3 years and failure to do so would result in the consent being lapsed and any works would therefore be unauthorised. The applicant was advised that a new application could be submitted at the time to reset the 3 year period of completion for the works.

- 4.3 A new Class Q application was submitted in February 2025 (25/00089/P3CQ). When the case officer undertook the site visit it was clear that despite the above officer advice, work had commenced on site. Also, approximately half of the existing building had been demolished, including an open timber side structure, a mono pitch extension and 5.50m of the southern element of the building and the structure did not have a roof. The latter 5.5m element was being rebuilt in unsuitable and unsympathetic materials, and this element was not in accordance with the 2022 permission in any event.
- 4.4 Application 25/00089/P3CQ was subsequently refused for five reasons. Of particular relevance was the fact that works had commenced prior to the application for prior approval which is not permitted under Class Q of the GPDO. Secondly, as a result of the re-building works the proposal would no longer be a conversion as part of the building was rebuilt and the extent of the works went beyond what is permitted under Class Q. The applicant's agent was advised that whilst they could apply for planning permission to regularise the works and convert the building this was unlikely to be acceptable owing to concerns regarding the structural capability of the partially rebuilt building.
- 4.5 Following refusal of the above application, the applicant has removed the partially re-built sections and unsympathetic materials and had at the time of the site visit for this current application fully rebuilt half of the building but this time with sympathetic materials. It is within this newly rebuilt form that the applicants proposed to convert the building.

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. At the time of publication of this report, no representations have been received.

6. Consultation

- 6.1. No objections have been received from the below consultees:
- HBBC Environmental Health (Pollution), subject to conditions.
- 6.2. At the time of publication of this report, no representations have been received from the following consultees:
- HBBC Drainage;
 - HBBC Waste Management;
 - LCC Ecology;

- LCC Highways;
- Twycross Parish Council.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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 Flooding and Pollution
- Policy DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (GDG) (2020)
- National Design Guide (NDG) (2019)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision
- Impact upon ecology
- Impact upon drainage
- Impact upon land contamination
- Impact upon waste

Principle of development

- 8.1 Paragraph 3 of the National Planning Policy Framework ('NPPF') confirms that the national decision-making policies within the Framework are a material consideration in making these decisions and should be read alongside the policies in the Development Plan. Planning decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF confirms that the national decision-making policies should be read as a whole.

- 8.2 Policy S3 (1) of the NPPF confirms that decisions on development proposals should apply a presumption in favour of sustainable development.
- 8.3 Paragraph 15 of the NPPF identifies the purpose of the planning system, which is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed at Paragraph 17 of the NPPF. However, Paragraph 18 of the NPPF confirms that these objectives are not criteria against which every development proposal can or should be judged. Development decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 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 Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 In accordance with Annex A (2) of the NPPF, development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

Assessment of Residential Development in the Designated Open Countryside

- 8.6 The proposal is situated outside of the settlement boundary and therefore Policy S5 of the NPPF is triggered. Policy S5 seeks to ensure that only certain forms of development are approved outside settlements, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. The reuse, extension, alteration or replacement of an existing building, is a form of development accepted by Policy S5 (c) however, this is provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building. In this case the proposal fails to comply with Policy S5 (c) of the NPPF as the existing building it is not lawful in planning terms.

- 8.7 Policy N1 of the NPPF requires planning policies and decisions to safeguard and enhance the natural environment. Section 4 of the NPPF specifically highlights that this should be achieved by 'limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.'
- 8.8 These policies are supported by Policy DM4 and Policy DM15 of the adopted SADMP. Policy DM4 states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Development in the countryside is only 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.
- 8.9 In this case the proposal complies with Policy DM4 (b), but it is important to note that Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail within the following sections, furthermore the re-use of redundant rural buildings must also comply with Policy DM15.
- 8.10 Within Policy DM15, Paragraph 14.57 of the SADMP highlights that it should be recognised that not all buildings in the countryside are suitable for conversion or adaptation to new uses as they may be poorly designed or constructed. Redundant buildings proposed for re-use should be structurally sound to ensure they are able and appropriate for conversion. This should be demonstrated through an up to date structural survey submitted with any planning application. Demolition should be avoided at all costs to retain the character of the rural vernacular.
- 8.11 Policy DM15 of the adopted SADMP states that proposed development for the re-use and/or adaption of redundant or disused rural buildings in the countryside will be supported by Policy DM15 of the SADMP when the Applicant can demonstrate that:
- a. The applicant demonstrates the building is no longer viable in its current use; and
 - b. The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and

- c. Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
 - d. The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets
- 8.12 A building condition statement has not been supplied addressing the current building, but it is clear from the recent planning history and site visits that the existing building was not structurally sound and was not capable of conversion without significant rebuild or alteration. The rebuilding and alterations have already occurred but have not had planning approval.
- 8.13 At the time of the visit, on 23rd June 2026 it was clear that elements of the building have been subject to substantial re-build since the LPA's last visit in February 2025. Whilst it can be acknowledged that the structure has been sympathetically re-built, the 'repairs' (as termed in the submitted application) go beyond what can reasonably be considered as repairs with very little of the original building comprising part of the footprint for the proposed dwelling contrary to, and in conflict with Policy DM15(b) of the adopted SADMP.
- 8.14 Whilst the proposed structure would feature an extension it would remain proportionate to the size, scale, mass and footprint of the existing building, when taking into account the demolition works to the front elevation, retaining its character similar to the existing agricultural building, and respecting the intrinsic character of the countryside and that of the immediate area, satisfying Policy DM15(c) of the adopted SADMP.
- 8.15 Compliance with Policy DM15(d) will be assessed further within the below sections.

Assessment of the Transport Sustainability of the Application Site

- 8.16 Policy CC2(1)(a) of the NPPF states that development proposals should, where relevant to the proposal, support good access to facilities in order to limit the need to travel, whether through the development's location, through development densities which improve catchment populations for local services, or by incorporating community facilities and premises to support local employment opportunities;
- 8.17 So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, Policy TR3(1) of the NPPF, which is supported by Policy CC2(1)(a) of the NPPF, states that development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:
- (a) Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any

provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

- (b) Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;
- 8.18 Policy TR3(2) of the NPPF highlights that the Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.
- 8.19 This is reinforced by Policy DM17(b) of the adopted SADMP, which requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the adopted SADMP also 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.
- 8.20 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.21 Guidance Point M2 of the National Design Guide (NDG) confirms that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities.
- 8.22 The application site is in an isolated location that is 1.43km outside of the rural village of Twycross, in the designated open countryside. Twycross itself is a Key Rural Village having more limited services than Key Rural Centres. Twycross and its services can be accessed from the site via two routes both which require a 588.23 metre walk from the proposal to the site access. The first route would require walking 859.16 metres via an unlit, classified 'B' road which is subject to the National Speed Limit with no designated pedestrian footpaths; and the secondary route is unlit would still require walking the Sheepy Road for 245.56 metres, via public footpath (T5A) for 897.05 metres and Orton Road, a classified 'C' road subject to the National Speed Limit for 187.02 metres. Both routes would fail to comply with the 'Reasonable Walking Distance' definition within the NPPF.
- 8.23 Given the above, the application site is in an unsustainable and isolated location that is outside of any identified settlement boundaries and suffers from poor transport sustainability. Therefore, the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. This is considered to result in significant environmental harm in principle that is contrary to, and in conflict with, the Policies CC2 and TR3 of the NPPF, Policy DM17 of the adopted SADMP, Policy 1 of the LHDG and Guidance Point M2 of the NDG.

Housing Land Supply

- 8.24 In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1.
- 8.25 The Council's latest Five-Year Housing Land Supply (5YHLS) statement confirms that for the period of 2026-2031 the council can demonstrate 4.47 years housing land supply.
- 8.26 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and impact upon the character of the area

- 8.28 Policy DP3(1) of the NPPF confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with Policies L2 and L3 of the NPPF.
- 8.29 To create well-designed places, Policy DP3(2) of the NPPF states that development proposals should also reflect aspects of a number of principles, as appropriate to the nature of the development and its location.
- 8.30 Policy DP3 (3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with Policy DP3 (1) or relevant aspects of the principles in Policy DP3 (2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.31 Policy DP3(4) of the NPPF highlights that the principles set out in the Design and Placemaking Planning Practice Guidance should be used to inform how this policy is applied in the absence of locally produced design policies, guides, codes or masterplans.
- 8.30 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. It further states that development should lead to the enhancement of the immediate setting.

- 8.31 Policy DM10 of the adopted 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.
- 8.32 Policy DM15 of the SADMP states that proposed development outside the settlement boundary for the re-use and/or adaptation of redundant or disused rural buildings will be supported where:
- (c) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets. All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.
- 8.33 The principle elevation of the building is highly visible from adjacent highways, Sheepy Road and Twycross Road, with small glimpses being available from the nearest public right of way (PRoW).
- 8.34 The Council's GDG recognises that agricultural buildings were designed to be functional. This generally resulted in architectural and decorative restraint, avoiding complex elevations. When converting an agricultural building it is of paramount importance that the building does not become domestic in appearance and retains its agricultural character regardless of its new use. Essentially, it should not look like a house. This means:
- Avoiding domestic add-ons such as chimneys, dormer windows, porches, visual clutter such as satellite dishes, domestic external lighting, hanging baskets, using domestic window or door styles and adding buildings such as sheds within the curtilage
 - Retaining features characteristic of historic working buildings such as the apertures (openings) which should not be partially or completely filled in, ventilation slots (often patterned) and any use-specific historic additions (wagon stores, for example, have exterior steps to coachmen's lodgings above).

The Council's GDG goes on to state that most agricultural buildings were designed without windows (in the strict domestic sense). The emphasis was on facilitating access and allowing ventilation. In this way agricultural buildings are characterised by long façades uncluttered by openings, which are restricted to the minimum necessary and often positioned asymmetrically in relation to an internal configuration.

In the first instance, existing openings should be retained. Doors and shutters can often be tied back as a wall feature or retained in working order to provide privacy. Consideration could be given to revealing blocked up historic apertures if they exist. Planning internal spaces should take advantage of existing historic openings such as hayloft hatches, cart and wagon doors etc.

New openings should generally be avoided and kept to an absolute minimum when necessary.

When justified they should be sited to take account of the position of internal timbers and are generally more appropriate on inward facing elevations. They should never be planned in a regular or symmetrical pattern, as this is overly domestic. They should replicate existing proportions, construction, and should be placed into an appropriate reveal. Consideration should also be given to using non-reflective glass.

- 8.35 All of the buildings historic openings are to be retained, with thirteen new openings being proposed to the existing structure and four to the proposed extension (not including the glazed link). The number of new openings would be considerable and as a rule should be avoided, nonetheless, the openings would be required to provide adequate residential amenity for the future occupiers. The openings have further been purposely placed in an unsymmetrical manner (with the exception of those to the extension) and are of a simplistic design as to avoid an over-domesticated appearance.
- 8.36 Features such as timber shutters would be tied back to the walls on a number of openings with a sliding timber door feature to the rear 1 ½ storey opening with a mixture of lintel and brick arch architectural detailing atop of. A number of the historic ventilation slots would further be retained to the front and rear elevations which is welcomed.
- 8.37 Overall, it is considered that the quantity and design of the proposed openings are reflective and relatable to the existing openings of the building and result in the building appearing predominantly rural, with only the necessary amendments being implemented to make the building habitable.
- 8.38 The main 'domestic' add on includes the installation two rooflights and of a flue to the front (eastern) elevation. The proposed rooflights would be of a conservation style and limited in number as such they are not considered to become a feature in the landscape subject to being fitted with non-reflective glass. The flue would, however, regrettably be situated to the front (eastern) elevation and would sit in a high position on the roof slope extending above the overall ridge height resulting in an overly domestic appearance. Nonetheless, on balance whilst the addition of the flue would result in a degree of harm this would be to a low level by way of its isolation and the buildings set back distance from the adjacent highways. As such the flue alone is not considered to warrant refusal on design grounds.
- 8.39 The Council's GDG recognises that it is usually not appropriate to extend an agricultural building or add new buildings in its curtilage. This risks losing the simple historic form of the building, and its own status as an ancillary outbuilding. External elements such as septic tanks, storage, or garages, should in the first instance be planned within existing smaller outbuildings. In certain circumstances, however, a very high-quality addition or extension might be appropriate. This can reduce in some case the need to subdivide the main historic space. These extensions or additions should generally be

simple, unobtrusive, and respect the plan-form of the building and group layout.

Where appropriate, key considerations include:

- Scale: it should be subordinate.
- Siting: it should in no way impact the spatial relationship of the farmstead and is usually most appropriate for structures not already part of a clustered formal group.
- Orientation: many barns are orientated away from the road.
- Form: standard domestic add-ons, for example, such as conservatories or porches are not appropriate.
- Method of connection: particular consideration should be given to how the extension joins the existing building. In certain contexts, it might be appropriate to construct a high-quality separate building and link it to the main agricultural property via a lightweight link (for example using steel and glass). This protects the simple historic building envelope.

- 8.40 The proposed extension would be positively situated to the building's western elevation away from the main highway, Sheepy Road, but as a result the extension would unarguably destroy the buildings historic linear form contrary to the Councils GDG. The extensions impact upon the buildings historic linear form has however, been mitigated by the insertion of a glazed link between to create a clear differentiation between the two structures as to protect the historic building envelope to a degree. Overall, whilst not considered to be of a particularly high-quality design, due to its siting and minor scale the proposed extension is not considered to bear any significant adverse impacts upon the surrounding open countryside.
- 8.41 By virtue of the above, on balance the proposal would accord with the relevant provisions of Policies DM4, DM10 and DM15 of the SADMP and Policy DP3 of the NPPF in design terms.

Impact upon neighbouring residential amenity

- 8.42 Policy P3(1) of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).
- 8.44 In accordance with Policy P3 (2) of the NPPF, development proposals should therefore:
- (a) Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an

unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;

- (b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);
- (c) Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;
- (d) Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);
- (e) Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and

8.45 Policy DM7 of the adopted SADMP seeks to ensure that development does not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.

8.46 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.47 The proposed dwelling would be situated in excess of 255.00 metres away from the nearest residential dwelling to the south-east of the site, Greenhill and in excess of 450.00 metres away from nearest residential dwelling to the north-east of the site, Clares Barn Farm. As such the proposal would have no detrimental impact on neighbouring residential amenity in terms of loss of light, loss of privacy, or overbearing impacts.

8.48 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within the Councils Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.

8.49 The dwelling is proposed with four bedrooms. Information on the number of occupiers has not been provided, but from the layout of the rooms the Council are under assumption that the proposed dwelling would

accommodate six-persons. It should be noted that one of the bedrooms is proposed for guests and as such this has not been counted towards the occupiers.

- 8.50 The THS seeks to ensure that proposals for four-bedroom, six-person two-storey accommodation should provide a minimum floor space of 106.00sqm and 3.00sqm of built-in storage.
- 8.51 At the date of publication of this report accurately scaled floor plans have not been submitted and therefore the LPA are unable to assess whether the proposal would comply with the THS but this will be reported on the late items report.
- 8.52 The Councils Good Design Guide states that *'Gardens are an important part of the quality of life afforded by a house. Over-development leaving a significantly reduced garden area can affect its appeal in the longer term. Homeowners should ensure that a single extension or cumulative smaller extensions do not result in a significant loss of total garden space as this can render the plot out of keeping with its context.'*
- 8.53 The proposal is considered to provide a more than adequate rear amenity space.
- 8.54 Overall whilst the proposal would bear no impacts upon residential neighbouring amenity, the LPA are unable to assess the level of amenity that would be afforded to the future occupiers at present and therefore it is considered that the proposal is contrary to Policy DM10 of the adopted SADMP, and Policy P3 of the NPPF.

Impact upon highway safety and parking provision

- 8.55 Section 15 of the NPPF promotes sustainable transport. Policy TR2 of the NPPF states that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:
- 8.56 Ultimately, development should not be prevented or refused on highways grounds if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement in accordance with Policy TR6 (4) of the NPPF.
- 8.57 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the

SADMP requires new development to provide an appropriate/justified level of parking provision.

- 8.58 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).
- 8.59 Whilst at the date of publication of this report, no representations have been received from the Local Highway Authority (LHA), the LPA have assessed the proposal against the highways standing advice provided by the LHA dated September 2011.

Site Access

- 8.60 The Applicant proposes to utilise the existing access approved under application 21/00772/FUL onto Sheepy Road which is an adopted 'B' classified road (B4116) that is subject to a 60mph speed limit.
- 8.61 The agricultural building proposed for development is currently served by a farm track linked to main farm complex and therefore this proposal represents an intensification of the access approved under 21/00772/FUL. This is required to be assessed in greater detail by County Highways but given the site history it is likely a matter that can be dealt with by way of conditions.

Internal Layout

- 8.62 Table 28 of the LHDG requires four-bedroom dwellings to provide a minimum of three off-street parking spaces.
- 8.63 A detailed parking provision has not been submitted, but the applicant proposes the provision of three parking spaces to serve the dwelling which accords with the LHDG.
- 8.64 By virtue of the above, subject to conditions the development would likely accord with Policies DM17 and DM18 of the adopted SADMP and Policies TR2 and TR6 of the NPPF

Impact upon ecology

- 8.65 Policy N2(1)(c) of the NPPF states that development proposals should take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site, drawing on the measures proposed by Local Nature Recovery Strategies, National Forest Strategies and Community Forest Plans, where present, and other relevant assessments.
- 8.66 Policy N2(1)(f) of the NPPF requires development to minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as

swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective,

8.67 Policy N2(2) of the NPPF confirms that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.

8.68 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.

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.

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.

8.69 At the date of publication of this report, no representations have been received from County Ecology, ecological matters will be reported on the late items report.

Biodiversity Net Gain (BNG)

8.70 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. As the application was submitted prior to the new regulations coming into play on the 6th August 2026, the development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.

8.71 The application relates to the conversion of an existing building. The proposal is mostly contained within the footprint of the existing building, with the exception of the proposed extension. The site is already consists primarily of hardstanding and as such is not considered to be a priority habitat. The development is therefore exempt from BNG requirements.

Impact upon drainage

- 8.72 Policy F7 of the NPPF states that development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere. Policy F8 of the NPPF states that development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity.
- 8.73 Policy DM7 of the adopted SADMP seeks to ensure that development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.
- 8.74 According to the Environment Agency (EA) website, 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 further indicates that the application site is located in an area at a very low risk of flooding from surface water.
- 8.75 Whilst at the date of publication of this report, no representations have been received from the Council's Drainage Officer, given the above the LPA do not foresee any objections being raised on sustainable drainage grounds subject to standard informatives.
- 8.76 By virtue of the above, subject to informatives, the development would likely accord with Policy DM7 of the adopted SADMP and Policy F7 of the NPPF.

Impact upon land contamination

- 8.77 Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution appropriate remediation of contaminated land should be undertaken.
- 8.78 The building to be converted into a dwelling has previously been used for general agricultural use. The Council's Environmental Health (Pollution) Officer has been consulted on the application and recommended a condition in relation to the investigation of land contamination prior to commencement. It is considered this condition is reasonable and necessary.
- 8.79 Subject to a condition it is considered the proposal would have a minimal impact on land contamination and be in accordance with Policy DM7 of the adopted SADMP.

Impact upon waste

- 8.80 Whilst at the date of publication of this report, no representations have been received from the Council's Waste Team, the LPA acknowledge that the distance from the dwelling to the highway boundary is considerable. As a

scheme for adequate provision for waste and recycling storage of containers and collection across the site has not been submitted this should be secured by condition.

- 8.81 By virtue of the above, subject to a condition, the LPA would not seek to resist the development on waste grounds.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

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

10. Planning Balance/Conclusion

- 10.1 Annex A of the NPPF confirms that the policies within the framework are material considerations which must be taken in account in decision-making. It goes on within section 2 to state that development plan policies which are materially inconsistent with national decision-making policies should be given very limited weight, except where they have been examined and adopted against the updated framework (2026). Other development plan policies should be given reduced weight simply because they were adopted prior to the publication of this framework.

Housing supply

- 10.2 The summarise, the Council cannot demonstrate a 5-year housing land supply. It is acknowledged that there are potential social benefits from the scheme such as providing an additional dwelling to the supply in the Borough. This is given limited weight in the planning balance considering the scale of development. The scheme could also provide economic benefits associated with the change in the use of the building, and the future occupants' opportunity to act as new customers and employees for local businesses and services.

- 10.3 Nevertheless, these benefits when associated with one dwelling are very modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, the benefits of the development attract limited weight.

Principle of development

- 10.4 The building has evidently been subject to a significant rebuild contrary to Policy DM4 and DM15(b) of the SADMP.
- 10.5 Additionally, the application site is physically separate and remote from any identified settlement, services and facilities within the Borough, and the future occupiers of the scheme are dependent on private motorised travel to meet their day-to-day needs. As a result, the application site is in an unsustainable location, and the proposed scheme represents the development of an unjustified isolated homes in the countryside. This is considered to cause significant harm to the environment, contrary to, and in conflict with, Policies CC2 and TR3 of the NPPF, Policy DM17 of the adopted SADMP, Policy 1 of the LHDG and Guidance Point M2 of the NDG. This is considered to attract significant weight in the planning balance.

Unauthorised Development

- 10.6 The proposed building is unauthorised contrary to and in conflict with Policy S5 (c) of the NPPF.
- 10.7 Policy DM8 of the NPPF states that in cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.
- 10.8 As outlined in Section 4 of the report, the applicant's agent was aware that commencement of work would be unauthorised. Despite this advice, the applicants proceeded to commence with the unauthorised development and therefore it could be said that the unauthorised development was intentional. Further unauthorised works have then subsequently been undertaken since the 2025 application and further officer advice.
- 10.9 It is also plausible that the applicants received poor advice from prior agents which is regrettable, however, equally advice was given at various stages by the LPA which has not been taken on board and it appears that this was in an effort to create a building which would be capable of conversion to retrospectively comply with relevant policies. The unauthorised nature of the works would be attributed significant negative weight.

- 10.10 Despite the above, the LPA do wish to acknowledge that applicant has since tried to rectify the earlier breach utilising unsympathetic materials by submitting this application and replacing the 'new' materials with those of significantly higher quality.

Summary

- 10.11 By virtue of these factors, the development proposal is contrary to, and in conflict with, the aforementioned Development Plan policies and NPPF. It is not considered that the proposal would provide benefits which would significantly and demonstrably outweigh the countryside and environmental harm caused by the development, and as such the proposal is refused.

11. Recommendation

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

11.2 Reasons

1. The building that is the subject of this application is not judged to be lawful. The proposal therefore represents new and unjustified residential development outside of any identified settlement boundary in the designated open countryside. Due to the location of the development, the future occupants of the scheme are additionally likely to be dependent on private motorised transport to meet their day-to-day needs, which results in significant environmental harm.

By virtue of these factors, the proposal is contrary to, and in conflict with, Policies DM4, DM15, and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies S5, CC2, TR3 and DM8 of the National Planning Policy Framework (2026), Policy 1 of the Leicestershire Highway Design Guide (2024) and Policy M2 of the National Design Guide (2019).