

Delegated Report

Planning Ref: 24/01152/FUL

Applicant: Mr Tim Sinnott

Ward: Cadeby, Carlton, M Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Site: Ivy House Farm, Bilstone Road, Congerstone

Proposal: Change of use of existing agricultural building to commercial use (Class E – light industrial)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This planning application seeks full planning permission for the change of use of an agricultural building to Class E commercial use in the form of light industry and associated works, at Ivy House Farm, Bilstone Road, Congerstone.

2.2. The proposal would result in 833 square metres of floor space changed in use from agricultural to light industrial for use as a woodwork workshop. This proposal also involves external alterations in the form of the removal of existing York boarding and enclosure of the building with grey metal cladding to all elevations. The proposal also involves the creation of new access points on the building's northern elevation.

2.3. The future occupier of the building is stated to be a small enterprise making custom made exhibition stands. The business has a maximum of 5 full-time employees and is not open to the wider public. All orders are delivered to off-site locations as required. All activities associated with the business would be carried out inside the converted building.

2.4. The proposal creates a new vehicle parking area to the north of the application building that accommodates 17 off-street parking spaces, of which 2 are accessible parking spaces, and two HGV parking spaces. The proposal utilises the existing access point and internal access road, which was recently upgraded as part of a previously permitted development on the Ivy House Farm site.

3. Description of the site and surrounding area

3.1. The application site comprises an agricultural building, a section of hardstanding and an internal access road forming part of the wider Ivy House Farm site at Bilstone Road, Congerstone. Ivy House Farm is located south of Bilstone Road and the broader farm site comprises a dwelling, a number of agricultural buildings and other former agricultural buildings now used for commercial purposes predominantly in the form of storage and distribution, as well as a former barn converted to a holiday rental.

3.2. The application site is located to the south-east of the central cluster of buildings on the Ivy House Farm site. It comprises an agricultural building, known as 'Barn 8' which is a steel portal framed building, partially enclosed in York boarding with concrete panels at floor level. It has a pitched roof and it currently used for the storage of agricultural machinery.

3.3. The application building is sited in close proximity to other buildings at Ivy House Farm that have been converted from agricultural buildings to other uses. These conversions have occurred following the divestment of the dairy herd on the site in 2021. The application building is well distanced from surrounding residential

properties, and is visually separated from land within the settlement of Congerstone by other buildings on the Ivy House Farm site.

- 3.4 Beyond the other agricultural and commercial buildings clustered with the application building, the application site is surrounded by open countryside land.

4. **Relevant planning history**

20/00997/FUL

- Proposed self storage facility (Use Class B8) and access road
- Planning Permission
- 09.07.2021

22/00437/DISCON

- Application to discharge conditions 6 (Landscaping), 9 (Materials) and 10 (Construction Traffic Management Plan) attached to planning permission 20/00997/FUL
- Discharged
- 05.07.2022

22/01174/FUL

- Change of use, including partial reconstruction, and refurbishment of existing barn to Class C1 holiday let use including provision of ancillary hardstanding
- Planning Permission
- 20.04.2023

23/00371/P3CR

- Change of use of agricultural building to B8 storage use
- Prior Approval Given
- 23.05.2023

23/00482/DISCON

- Application to discharge conditions 5 (Public Rights of Way) and 9 (Landscaping) of planning application 22/01174/FUL
- Discharged
- 18.08.2023

23/00798/FUL

- Change of use of an agricultural building (barn) to Class E(g) (commercial) and Class B8 (storage and distribution) and associated works
- Planning Permission
- 16.10.2023

5. **Publicity**

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and sending letters to neighbours.

- 5.2. No comments have been received.

6. **Consultation**

- 6.1. LCC Highways: The LHA are satisfied that the access point and access road are suitable for the proposed scale of use at the site. The provision of off-street car parking and HGV parking spaces accords with the Leicestershire Highway Design Guide (LHDG) (2024). The LHA do not seek to resist the proposal subject to suggested conditions.
- 6.2. LLC Minerals: No objections.
- 6.3. HBBC Waste Management: No objections.
- 6.4. HBBC Drainage: No objections.
- 6.5. HBBC Environmental Health (Pollution): No objections, with a recommendation to condition the hours of operation as stated in the application form.
- 6.6. Shackerstone Parish Council: No response was received.

7. **Policy**

- 7.1. Core Strategy (2009)
No relevant policies.
- 7.2. Site Allocations and Development Management Policies (SADMP) (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - 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) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

- 8.3. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) Development Plan Document.
- 8.4. The Core Strategy and SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed at least once every 5 years and should then be updated as necessary. Nonetheless, in accordance with Paragraph 232, 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.
- 8.5. Section 6 of the NPPF states that planning decisions should help create conditions in which businesses can invest, expand and adapt. Furthermore, Paragraph 88 of the NPPF requires planning decisions to enable the sustainable growth and expansion of all types of business in rural area through conversion of existing buildings and well-designed new buildings, as well as the development and diversification of agricultural and other land-based rural businesses.
- 8.6. The application site is located outside of the settlement boundary of Congerstone and within the designated open countryside. Policy DM4 of the SADMP states that the countryside will first and foremost be safeguarded from unsustainable development. It continues in DM4(b) that development will be considered sustainable where it involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting or the diversification of rural businesses.
- 8.7. The planning statement submitted with the application identifies the proposal as part of a series of applications that have been lodged at Ivy House Farm since the divestment of the dairy herd in 2021. These developments have sought to diversify the rural business by repurposing agricultural buildings that are now surplus to the ongoing needs of the agricultural unit.
- 8.8. Given the above and that the proposal retains and converts the existing agricultural building, it is considered that the proposal is compliant with Policy DM4(b) and Paragraph 88 of the NPPF and is acceptable in principle.

Design and impact upon the character of the area

- 8.9. Section 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.10. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.11. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.12. 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.
- 8.13. The proposal seeks to convert the existing agricultural building for the purposes of a woodworking workshop. The building is set within a cluster of buildings which consist of other agricultural buildings as well as previously converted buildings for the purpose of storage and distribution.
- 8.14. The proposal involves the removal of the existing York boarding on the partially-enclosed agricultural building and replacement with grey sheet metal on all elevations, to fully enclose the building. The proposal also involves new vehicle and pedestrian access points to the building on the northern elevation, which relates to the internal access roadway.
- 8.15. It is considered that the external amendments to the bar would have limited impacts on the character of the area, given the application site's distance from areas of public view and its setting among existing buildings of similar design on the site.
- 8.16. The proposal is therefore considered to have limited detrimental impacts on the character of the area and is in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the SADMP states that 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.
- 8.18. The proposed development is within a well contained area on the site and located sufficiently away from Bilstone Road. There are no neighbouring residences within 180 metres of the application building and other existing agricultural and storage and distribution buildings are sited between those residences and the application building. The application site is otherwise surrounded by open countryside land.
- 8.19. The proposed external alterations are considered to reduce the potential amenity impacts of the development by enclosing the building, within which all activities pertaining to the light industrial use will occur.
- 8.20. It is therefore considered that the proposed development would not cause detrimental impacts to neighbouring residential amenity and as such is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety and parking provision

- 8.19. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an adequate level of parking provision.
- 8.20. The development proposes to use the existing access point from Bilstone Road and the existing internal access road. The access road was recently upgraded and widened with a passing place added, as part of a previous planning permission. The development involves the provision of 17 off-street parking spaces to the north of the application building, and 2 HGV parking spaces to the west.
- 8.21. The Local Highway Authority (LHA) have confirmed that the site access is suitable for the proposed scale of use at the site. After revision of the original parking provision by the applicant, the LHA are also satisfied that the off-street parking provision now accords with Table 29(a) of the LHDG.
- 8.22. It has been requested by the LHA that the proposal be subject to two conditions ensuring the implementation and maintenance of parking and turning facilities, and limiting the use of the application building to Class E(g)(iii) to ensure there are no detrimental impacts to highway safety from the intensity of use.
- 8.23. In light of the above, it is considered that the proposal would not result in adverse impacts upon highway safety and would be in accordance with Policies DM17 and DM18 of the SADMP, as well as the LHDG.

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. The proposal would not have any significant adverse impacts upon residential amenity, the character of the area and subject to conditions would not have an impact on vehicular or pedestrian safety. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 of the SADMP. The proposal is recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

Location Plan, Drg No. J1008911-01 REV C (submitted: 13.02.2025)
Proposed Block Plan, Drg No. J1008911-11 REV C (submitted: 13.02.2025)
Proposed Elevations, Ground Floor Plan, Drg No. J1008911-12 REV A (submitted: 23.12.2024)

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 proposed dwelling shall accord with the approved Proposed Elevations, Ground Floor Plan, Drg No. J1008911-12 REV A (submitted: 23.12.2024).

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

4. The development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with Planning – Block Plan, drawing number J100891-1. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and/or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders), the development site shall not be used for any purpose other than Class E(g)(iii).

Reason: In the interests of general highways safety and in accordance with the National Planning Policy Framework (2024) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network.

6. The light industry use hereby permitted shall not operate beyond the hours of 7:00 to 18:00 on any day Monday to Sunday including Bank Holidays, unless otherwise agreed in writing.

Reason: To minimise disruption to neighbours in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

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 or call 0116 272 7533.