

Planning Statement

**Erection of a single storey detached garage,
erection of single storey stables and change
of use of land for the keeping of horses**

**The Oaks, Main Street, Botcheston,
Leicestershire, LE9 9FF**

Client Name: Mr and Mrs Beaumont

Date of Issue: January 2024

Local Authority: Hinckley and Bosworth Borough Council

Prepared by: J J M Planning



J J M Planning

Independent Planning Consultancy Services

Contents

1.0	Introduction, Site Description and Proposal	3-4
2.0	Planning History	5
3.0	Main Issues	6
4.0	Planning Policies	7-10
5.0	Planning Assessment	11-17
6.0	Conclusion	18
7.0	Appendices	19-30

Appendices

Appendix 1	-	Photographs of the site
Appendix 2	-	Appeal decision APP/K2420/W/23/3321728
Appendix 3	-	Appeal decision APP/G2435/A/08/2065885/WF

1.0 INTRODUCTION, SITE DESCRIPTION AND PROPOSAL

- 1.1 This planning statement has been prepared on behalf of Mr and Mrs Beaumont in support of a planning application for the erection of a single storey detached garage, erection of single storey stables and change of use of land for the keeping of horses at The Oaks, Main Street, Botcheston.
- 1.2 This statement should be read in conjunction with the accompanying documents which include:
- Plans and drawings prepared by R3Design;
 - Application form.
- 1.3 This statement describes the application site, the locality and comments on the relevant Development Plan and national policy framework policies. It goes onto provide an assessment of the proposal in relation to the relevant policies and a conclusion that assesses the planning balance.
- 1.4 The Oaks is a two storey residential property that is set back from Main Street by around 60 metres. The main property benefits from a detached building located to the south-east which has recently been granted planning permission to be converted into a separate dwellinghouse. To the south, the site abuts the open countryside, with residential properties to the north. The site gradually slopes away to the south from Main Street. There is a fenced public footpath which runs north/south to the west of the site.
- 1.5 The application seeks planning permission three distinct elements:
- (1) The erection of a single storey detached garage to serve the host dwellinghouse;
 - (2) The change of use of land to the south for the keeping of horses;
 - (3) The erection of a single storey stable building.
- 1.6 The single storey detached double garage would be located on land immediately in front of the existing host dwellinghouse. The garage would measure 6.1 metres in length and width and would have a flat roof measuring 2.5 metres in height. The garage would have two garage doors and would be clad in timber.
- 1.7 The application also proposes the change of use of the existing field to the south of the domestic garden for the keeping of horses. The field measures 1.49 hectares (3.7 acres).
- 1.8 Single storey stables are proposed within the north-west part of the field which is subject to the change of use application. The stables would be 'L' shaped and would measure a width of 4.1 metres, lengths of 15.1 metres and 11.6 metres and would have a pitched roof measuring 2.6 metres in height to the eaves and 4.8

metres in height to the ridge. The stables would provide for 3 stables, a corner box and a hay barn.

- 1.9 Access to the site is from Main Street and this would remain unaffected by the proposed development.
- 1.10 The application site is not located in a Conservation Area and is not located in close proximity to any Listed Buildings. There are no trees on the application site that would be affected by the proposed development. Up to date photographs of the site are included in Appendix 1.

2.0 PLANNING HISTORY

2.1 The site has been subject to the following planning applications:

Erection of one dwelling

Ref. No: 08/00023/FUL | Status: Refused

Erection of one dwelling

Ref. No: 08/00843/FUL | Status: Planning Permission

Change of use of land to form part of the existing residential curtilage including demolition of outbuilding and reconstruction of garage and store

Ref. No: 14/00446/COU | Status: Planning Permission

Proposal for a lake no larger than 980 square metres to be used for horticultural purposes.

Ref. No: 23/00333/AGDO | Status: GDO Prior Approval Refused

Continued use of land as residential garden and retention of machinery shed and summer house

Ref. No: 23/00502/CLE | Status: Planning Permission

Proposed single storey rear extension and retention of existing timber shelter

Ref. No: 23/00530/HOU | Status: Planning Permission

Conversion and alteration to existing garage and store into a separate dwelling and associated parking

Ref. No: 23/00843/FUL | Status: Planning Permission

3.0 MAIN ISSUES

- 3.1 Section 70(2) of the Town and Country Planning Act 1990 requires that when dealing with an application for planning permission, Local Planning Authorities must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section S38(6) of the Planning and Compensation Act 2004 requires that decisions on planning applications should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 3.2 Having regard to the above, it is considered that the main issues raised by the application are:
1. Principle of the development
 2. Design and visual amenity
 3. Residential amenity
 4. Highway safety and off-street parking
 5. Other matters
- 3.3 The main planning policies that are relevant to these main issues are included in Section 5.0 below.

4.0 PLANNING POLICIES

- 4.1 The (revised) National Planning Policy Framework (2023) (NPPF) confirms that it does not change the statutory status of the development plan as the starting point for decision making. It also confirms its status as a material consideration in determining planning applications. The NPPF continues to advise that proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF also advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 4.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 4.3 The policy context for this application is provided by the development plan and national planning policy in the NPPF as well as Planning Practice Guidance issued in April 2014 (as subsequently amended) (PPG). The development plan includes the Core Strategy (adopted 2009) (CS), the Site Allocations and Development Management Policies DPD (adopted 2016) (SADMP) and the Desford Neighbourhood Plan (adopted 2020) (DNP).
- 4.4 Those policies which are the most important for determining this planning application are set out below:

Core Strategy (2009)

- 4.5 No relevant policies found within the Core Strategy.

Site Allocations and Development Management Policies DPD (2016) (SADMP)

- 4.6 *Policy DM1 – Presumption in Favour of Sustainable Development* repeats the presumption in favour as found in the Framework.
- 4.7 *Policy DM4 – Safeguarding the Countryside and Settlement Separation* seeks to protect the intrinsic value, beauty, open character and landscape character from unsustainable development and lists suitable sustainable development, subject to satisfying certain criteria.
- 4.8 *Policy DM7 – Preventing Pollution and Flooding* seeks to ensure that development does not create or exacerbate flooding.

- 4.9 *Policy DM10 – Development and Design* provides a series of design-based criteria to which new development is required to meet.
- 4.10 *Policy DM17 – Highways and Transportation* confirms that development proposals should be in accordance with highways design standards as set out in the most up to date guidance adopted by the relevant Highway Authority.
- 4.11 *Policy DM18 – Vehicle Parking Standards* confirms that new development proposals will be required to provide an appropriate level of parking provision justified by assessment.

Desford Neighbourhood Plan (2020) (DNP)

- 4.12 *Policy H7: Housing Design* states that new dwellings and extensions will need to enhance and reinforce local distinctiveness, provide adequate off road parking, reflect the character and historic context of existing developments, enhance biodiversity, enclose plots with suitable materials, use sustainable design and construction techniques, have appropriate lighting, incorporate SUDS and be of an appropriate density.
- 4.13 *Policy ENV 3: Biodiversity General* indicates that development proposals that conserve or enhance biodiversity, and incorporate biodiversity in and around them, will be supported.
- 4.14 *Policy ENV6: Safeguarding Important Views* provides that development that adversely affects the identified locally important and valued views will not be supported unless the proposal includes effective site-specific mitigation measures.

The National Planning Policy Framework 2021 (NPPF)

- 4.15 At the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective, a social objective, and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant, and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built, and historic environment, including making effective use of land.
- 4.16 Amongst other things, paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-

taking, this means approving development proposals that accord with an up-to-date development plan without delay.

- 4.17 Paragraph 47 of the NPPF indicates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 4.18 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.19 Paragraphs 123 and 124 of the NPPF seeks to make the effective use of land. It states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It goes on to say that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 4.20 Paragraphs 131-135 of the NPPF seeks to achieve well-designed places. It states the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place using streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.21 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere when determining planning applications.
- 4.22 Paragraphs 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It also requires a

contribution towards remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 4.23 Paragraphs 185-186 is concerned with habitats and biodiversity and seeks to protect and enhance. It advises that development which results in significant harm to biodiversity should be refused unless it can be adequately mitigated, or, as a last resort, compensated for. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Other Policy and Guidance

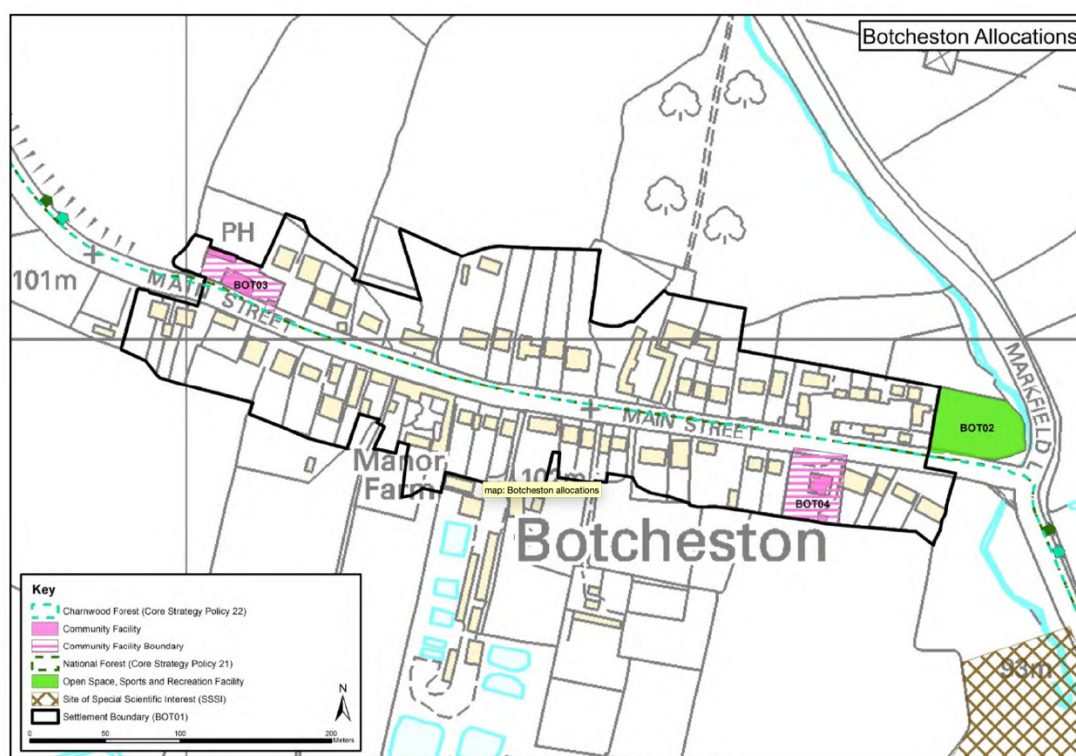
- 4.24 Although not having the formal status and weight of adopted planning policy there are a number of other pieces of guidance relevant to decision-making within Hinckley and Bosworth including:

- National Planning Practice Guidance - March 2014 (as amended)
- Good Design Guide SPD – 2019
- The Conservation of Habitats and Species Regulations 2017
- Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System
- National Forest Strategy 2014-2024
- National Design Guide – October 2019
- Leicestershire Highways Design Guide (Leicestershire County Council)

5.0 PLANNING ASSESSMENT

The principle of development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, S70(2) of the Town and Country Planning Act 1990 and Paragraph 2 of the NPPF require 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 5.2 The current development plan consists of the adopted CS, SADMP and the DNP. The extent of the settlement boundary of Botcheston is shown below:



- 5.3 As can be seen from the image above, the proposed single storey garage would be located within the settlement boundary and the other elements of the application would be located outside of the settlement boundary.
- 5.4 The garage is proposed in relation to an existing residential dwelling located within the settlement boundary of Botcheston. Extensions and alterations to existing domestic properties within settlement boundaries are generally considered to be

sustainable development. There is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP. On this basis, the principle of providing a detached garage in this part of the site is deemed to be acceptable.

- 5.5 The proposed stables and change of use of land for the keeping of horses is located outside of the limits to development and within the countryside. Policy DM4 of the SADMP protects the countryside from unsustainable development. The policy provides a list of uses which are considered sustainable and these are listed below:

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.

- 5.6 The riding of horses is widely regarded as a recreational pursuit and it is accepted that horses need to be sheltered. Policy DM4 does allow for recreational uses within the countryside and it is abundantly clear that stables cannot be sited in urban areas. The Council have accepted this position on other similar proposals across the Borough. The Council concluded the following in respect of planning application 22/00115/FUL in August 2022 for the erection of 3 stables, a corner tack room and hay barn (which is the same level of accommodation sought by the current application):

Notwithstanding that the application site is located in the countryside; the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP provides a presumption in favour of sustainable development and recognises that recreational uses can contribute to the social role by improving the health and wellbeing of the participants. Policy DM4 of the SADMP supports certain forms of development in the countryside including those for sport or recreation subject to there being no adverse impact on the appearance or character of the landscape, it being in keeping with surrounding development, it being effectively screened by landscaping and there being no adverse impact on highway safety. The keeping of horses is generally acceptable in principle in countryside locations and the provision of stables for the health and

welfare of horses is not unreasonable. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as buildings for outdoor sport and recreation purposes, or which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside.

- 5.7 A recent appeal decision in HBBC in December 2023 (APP/K2420/W/23/3321728 – provided in Appendix 2) stated the following:

The usage of the field for horses is an acceptable usage in the open countryside and can be seen on numerous occasions in various countryside areas in other locations. There is little doubt that this, combined with the stables, which relate to the welfare of the horses, is an equestrian use, but again, is not an unusual sight.... As such, I do not find conflict with policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

- 5.8 It is also noted that the Council have found similar sized stables buildings acceptable in the surrounding area. In July 2009 the Council approved a planning application for the erection of stables at Wesley Rise, Main Street, Botcheston under application reference 09/00403/FUL.
- 5.9 Having regard to all of the above, it is considered that the principle of the development is acceptable and in accordance with Policy DM4 of the SADMP and the advice in the NPPF.

Design and visual amenity

- 5.11 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Policy H7 of the DNP indicates that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated. 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.
- 5.12 The proposed garage would be a single storey structure tucked away within an existing recessed part of the site. It would not be visible from the surrounding street scene and would be subservient to the host dwelling given its size and single storey nature. The garage would include for timber cladding which is considered appropriate as the site is located in the National Forest and also because there are existing buildings on the site that are clad in timber.

- 5.13 The proposed stables would be an L shape design and would be located in an unprominent location within the north west part of the field which is well screened from public vantage points. The proposed new stable block would be designed in such a way that it has no undue impact on the countryside or surrounding properties. Having regard to these factors, it is not considered that existing important views as set out in the DNP would be safeguarded.
- 5.14 The overall design is in keeping with the area and respects the overall vernacular by using timber cladding which is considered to be appropriate within this rural setting which is also located within the National Forest. The stable would not appear overly intrusive or out of character with the pattern and appearance of development within the surrounding area. The mass and scale of the building is considered appropriate in relation to the amount of land that it seeks to serve. The orientation of the stable block has been designed to take into account weather conditions and would provide for wind/rain protection for the horses that would utilise the stables.
- 5.15 The stable block and paddock area are well screened from the public road by existing landscaping and intervening built development. The proposal would have no impact on existing landscaping on the site and vegetation. The existing access road would be extended to serve the proposed stables and this would include for new 1.2m high post and rail fencing and native hedgerow planting which would screen the proposed extended access road and help it to assimilate into the rural environment.
- 5.16 It is also noted that the Council have found similar sized stables buildings acceptable in locations set back from Main Street as exemplified by the approval of application 09/00403/FUL.
- 5.17 Therefore, the proposal is considered to be in accordance with Policy DM4 and DM10 of the adopted SADMP, Policy H7 of the DNP, the Council's Good Design Guide and the advice contained in the NPPF.

Impacts on Residential Amenities

- 5.18 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site. The Good Design Guide SPD outlines that development will need to demonstrate that it will

not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.

- 5.19 The proposed garage would be located in close proximity to the residential gardens of The Orchard to the north and Meadow View to the west. There is an existing 2.0 metre high wall and mature hedge which forms the boundary between the application site and these adjacent gardens. Given that the proposed garage has been designed with a flat roof its overall height would only be 2.5 metres. Having regard to the scale of the proposed garage and the existing boundary treatments, it is considered that no significant overlooking, overbearing or overshadowing issues would occur.
- 5.20 The stables would be located 55 metres away from the existing annex (which has permission to be converted to a separate residential dwelling) and 70 metres away from the existing dwellinghouse. Other residential properties in the surrounding area are located at a further distance. Taking into account these distances and the single storey nature of the proposal, it is clear that no significant overlooking, overbearing or overshadowing issues would occur from the proposed stables.
- 5.21 The existing/proposed access drive would run along the boundary with a number of existing residential gardens. Concern is sometimes expressed regarding vehicle movements running in close proximity to rear gardens. However, the vehicle movements associated with a single stable building would not be significant particular in the context of the number of vehicle movements along Main Street, Botcheston. In addition, the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and their rear gardens, which was considered to be a yardstick for an acceptable standard in an appeal decision at Ashby de la Zouch (07/00624/OUT) and which occurs elsewhere in Botcheston (a copy of the appeal decision is included at Appendix 3). It is also noted that the existing access road is already in existence and being used in association with the existing dwelling and the existing residential annexe (which has permission to be converted to a separate dwelling).
- 5.22 Having regard to the above, the proposals would not have a significant impact on the living conditions of occupiers of nearby dwellings. Therefore, the proposal is considered to be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the advice contained in the NPPF.

Highway Safety

- 5.23 Policy DM17 of the SADMP requires that development proposals should be in accordance with highways design standards as set out in the most up to date guidance adopted by the relevant Highway Authority. Policy DM18 sets out the relevant car parking standards across the borough.

- 5.24 The existing access serves the host dwelling and the existing annex which has recently been granted planning permission to be used as a separate dwellinghouse. Therefore, the existing access has been deemed suitable to serve two separate dwellings. The proposals would not result in any significant increase in traffic generation over and above the existing situation on the site. The stables would be used in association with the existing dwelling on the site which would ensure against any material intensification of the access.
- 5.25 It is also noted that the Council have found similar sized stables buildings acceptable from existing access points in Botcheston as demonstrated by the approval of application 09/00403/FUL.
- 5.26 The SADMP refers to guidance in the Leicestershire Highways Design Guide (LHDG) regarding car parking which outlines that a minimum of three off-street parking spaces would be required for properties of four bedrooms or more. Similar guidance is contained in Policy H7 of the DNP.
- 5.27 As set out on the submitted plans, there is a dedicated area for parking of three vehicles in front of the proposed garage. The stables would have sufficient room to ensure that appropriate parking and turning is possible and to allow any vehicles to exit the site in a forward gear. It is clear from the submitted plans that the car parking and turning arrangements for each element of the proposal would be in accordance with the relevant guidance.
- 5.28 Overall, therefore, the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation to DM17 and DM18 of the SADMP, T1 and H7 of the DNP, the adopted highway authority design guidance and the advice in paragraph 115 of the NPPF.

Other Matters

- 5.29 The application site does not contain any trees which are protected by a Tree Preservation Order and the site is not located in a Conservation Area. There are no trees on the application site that would be affected by the proposed development.
- 5.30 The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is at a low risk of being impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps.
- 5.31 The site is considered to be of low ecological value and noting the minor nature of the built development proposed, it is not considered that a BNG calculation is required in this instance. Any biodiversity net gain can be secured through a landscape plan which secures the proposed landscaping and which could also include bat/bird boxes as considered appropriate by the LPA. Therefore, subject

to conditions, it is considered that the proposal would accord with the provisions of Policy ENV 3 of the DNP and the requirements of the NPPF.

6.0 CONCLUSIONS

- 6.1 At the heart of the NPPF is a presumption in favour of sustainable development such that development proposals that are in accordance with the development plan should be approved. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Section S38(6) of the Planning and Compensation Act 2004 requires that any decision on a planning application should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 6.2 This planning statement has demonstrated that the principle of the development is acceptable in light of Policy DM4 of the SADMP. The Council have accepted this position on similar applications across the Borough and this has recently been confirmed at appeal by approval of a similar application.
- 6.3 The planning statement has also gone on to demonstrate that the visual impact and design of the development is acceptable in light of Policy DM4 and DM10 of the SADMP. The proposals would be single storey in height and well screened from the surrounding area. On this basis, it is clear that the proposals would not have a significant detrimental impact on the character and appearance of the countryside.
- 6.4 Subject to the imposition of conditions and/or mitigation measures where necessary, the proposed scheme would not result in any significant adverse impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties, highway safety, biodiversity or flooding. There are no other material planning considerations that indicate that planning permission should not be granted.
- 6.5 In conclusion, the proposal is in accordance with the relevant policies of the development plan, in accordance with the NPPF taken as a whole and the presumption in favour of sustainable development. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.
- 6.6 In accordance with S38(6) of the Planning & Compensation Act (2004), S70(2) of the Town & Country Planning Act (1990) (As Amended) and the advice throughout the NPPF and PPG, planning permission should be granted in accordance with the terms of the application.

Appendix 1 - Photographs of Site









Appendix 2 – Appeal Decision APP/K2420/W/23/3321728



The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/K2420/W/23/3321728

**Sheepy Parva Farm, Wellsborough Road, Sheepy Parva, Atherstone
CV9 3RF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Miller against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 22/00021/FUL, dated 27 September 2021, was refused by notice dated 17 March 2023.
 - The development proposed is erection of stable block, erection of new agricultural barn, change of use of land to the keeping of horses.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a stable block, erection of a new agricultural barn, change of use of land to the keeping of horses at Sheepy Parva Farm, Wellsborough Road, Sheepy Parva, Atherstone CV9 3RF in accordance with the terms of the application Ref 22/00021/FUL dated 27 September 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following submitted plans:

Site Location Plan (07.2300)

Block Plan (07.2300.35)

Proposed Plans and Elevations (07.2300.38)

Floor Plan – Stable Block (07.2300.37)

Proposed Elevations – Stable Block (07.2300.35)

Application for costs

2. An application for costs was made by Mr Miller against Hinckley and Bosworth Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the development on the open countryside.

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/K2420/W/23/3321728

Reasons

4. The appeal site is accessed directly from the B585 Wellsborough Road and has a long planning history. There are a number of buildings already in-situ on the site, as well as the original farmhouse. The site no longer operates as a working farm.
5. The proposals constitute a L-shaped stable block and an agricultural barn, located to the rear of the built up area of the site, on an existing concrete hardstanding. The stable block would be sited adjacent an existing open agricultural barn, whilst the new agricultural barn would be sited across from the entrance to the existing barn, and opposite an existing building. An existing field located to the east, almost three hectares in size, would be used to keep the horses.
6. The Council are concerned with the built development aspect of the proposals failing to respond positively to the context of the site and encroaching into the open countryside, causing harm various aspects of its character.
7. I find that I cannot agree with the reasoning of the Council on this matter, the buildings proposed would be located in close proximity to, and adjacent to existing buildings on site, and would share a concrete hardstanding area with those buildings. The proposed buildings would be extremely modest in overall height, and will not appear incongruous within the site complex in terms of massing and materials of construction.
8. Having viewed the area around the site and related viewpoints, I do not concur with the Council's opinion with regard to the possibility that the impact of the building proposals would be excessive; it would be visible, but not to a level that would cause material harm.
9. I also note the Council's Officer Report stated that no detail had been provided about any commercial use for the stables, but the evidence in front of me demonstrates an email exchange between the parties that clearly shows that the stables would be for both private and commercial usage.
10. The usage of the field for horses is an acceptable usage in the open countryside and can be seen on numerous occasions in various countryside areas in other locations. There is little doubt that this, combined with the stables, which relate to the welfare of the horses, is an equestrian use, but again, is not an unusual sight. As this aspect also tallies up with the commercial aspect of the livery, I find that the site-specific conditions and appropriate location of the stable block with not be an unacceptable use in the open countryside.
11. As such, I do not find conflict with policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016), and policies S1 and S8 of the Sheepy Parish Neighbourhood Plan which amongst other matters, expect development not to have a significant adverse effect on the intrinsic value, beauty, open and landscape character of the countryside, and would complement the character of the surrounding area.

Appeal Decision APP/K2420/W/23/3321728

Conditions

12. I consider both conditions requested by the Council to be standard in nature, and both fair and reasonable in the interests of good planning.

Conclusion

13. For the reasons given above, I conclude that the appeal should succeed.

Paul Cooper

INSPECTOR

Appendix 3 Appeal decision APP/G2435/A/08/2065885/WF



Appeal Decision

Site visit made on 22 April 2008

by **David Ward** BSc(HONS) CEng MICE
FIHT

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
6 May 2008

Appeal Ref: APP/G2435/A/08/2065885/WF

Land to the rear of 59 and 61, Tamworth Road, Ashby-de-la-Zouche, LE65 2PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr J Fisher against the decision of North West Leicestershire District Council.
- The application Ref 07/00624/OUT, dated 20 April 2007, was refused by notice dated 26 July 2007.
- The development proposed is a single storey detached dwelling.

Decision

1. I allow the appeal, and grant planning permission for a single storey detached dwelling on land to the rear of 59 and 61, Tamworth Road, Ashby-de-la-Zouche, LE65 2PX in accordance with the terms of the application, Ref 07/00624/OUT, dated 20 April 2007, and the plans submitted with it, subject to the following conditions:
 - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 3) Details of the access, appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Main issue

2. The main issues in this appeal are the whether the design would be poor quality, having an unacceptable impact on the character of the locality; and whether the use of the access would cause an unacceptable degree of disturbance for the adjacent residents.

Appeal Decision APP/G2435/A/08/2065885/WF

Reasons

3. This appeal follows an appeal¹ dismissed by a colleague of mine. That appeal related to the erection of two bungalows on land in the same location as the appeal site. The Inspector rehearsed the policies which apply in the area, and these have not changed, except that policies E5 and H1 are not saved under recent arrangements for continuity of development plans. Policy E5 sought to prevent development on sites of restricted size, and H1 would have prevented development adjoining existing development where it would be significantly detrimental to amenity, and on sites to the rear of existing dwellings where the access may have had detrimental impacts, or formed tandem development.
4. Policies E3 and E4 are still extant, and require development to respect the amenity of neighbouring residents, and the character of its surroundings. Policy H7 requires good quality design in a number of respects set out in the policy. I have also given appropriate weight to the advice of Planning Policy Statement (PPS)3 – Housing, and in particular the advice on design quality in paragraph 16, and the need to make effective and efficient use of land.
5. The Inspector thought that whilst that proposal would conflict with the spacious pattern and grain of development in the locality, it may be possible to achieve some modest single storey development on the site. He also concluded that the use of the access and parking and turning areas would lead to noise intrusion in the relatively peaceful gardens of Nos 61 and 63 Tamworth Road and the back garden of one of the dwellings in Castle Way. I do not consider that the omission of policies E5 and H1 from the development plan would have led to a different conclusion.
6. The proposal is now for a single storey dwelling. No matters normally reserved under an outline application are presented for permission now. However, detailed plans are submitted of the dwelling, and a layout plan shows the proposed access and the position of the proposed dwelling. Paragraph 44 of Circular 11/95 states that unless it has been indicated formally that these are not part of the application, they must be treated as part of the development for which application is being made. However, the application states in the description of the development that the dwelling is to be single storey, whereas the plans are for a two storey building, with two bedrooms, bathroom, en-suite bathroom and study landing included in the roof space above the ground floor. This is inconsistent with the application, and I shall therefore discount the plans showing the design of the dwelling. The layout however is not inconsistent, and is not marked as illustrative. I shall take it that permission is sought for the access and layout of the site, in accordance with that plan.
7. I consider first the issue of the effect on the character of the area. Policy H7 requires that consideration is given to local character and distinctiveness. There are no policy statements which identify particular distinctiveness of the appeal locality, such as might be found in a Conservation Area, nor is the locality as a whole identified as having distinctiveness. In my view the pattern of development in which the site stands is that which might be found in many residential areas. At its rear there is a spaciousness to which my colleague gave some weight as it contributed to views from Tamworth Road. However

¹ APP/G2435/A/06/2027809

Appeal Decision APP/G2435/A/08/2065885/WF

perception of that characteristic in the representations made is essentially a private view shared by a limited number of people, rather than one which should be respected in the public interest, since there is limited perception of the space from public points. Indeed, the locations at which the space might be perceptible in Castle Way are themselves densely developed residential areas.

8. On a wider assessment, the character of the area as perceived on Tamworth Road has a spaciousness which would be largely unaffected by the addition of the appeal proposal. A single storey dwelling is unlikely to be prominent in any important public view point. I agree with my colleague that the insertion of a single dwelling on the appeal site could be undertaken without undue detriment to local character and distinctiveness. The density of development would remain comparatively low, and it is my view that the proposal would respect local character and distinctiveness, and thus meet the test set by policy, and the similar requirements set out in PPS 1 and 3.
9. Turning to the matter of the effect on the amenities of neighbours, the principal issues are the effect on the enjoyment of the rear garden of No 63, Tamworth Road, and the remaining rear garden of 61 Tamworth Road. The policies require that there should be no significant detriment to amenity. The Council consider that the use of a driveway would be of detriment to the adjoining occupiers. There can be no doubt that such change as might take place would be of detriment to those who enjoy seclusion within their gardens, and I have noted their strongly held objections.
10. Nevertheless, the policy only indicates refusal where the detriment would be significant. That implies some yardstick of what might be normally acceptable, and in technical terms such yardsticks may be found in Planning Policy Statements and other nationally accepted policies. However, development widely acceptable elsewhere may also provide a yardstick, as well as the weight my colleague gave to the peacefulness of the rear area.
11. In this respect, examples are given by the Appellant. Whilst not all of these may be appropriate comparisons, there are very many developments throughout the country on corner sites where the side road will be permitted to run close to the side of rear gardens, and that side road may commonly serve tens or a hundred houses. Locally, short rear gardens of modern dwellings abut the lane leading to Castle Way, which is a moderately trafficked road. I take these to be yardsticks of an acceptable standard to be maintained in the public interest. The analysis given by the Council of the amount of use of the access and turning area confirms my view that the gardens either side of the appeal site would retain an acceptable degree of peacefulness.
12. In my view the effect of the appeal proposal on the amenity of neighbours due to the use of the access whilst not negligible, would not be significantly detrimental to amenity.
13. I do not consider that the proximity of the proposed dwelling to houses in Castle Way would be a matter of concern. A separation of about 9m between flank walls would be achieved, and 12m between houses. This compares with much closer spacing between houses in Castle Way.

Appeal Decision APP/G2435/A/08/2065885/WF

14. I have carefully considered whether a single storey dwelling in the location shown on the application plan would lead to overlooking of dwellings in Castle Way. Given that the application is in outline, there is nothing which leads me to the view that harm would be inevitable, and could not be controlled at the detailed design stage.
15. I have noted all other matters raised in objection to the proposal. In my view none are of such significance that they outweigh my conclusions on the main issues.

Conditions

16. The Council suggest five conditions which are not commented upon by the Appellant. Conditions 1 and 2 are standard conditions relating to an outline approval. The approval I shall give approves the layout shown on the plans. Further detail would be necessary of the means of access. Condition 3 requires prior approval by the planning authority of drainage works. As long as the controls given by the Building Regulations are applied, there is no evidence of any planning issue relating to drainage. In my view the condition is unnecessary. Condition 4 requires precise details of ground levels to be supplied. In my view detailed plans which did not indicate these matters would be inadequate, and could be rejected. A development which did not accord with approved plans would be unauthorised. The condition therefore appears unnecessary. Similarly condition 5 would repeat the description given of the development as being single storey. Anything other than a single storey development would not be in accord with the development permitted. The condition is unnecessary.

David Ward
Inspector

