

Delegated Report

Planning Ref: 24/00296/FUL

Applicant: Mr Gavin Ingham

Ward: Cadeby Carlton M Bosworth & Shackerstone

**Site: Gnarley Farm, Ashby Road, Osbaston, Nuneaton
Leicestershire, CV13 0HP**



Hinckley & Bosworth
Borough Council

Proposal: Demolition of existing barn and existing farm shop to be extended

Recommendations

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

Planning application description

- 2.1. This application seeks full planning permission for the Demolition of existing barn and existing farm shop to be extended at Gnarley Farm, Ashby Road, Osbaston. The purpose of the proposed development is to provide a bigger trading floor space for the farm shop. The existing shop has only 7.6m² of trading floor space due to the space that the meat prep and deli prep areas require. The applicant proposes to demolish the existing barn and to rebuild it with the addition of connecting it to the existing farm shop. The link will be an extension of the existing farm shop profile to infill the gap between the two buildings. The entire link and re-built barn building will be used as trading floor area which leaves the existing farm shop floor space for produce preparation.
- 2.2. The Barn building will be rebuilt using the existing bricks and timber cladding will be added in locations to match the existing. The aim is for the re-built building to look as close to the existing as possible. The new roof will have a raised ridge to match the height of the existing farm shop so that the roofs can be tied in when the buildings are linked. Roof tiles, timber cladding and bricks will match the existing. The main entrance will now be via a set of glass doors across the front of the building and the existing level access will be extended across the front to enable disabled access into the shop.
- 2.3. The existing farm shop (former garage conversion) is of brick construction and measures 9.5 metres in width x 4 metres in depth (a 38 square metre footprint). It has a pitched roof with an eaves height of 2.2 metres and ridge height of 4metres constructed of red brick and a tile roof. The proposed farm shop extension would be attached to this and is perpendicular to the existing farm shop. The proposed would measure 6 metres in width x 9.5 metres in depth (providing 57 square metres of internal floorspace) with an eaves height of 2.2 metres and ridge height of 4 metres, for a total of 95sqm.

Description of the site and surrounding area

- 3.1. The site is located to the north west of Barlestone village, outside the settlement boundary and to the north east of Osbaston Tollgate. The farm is a 100acre working farm however the local application site consists of a farm house, a farm shop, and various cow sheds & stables. Other than the A447 running through, the site is surrounded by land, owned by the farm itself.

- 3.2. In 2015 a decision was made to convert one of the barns at Gnarley Farm into a Farm shop selling meat, a variety of Deli items and some fruit & vegetables. Everything sold in the shop is home or locally sourced.
- 3.3. The existing buildings affected consist of an established single storey farm shop of which the majority of the internal floor space is allocated to Deli prep & Meat prep. This is a brick built structure with timber windows & doors and a traditional tiled roof.
- 3.4. Then there is an existing old barn that is brick built with pillars and walls up to waist height. The remainder of the walls are finished in vertical timber cladding. The walls aren't built off proper foundations with no DPC installed and in some places are in need of repair. The roof structure has damage through water ingress and is currently an imitation tile metal roof. The barn is currently used for the storage of fruit and vegetables to be sold in the Farm shop.

4.0 Relevant planning history

17/00660/FUL

- Erection of a log cabin for an agricultural worker
- REFUSE
- 08.09.2017

17/00988/FUL

- Erection of log cabin for an agricultural worker.
- REFUSE
- 09.01.2018

20/00240/FUL

- Temporary siting of pre-fabricated mobile home
- REFUSE
- 29.04.2020

15/00769/FUL

- Conversion of existing farm building into farmshop, butchery and catering kitchen and the retention of two cold storage units (retrospective)
- APPROVE
- 26.10.2015

5.0 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 and a notice was displayed in the local press. 1 Letter has been received in support of the proposal. The main reasons for support are:

- A local business like this should be supported
- It's a great application
- No concerns

6.0 Consultation

6.1 There have been no objections from the following consultants:

- LCC Ecology
- HBBC Pollution

- HBBC Waste
- LCC Highways
- Coal Authority
- LCC Minerals

No comments received from Osbaston Parish Council

7.0 Policy

- 7.1 Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

8.0 Appraisal

- 8.1 The key issues in respect of this application are therefore:
- Assessment against strategic planning policies
 - Design and impact upon the character and appearance of the Area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision and highway safety

Assessment against strategic planning policies

- 8.2 The site is located outside of the settlement boundary, as defined on the proposals map of the adopted Local Plan and therefore within an area designated as countryside. Policy DM4 of the Site Allocations and Development Management Policies DPD therefore applies.
- 8.3 The National Planning Policy Framework provides a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved and where relevant policies are out of date, planning permission should be granted unless an adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 8.4 Paragraph 11 of the NPPF promotes sustainable economic development that is of a high quality design that conserves and enhances the natural environment. In respect of development within rural area, Paragraph 88 of the NPPF seeks to promote development and diversification of agricultural and other land based rural businesses and supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 8.5 Spatial Objective 1 of the Core Strategy seeks to strengthen and diversify the economy and to encourage sectors with growth potential. Policy DM4 of the site allocations and development management policies DPD is supportive of development that significantly contributes to economic growth and a diversification of a rural business.

- 8.6 It is considered that by virtue of the extension to an existing farm shop it encourages the rural diversification of a farm and in turn will benefit and increase the competitiveness of the local economy and that of the borough as a whole.
- 8.7 Accordingly the development is considered acceptable in principle, subject to all other planning matters being adequately addressed and the conditions outlined below.

Design and impact upon the character of the area

- 8.8 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.
- 8.9 Policy DM4 of the development management policies are in conformity with the NPPF generally. These state that development in the countryside will first and foremost be safeguarded from unsustainable development.
- 8.10 Development will be considered sustainable if the development proposal would have no significant adverse effect on the intrinsic value, beauty or open character of the countryside. The extension of the existing farm shop, which can't be seen from the highway and is surrounded by existing agricultural buildings, would renovate an existing dilapidated barn and bring it into use as part of the farm shop business within the confines of the agricultural enterprise. The proposed would be linked to the existing and proposed materials would blend well with the existing buildings on site. The development will be selling food produce created on the farm or produced locally and this therefore increases the diversification of the rural business.
- 8.11 The proposed would use existing bricks to match the existing farm shop and add a tile roof which would enhance the appearance of the site. All materials would match the existing.
- 8.12 The required visibility splays (as outlined below) would result in the loss of some hedgerow, this is of detriment to the character of the surrounding area. However, on balance, given the length of hedgerow to be removed this is judged to be acceptable providing that replacement planting of native hedgerow occurs. For this reason a condition requiring details of replacement planting is recommended.
- 8.13 It is regarded that the proposal respects the character of the existing farm and the open countryside so it is in accordance with Policies DM1, DM4, DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the adjacent buildings.
- 8.15 There are no residential properties near the site with the closest dwellings being approx. 60m to the north & south of the site. Given the precedent of small-scale commercial uses within the site, it is considered that the proposed extension to the farm shop would not have a significant adverse impact on neighbouring residential amenity.

- 8.16 Moreover, the development does create any additional extensions or alterations that are visible from the highway or neighbouring residents. By virtue of these factors and the fact that there have been no objections to the application, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore it is considered to be in accordance with Policy DM10 of the SADMP and the adopted Good Design Guide.

Impact upon parking provision and highway safety

- 8.17 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 appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.18 The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.
- 8.19 The Local Highway Authority (LHA) has been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on this full application. The LHA previously submitted observations requesting additional information in respect of the proposals on 12th September 2024, 4th June and 26th April 2024. Most recently, the LHA requested further clarity in respect of visibility plays.
- 8.20 The Applicant has now submitted the following additional information, which has been reviewed by the LHA:
- BMc drawing number 24027-BMC-24-XX-DR-C-2000 Rev. P02 (Proposed Access Visibility)
- 8.21 The Applicant has revised the visibility plays as shown on BMC drawing number 24027-BMC-24-XX-DR-C-2000 Rev. P02. To the northwest, a 2.4 x 121m visibility splay is now shown. This length meets the Design Manual for Roads and Bridges (DMRB) desirable minimum standards. The LHA note that the Applicant has incorrectly measured this visibility splay on the drawing with a 0.26m drivers eye height at the access and a 1.05m height at 121m from the access. The LHA has reversed the measurement and considers that from a drivers eye height of 1.05m at the site access, visibility to 0.26m above the carriageway at a point of 121m from the access may be marginally restricted.
- 8.22 To the southeast of the access, the Applicant has increased the visibility splay from 100m to 121m, this is below the 145m DMRB desirable minimum standards for visibility in this direction, however it is above the 112m absolute minimum standards. It is also noted that the existing hedgerow would be removed to ensure that visibility could be achieved.
- 8.23 The LHA has given consideration to the proposed visibility plays, along with the anticipated level of trips the proposals could generate, as well as the presence of

street lighting at the access, Personal Injury Collision (PIC) data and the presence of a pedestrian footway in the area.

- 8.24 The LHA concludes that on the basis the proposals could result in a 20% increase in customers to/ from the site, this could result in an additional 36 customers per week or, based on a six day week, an additional six customers to the site per day. Whilst the proposals would increase the level of traffic using an access on to an A classified road where recorded speeds are in excess of 40mph and visibility is marginally restricted, the proposals would offer an improvement to the existing available visibility splay to the southeast of the access, increasing visibility to above the DMRB absolute minimum standards. The LHA also accept that there is not a history of PIC's at the access, the access is covered by street lighting and that some customers to the farm shop may choose to walk from nearby Barlestone or Osbaston. On balance, the LHA consider the anticipated increase in daily visitor numbers to the site, which would be low, would be offset by the improvements to visibility, which would be of benefit to road users. Therefore, under the site-specific circumstances, the LHA would not seek to resist the proposals.
- 8.25 By virtue of these factors, the application is considered to be in accordance with Policies DM17 and DM18 of the SADMP and the adopted highway authority design guide subject to conditions as outlined below.

Ecology

- 8.26 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value.
- 8.27 The proposed elevation (Drg. No. INgham-G-1a-07) shows swallow cup and bat box locations close to ridge height. LCC Ecology were consulted and have no objections to the proposal. A Condition will be added to ensure compliance with the ecological enhancement proposed along with an informative regarding nesting birds.
- 8.28 As above, the required visibility splays require the removal of some hedgerow, this is regrettable in ecological terms however subject to a replacement planting condition is judged to be acceptable.
- 8.29 As such the proposal is considered to be acceptable with respect to ecological matters and in accordance with Policy DM6 of the SADMP.
- 8.30 The application was submitted prior to 2 April 2024 and is therefore exempt from requiring mandatory BNG.

Conditions

The original consent was approved subject to conditions ensuring that

1. The farm shop shall only sell stock and display edible agricultural and horticultural produce and shall be used for no other purpose
2. The farm shop hereby permitted shall be used solely on an ancillary basis in connection with Gnarley Farm
3. No more than 15% of total sales and stock of the farm shop shall be derived from produce or goods originating from any other source than the agricultural holding, Gnarley Farm

The conditions were in place to prevent inappropriate retail use in the open countryside and in the interests of highway safety. Whilst some of the Development Plan policies have changed since the grant of the original permission the reasons are still applicable. The development is acceptable in principle as a rural diversification scheme and based on vehicle movements/impacts which have been assessed as an ancillary nature to the existing farming enterprise and therefore the conditions are judged to continue to meet the tests.

Equality implications

- 8.31 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.
- 8.32 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.
- 8.33 There are no known equality implications arising directly from this development.
- 8.34 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).

Conclusion

- 8.35 The proposed development is considered to be compliant with the relevant national and local policy as it:
- Is an appropriate scale and design
 - Does not have an adverse impact upon the character and appearance of farm or the open countryside
 - Does not have a significant adverse impact upon the amenity of neighbours
 - Provides sufficient vehicle parking spaces for off-street parking & the impacts on highway safety would not be unacceptable
- 8.36 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

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, submitted to the Local Planning Authority as follows:
 - Application Form (submitted: 27.03.2024)
 - Design and Access Statement (submitted: 27.03.2024)
 - Proposed Elevations Drg no. Ingham-G-1a-07 (submitted: 27.03.2024)
 - Proposed Floorplans Drg No. Ingham-G-1a-04 & Ingham-G-1a-05 (submitted: 27.03.2024)
 - Proposed Access Visibility Drg No. 2407-BMC-24-XX-DR-C-2000 Rev P02 (submitted 01.10.2024)
 - Block Plan – Drg No. Ingham-G-1a-09 (submitted: 27.03.2024)
 - Site Location Plan- Drg No. Ingham-G-1a-08 (submitted: 27.03.2024)

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 farm shop hereby approved shall only sell stock and display edible agricultural and horticultural produce and shall be used for no other purpose, including any other purpose within Class E of the Town and Country Planning Use Classes Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification), unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt, to prevent an inappropriate retail use in the open countryside and in the interests of highway safety in accordance with Policies DM4, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The farm shop hereby permitted shall be used solely on an ancillary basis in connection with Gnarley Farm, Ashby Road, Osbaston, Leicestershire and shall not be operated, sold, leased or rented as separate premises

Reason: For the avoidance of doubt, to prevent an inappropriate retail use in the open countryside and in the interests of highway safety in accordance with Policies DM4, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No more than 15% of total sales and stock of the farm shop hereby approved shall be derived from produce or goods originating from any other source than the agricultural holding, Gnarley Farm, Ashby Road, Osbaston, Leicestershire

Reason: For the avoidance of doubt, to prevent an inappropriate retail use in the open countryside and in the interests of highway safety in accordance with Policies DM4, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby permitted shall be first used until such time as vehicular visibility splays detailed on BMc drawing number 24027-BMC-24-XX-DR-C-2000 Rev. P02 have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Site Plan Drg No. Ingham-G-1a-03. Thereafter the onsite parking provision shall be so maintained 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 Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

8. Prior to first use of the development hereby approved the Ecological enhancements as shown on the proposed elevation plan (Drg. No. INgham-G-1a-07) showing a swallow cup and bat box shall be implemented in full accordance with the approved plan.

Reason: In order to protect wildlife species and their habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to first use of the development hereby approved details of a new hedgerow to replace that lost to accommodate the approved visibility splays shall be submitted to in writing and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) A plan showing the location of the new hedgerow (to be set behind the approved visibility splay)
 - b) Details of the size and plant species mix (to be native hedgerow)

The hedgerow planting shall be carried out in full accordance with the approved details and shall be planted no later than in the first planting season following first use of the development. Thereafter the hedgerow shall be maintained for at least a period of five years from the date of planting. During this period any plants which die or are damaged, removed, or seriously diseased shall be replaced by plants of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to protected the character of the countryside and mitigated against the removal of the hedgerow in order to protect wildlife species and their habitats in accordance with Policy DM10 and

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
3. The applicant/developer is advised that any signage/advertisements in connection with the uses of the site may be subject to and require separate advertisement consent.
4. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
5. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.
6. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).