

Delegated Report

Planning Ref: 24/00518/FUL
Applicant: Mr and Mrs H Fisher
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Frog Hall Farm Crow Lane Sheepy Magna

Proposal: Demolition of all existing farm buildings and farmhouse and the construction of a single new farmhouse

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a replacement two-storey six-bedroom dwelling with additional accommodation in its roof space following the demolition of all the existing agricultural buildings and farmhouse at Frog Hall Farm, Crow Lane, Sheepy Magna. The existing residential outbuildings are retained and converted into stores, a gym, and an office. A 259.3sqm tennis court and a 71.8sqm outdoor pool are also proposed.
- 2.2. The replacement dwelling features a variety of gable-fronted roofs, bay windows, 1.8m high and 0.7m wide chimneys, and other architectural features. The property utilises a variety of ridge heights which range from 9.3m on the western side of the property, 10m on the eastern side of the property, and 10.3m at its highest for the main roof of the dwelling.
- 2.3. The development externally measures 36m in width by 19m in depth, which creates a total footprint of 478sqm. This is surrounded by 881.3sqm of hard standing for the property's associated terraces and courtyard, as well as a 190m long new tarmac-surfaced private access track to the south of the site to Crow Lane that has a total surfacing area of 701.6sqm. The development is constructed with natural stone and stone detailing, recon stone slate roof tiles with flush conservation style rooflights, and metal window frames within stone mullioned windows.
- 2.4. Following concerns raised by the Case Officer, the extent of the development has been reduced. Originally, the development, including the new attached outbuildings, externally measured 66.9m in width by 26.5m in depth, which created a total footprint of 995sqm. The proposal utilised a variety of roof heights on the main dwelling, which ranged from 9.8m on the western side of the property, 10.3m on the eastern side of the property, and 11m at its highest for the main roof of the dwelling.

- 2.5. The replacement dwelling was accompanied by a series of linked outbuildings which are arranged around a central courtyard and accommodate two garages for five vehicles, a two-bedroom residential annex with accommodation above one of the three-bay garage, a two-storey gym, an office, garden storage, and plant space. These outbuildings utilise a variety of ridge heights from 7m for the office and storage areas, and 9.1m for the gym.
- 2.6. The Case Officer raised concerns with the current scheme to the Applicant on 12, 14, and 17 February 2025, and no further correspondence has been received from the Applicant since this time.

3. Description of the Site and the Surrounding Area

- 3.1. The 3.13ha application site is approximately 2km north of Atherstone and 1.9km west of Sheepy Magna outside of any identified settlement boundary in the designated open countryside. The application site is within the Risk Impact Zones for two Sites of Special Scientific Interest (Birches Barn Meadows and Sheepy Fields).
- 3.2. The application site is identified within National Character Area 72 (Mease/Sence Lowlands), Landscape Character Area (LCA) G (Sence Lowlands) and Landscape Sensitivity Area (LSA) 02 (Sheepy Magna & Surrounds (North of B5000)).
- 3.3. LCA G is characterised by a flat, low-lying vale landscape, which gives rise to extensive and open views. This LCA has a rural and tranquil character that includes well-ordered agricultural landscape with a regular pattern of rectilinear fields and scattered farmsteads. The LCA highlights that most small villages have a strong sense of place and local vernacular of red brick.
- 3.4. The LSA is considered to have a medium sensitivity to new residential housing. The key sensitivities and values of this LSA are its strong rural character and lack of intrusion within areas of relative tranquillity. The LSA also features extensive views and has an open character.
- 3.5. With the exception of an existing bungalow ('The Bungalow'), which is 60m to the east, and an existing farm, that is 440m to the northwest, the site is wholly surrounded by open agricultural fields. The wider site beyond the red line boundary is stated to comprise of 48.9ha of agricultural farmland. Public Right of Way (PRoW), Footpath T19, runs north-to-south immediately to the east between the site and The Bungalow, and the Moated Site Northwest of Pinwall Scheduled Monument is approximately 260m south of the site.
- 3.6. The site is accessed via an existing 430.7m gated access drive to Crow Lane, which leads onto Sheepy Road ('B4116'). The site's access is approximately 18m wide at the point where it meets Crow Lane, which then narrows to 5m in width. Crow Lane is an adopted but unclassified single lane carriageway that currently serves Frog Hall Farm, The Bungalow, and Benn Hills Farm, after which Crow Lane becomes a track until it joins the public highway again at Sheepy Road.

- 3.7. Within the red line boundary of the application site Frog Hall Farm comprises a two-storey farmhouse and two associated single storey red brick outbuildings, three modern, steel-framed and steel-clad open fronted agricultural buildings, and a pole barn. The farmhouse is a simple rectangular plan structure that is constructed with a red brick finish and a dual pitched tiled roof.

4. Relevant Planning History

- 4.1 Pre-application advice was sought via 23/10082/PREHMO, which confirmed that whilst the principal of a replacement dwelling was acceptable in this location, the proposed size, scale, and massing of the development in the pre-application enquiry was likely to result in detrimental impacts to the character of the surrounding area and the countryside.

4.2 **24/01121/P3CQ**

- Notification to determine if Prior Approval is required for the change of use of two agricultural buildings to create five smaller dwellinghouses
- Prior Approval Refused
- 04.02.2025

4.3 **22/00137/P3CQ**

- Change of use of two agricultural buildings to create five dwellinghouses along with proposed building operations
- Prior Approval Granted
- 05.04.2022

The five dwellings consisted of a six-bedroom dwelling, and four further two-bedroom properties.

5. Publicity

- 5.1 The application has been publicised by sending out a letter to the neighbouring resident and a site notice was also posted within the vicinity of the site.

- 5.2 No responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)

- LCC's Ecology Department (subject to conditions)
- Sheepy Parish Council

Archaeology

- 6.2 The County Council's Archaeology Department requested a planning condition that secures a Level 2/3 Historic Building Survey of the farmhouse complex which investigates, describes, and photographs and exterior and interior of all the buildings within the complex.

Ecology

- 6.3 The County Council's Ecology Department requested planning conditions that secure a Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity), a Biodiversity Enhancements and Mitigation Plan, and a bat-friendly sensitive lighting plan.

Pollution

- 6.4 The Council's Pollution Officer confirmed the contaminated land report was insufficient and therefore requested planning conditions that secured a scheme for the investigation of any land contamination, limitations on site hours, and details of external lighting.

Other Responses

- 6.5 The Local Highway Authority have referred to standing advice.
- 6.6 The Environment Agency, the Minerals and Waste Planning Authority (MWPA), and the County Council's Tree Officer did not formally comment on the planning application.
- 6.7 Severn Trent Water did not respond to the planning application.
- 6.8 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- N/A

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest

- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S1: Countryside
- Policy S2: Public Rights of Way Network
- Policy S8: Design
- Policy S10: Housing Development
- Policy S15: Car Parking and New Housing Development

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Assessment (LSA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Natural England's National Character Area 72 (Mease/ Sence Lowlands) Profile (2015)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

- 8.1 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. The NPPF is a material planning consideration in planning decisions.

- 8.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.3 However, Paragraph 12 of the NPPF confirms 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
- 8.4 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Sheepy Parish Neighbourhood Plan (SPNP).
- 8.5 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date.
- 8.6 Both the Core Strategy and the 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 to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Therefore, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.8 For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.9 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).

- 8.10 Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF are applicable to this proposal.
- 8.11 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.12 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.13 Paragraph 84 of the NPPF confirms that planning decisions should avoid the development of isolated homes in the countryside, unless one or more of the following circumstances apply:
- (a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; or
 - (b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - (c) The development would re-use redundant or disused buildings and enhance its immediate setting; or
 - (d) The development would involve the subdivision of an existing residential building; or
 - (e) The design is of exceptional quality, in that it:
 - i. Is truly outstanding, reflect the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 8.14 The proposal is not considered to relate to, or comply with, any of the requirements of Key Policy Paragraph 84 of the NPPF.
- 8.15 Paragraph 84 of the NPPF is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.

- 8.16 To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.17 Therefore, the proposal is also not considered to relate to, or comply with, any of the criteria of Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable. For example, Policy S10(c) of the SPNP and Policy DM14 of the SADMP can consider replacement dwellings in rural areas to represent sustainable development, subject to certain requirements being met.
- 8.18 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.19 Given the above, it is considered that whilst the proposal is offered no support by Key Policy Paragraph 84 of the NPPF or Policy DM4 of the SADMP, the acceptability of the principle of the development is subject to the assessment of all other material considerations, including Policy DM14 of the SADMP. Other material considerations are set out within the next sections of the report.

Custom and Self-Build Housing (CSB)

- 8.20 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) people wishing to commission or build their own homes.
- 8.21 Section 1 of the Self-Build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, to be occupied as homes by those individuals.

- 8.22 The Applicants stated on 31 January 2025 that the proposed development is a custom house-build and self-build development. This is a material consideration within this planning application.
- 8.23 It is noted that the development was not submitted as a 'custom house-build and self-build' (CSB) scheme within the definition provided within the Self-Build and Custom Housebuilding Act 2015. It is also noted that the Applicants are not on the Local Planning Authority's Self-Build and Custom Housebuilding Register, nor have they signed a Self and Custom Build Evidence Form within this application process in support of the self-build status of the development.
- 8.24 Therefore, the Applicants have failed to demonstrate that their proposal is a self-build development in accordance with the definition provided within the Self-Build and Custom Housebuilding Act 2015. Notwithstanding this, to secure this proposal as a CSB development, the Local Planning Authority require a suitably worded Unilateral Undertaking (UU) to be submitted. As such, the benefit of the proposal being a self-build or custom housebuilding development attracts no weight in the planning balance in these site-specific circumstances.

Design and Impact upon the Character of the Area

- 8.25 Key Policy 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 (as contained in the National Design Guide (NDG) and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.26 Chapter 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.27 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others. Guidance Point I1 of the NGD highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, visits, landmarks, and landscaping, amongst others.
- 8.28 Policy DM4(i) 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.

- 8.29 Policy DM10(c) 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.
- 8.30 Policy S8 of the SPNP requires development proposals to comply with seven key requirements such as ensuring that they respond positively to the character of the area and to work with the scale, form, and character of the location.

The Development's Compliance with Policy DM14 of the SADMP

- 8.31 Policy DM14 of the SADMP requires proposals for the demolition and rebuild of an existing dwelling outside of any identified settlement boundaries to:
- (a) Lead to an enhancement of the immediate setting and general character of the area; and
 - (b) The new dwelling to be proportionate to the size, scale, mass, and footprint of the original dwelling and situated within the original curtilage; and
 - (c) The proposed development accords with Policies DM10, DM11, and DM12 of the SADMP.

- 8.32 Paragraph 14.53 of the SADMP states:

"Where dwellings are replaced, the new dwelling should be sympathetic to the size and appearance of the original. Modest increases in size from the original dwelling will normally be acceptable. It is important that the replacement dwelling is compatible with its surroundings in terms of size, scale, mass, and footprint and sited within the pre-existing residential curtilage."

- 8.33 The development is located between Agricultural Buildings 02 and 03, which is almost 15m west of the existing dwelling. Page 13 of the Covering Letter confirms that these structures do not form part of the residential curtilage of the existing farmhouse. Therefore, the proposal is not considered to be sited within the pre-existing residential curtilage of the original building, which is contrary to the requirements of Policy DM14(b) of the SADMP.
- 8.34 In comparison to the existing dwellinghouse, the development is 19.8m wider and 10.8m deeper, which creates a total footprint that is 354.5sqm larger than that of the existing dwelling. This is over double the width and depth of the original property and almost three times the footprint of this existing dwelling. Therefore, the size, scale, and footprint of the development is not considered to be proportionate to the size of the original dwellinghouse, which is also contrary to the requirements of Policy DM14(b) of the SADMP.
- 8.35 The proposal increases the maximum ridge height of the property by 1.4m. Whilst this might be considered to be acceptable in isolation, due to the size and scale of the development, this creates a cumulative volume that is 208.9m³ larger than that

of the existing property on its principal elevation. This represents a 46% increase in the volume and bulk in comparison to that of the original property. This increase in height and bulk is exacerbated by the four proposed 1.8m high and 0.8m wide chimneys. Therefore, the volume, size, and scale of the development is not considered to be proportionate to the existing dwelling, which is contrary to, and in conflict with, Policy DM14(b) of the SADMP.

- 8.36 The Applicants have justified the scale of their development by highlighting that the application site benefits from an extant prior approval for the conversion of Agricultural Buildings 01 and 02 into five dwellinghouses via application 23/00137/P3CQ. The Applicant suggested that this prior approval could mean that the footprint of these agricultural buildings could be considered within the determination of this application and support a larger replacement dwelling.
- 8.37 During the determination of this planning application, the Applicants submitted a further prior approval application (24/01121/P3CQ) for the works approved within 23/00137/P3CQ. The Covering Letter for application 24/01121/P3CQ confirmed that the works had not commenced on site for the approved scheme within 23/00137/P3CQ by 10 December 2024. The Covering Letter for 24/01121/P3CQ also stated that the conversion of these structures would take up to 18 months to complete and therefore it is highly unlikely that these works would be completed by the expiration of the prior approval. Ultimately, the prior approval application 24/01121/P3CQ was refused by the Local Planning Authority. Given the above, the extant prior approval via 23/00137/P3CQ is considered to have little weight in the planning balance.
- 8.38 Furthermore, it is noted that the existing dwelling is constructed with red brick, and the local vernacular of red brick is a key characteristic of the site's Landscape Character Area. In spite of this, the development is predominantly constructed with stone. Whilst the use of materials can be secured via planning condition, the proposed materials demonstrate that the scheme does not reflect the character of the existing dwelling or the wider area.
- 8.39 In light of the above, the proposal is not sited within the residential curtilage of the existing dwelling, nor is the development is not considered to be proportionate to the size, scale, volume, or footprint of the host dwelling. The scheme also utilises materials that do not reflect the character of the wider area. Therefore, the scheme is contrary to, and in conflict with Policy DM14 of the SADMP.
- 8.40 To summarise, the development does not comply with the requirements of Policy DM14 of the SADMP. As a result, the scheme represents new and unjustified residential development beyond any identified settlement boundary, which results in significant harm to the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated open countryside in principle. Therefore, the development is contrary to, and in conflict with Policies S8 and S10 of the SPNP, Policies DM4 and DM14 of the SADMP, as well as Chapters 2, 12, and 15 and Key Policy Paragraph 84 of the NPPF in principle.

The Impact of the Development on the Site's Contribution to the Landscape Characters of the Area

- 8.41 To determine the scheme's impact on the character of the area, the proposal is supported by a Landscape and Visual Impact Assessment (LVIA). Paragraph 8.1 of the LVIA confirms that whilst the site is not a 'valued landscape' in NPPF terms, the application site is, *"Currently part of the inherently valued open countryside in this part of Leicestershire."*
- 8.42 Paragraph 3.2 of the LVIA highlights that the site is within National Character Area (NCA) 72 (Mease/ Sence Lowlands). The Natural England's Profile of NCA 72 (2015) confirms that, *"Most of the land is in agricultural use,"* and, *"Only a very small percentage of [this NCA] is urban. These lowlands retain a rural, remote character with small villages, red brick farmsteads and occasional historic parkland and country houses."*
- 8.43 It is noted that red brick farmsteads, such as the application site, are a key characteristic of this NCA. This is supported by the fact that Page 17 of the Covering Letter confirms that the application site is, *"Highly reflective of the prevailing character across the Sence Lowlands."*
- 8.44 Paragraph 3.2 of the LVIA suggests that the development is acceptable in the NCA because historic parkland and country houses form part of the key characteristics of the NCA.
- 8.45 The key element of this characteristic is that the parkland and country houses are, *"Historic."* This is clarified at Page 46 of the NCA Profile, which states that manor houses are an important characteristic in the NCA due to their, *"Sense of history."* Therefore, a brand-new dwelling of a considerable size is not considered to be an acceptable form of development within this NCA, nor does such a proposal provide the same appreciable qualities or heritage value as existing historic country houses in the wider NCA.
- 8.46 The NCA covers a wide area including Atherstone, Nuneaton, Twycross, and areas as north as Walton on Trent. Whilst historic country houses are notable within the NCA, such structures are not considered to be a key characteristic of the Council's Sence Lowlands Landscape Character Area (LCA) or the Sheepy Magna and Surrounds Landscape Sensitivity Area (LSA). Therefore, historic country houses in this location are not reflective of the key characteristics of the local area.
- 8.47 Notwithstanding this, the application site and its wider surroundings are not characterised by historic parkland or country housing. On the contrary, the application site features agricultural buildings that are associated with a red brick farmstead in a rural and remote location, which are all prominent features of the NCA. It is also noted that Page 46 of the NCA 72 Profile confirms that red brick farmhouses and timber framed buildings positively contribute to the sense of history and character of the NCA. Scattered farmsteads and barns within well-ordered agricultural landscapes are also identified by the LCA, and therefore the existing character of the site reinforces the character of the surrounding area.

- 8.48 By virtue of the size, scale, layout, design, use of materials, and architectural detailing of this proposal, the scheme is not considered to represent a structure associated with an existing or historic agricultural use, nor does it retain any of the site's agricultural characteristics, which positively contribute to the character of the area. Therefore, the proposal is not reflective of the key characteristics of the surrounding area, and the provision of a large country house is not justified in this setting.
- 8.49 To summarise, the proposal represents the provision of a new isolated dwellinghouses of a considerable size, scale, massing, and bulk that is incongruous to the character of the surrounding area. Therefore, the scheme is considered to result in significant harm to the character of the surrounding area including the Sence Lowlands Landscape Character Area, the Sheepy Magna and Surrounds Landscape Sensitivity Area, and the Mease and Sence Lowlands National Character Area 72.

The Visual Impact of Removing Existing Structures from the Site

- 8.50 Table 1 of the LVIA states that the scheme creates some beneficial change to the area due to the removal of the, *"Dilapidated farmhouse and associated mainly C20 agricultural buildings."* This can also be seen at Page 17 of the Covering Letter, which highlights that the existing older structures *"have particularly deteriorated."*
- 8.51 Whilst these structures may be deteriorating, these buildings can be removed from the site without planning permission. In addition, the NPPF does not include agricultural buildings with its definition of previously developed land. Therefore, the removal of these structures is not considered to represent a benefit of the planning application, nor a visual improvement to the character of the wider area.
- 8.52 Furthermore, all three agricultural buildings that are removed from the application site within this proposal are single storey steel portal framed structures with metal cladding finishes. The character of these structures contributes to the rural and agricultural setting of the development within the designated open countryside. Ultimately, the removal of these agricultural buildings from the application site does not justify the domestication of the application site through the provision of a new residential dwelling of a considerable size.
- 8.53 It is also noted that these existing agricultural structures have maximum heights that vary between 4.9m and 7m. Although Agricultural Building 02 has a maximum height of 7m, it is noted that the majority of the structure has a ridge height that is between 3m and 5.3m. Nevertheless, this is significantly different to the scale, size, massing, height, and bulk of the proposed replacement dwelling, which is 10.3m at its highest.
- 8.54 The existing agricultural structures within the site are also spaced out within the application site. In comparison to this, as highlighted at Page 59 within Table 1 of the LVIA, the proposal creates, *"One continuous mass along the frontage of the farmstead."* This is considered to intensify the bulk and volume of the development

within the site, which contributes to the scheme's significant harm to the character of the surrounding area.

- 8.55 Given the above, whilst the removal of these structures is a material consideration within the determination of this application, these existing buildings do not constitute previously developed land and the removal of agricultural structures from the site does not justify the size, scale, height, and volume of the development. Therefore, the benefit of removing the existing agricultural structures from the site is considered to attract limited weight in the planning balance.

The Visual Prominence of the Impact of the Development

- 8.56 As identified previously within this Report, the development results in significant harm to the character of the area. This harm is considered to be contrary to Policies S8 and S10 of the SPNP, Policies DM4 and DM10 of the SADMP, Chapters 12 and 15 of the NPPF, the National Design Guide, and the Good Design Guide.
- 8.57 Table 1 of the LVIA confirms that the scheme shall have a permanent and irreversible impact on the character of the area. This is considered to exacerbate the identified adverse impacts of the proposal.
- 8.58 To demonstrate the impact of the development from wider views, the LVIA includes 15 viewpoints between Figures 31 and 45. It is noted that only one of the 15 viewpoints does not have a view of the application site in its current condition, scale, and massing. In light of this, Paragraph 7.8 of the LVIA confirms that users of Public Footpath T19 shall have a high sensitivity to the development and general road users will have a medium sensitivity to the scheme.
- 8.59 Therefore, by virtue of its size, scale, volume, bulk, and height, the development's significant adverse impacts to the character of the area are considered to be visually prominent from Public Footpath T19 and can be seen from several viewpoints, including from the B5000. This is considered to heighten the detrimental impacts of the development on the character of the surrounding area.

Evaluation of the Landscape and Visual Impact Assessment and Summary

- 8.60 Paragraph 8.4 of the LVIA suggests that the scheme shall result in a, "*Slightly improved,*" visual amenity to the character of the site and the surrounding area and Paragraph 9.1 of the LVIA concludes that the development would protect the intrinsic value, beauty and open character of this countryside location
- 8.61 Paragraphs 9.2 to 9.4 of the LVIA confirm that this assessment is based on the following assertions:
- The site has been approved for a change of use from agricultural to residential with the approval of five new dwellings and a farmhouse

- The previously approved conversion of the agricultural buildings into five new dwellings would result in adverse impacts to the character of the area in comparison to the proposed scheme
 - The proposal has less volume and mass than the current structures within the site
 - One single family farmhouse is characteristic of the local area
- 8.62 As highlighted at Paragraph 8.37 of this Report, the extant prior approval attracts little weight in the planning balance as it is unlikely to be completed within the statutory timeframe limitations of Q.2(4) of Class Q of Part 3 of Schedule 2 of The Town and Country Planning (Permitted Development) (England) Order 2015.
- 8.63 Although the agricultural buildings are being removed from the site within this application, agricultural structures are not considered to represent previously developed land, and these buildings can be removed from the application site without planning permission. Consequently, the removal of these agricultural buildings from the application site does not justify the domestication of the application site in these site-specific circumstances. Therefore, as per Paragraph 8.55 of this Report, the benefit of removing the existing agricultural structures from the application site is offered limited weight in the planning balance.
- 8.64 It is noted that Paragraph 8.2 of the LVIA suggests that the provision of five new dwellings within two converted agricultural buildings within the site would cause a, *“Strange, localised, suburbanisation of part of the rural landscape,”* that has a, *“Significant adverse change in the landscape character of the area.”*
- 8.65 Given that the LVIA considers the impacts of the prior approval scheme to result in significant adverse impacts to the character of the area, which does not involve any extensions to the size, scale or massing of the existing buildings, the Local Planning Authority must question the LVIA’s suggestion that the current proposal has a beneficial impact in the character of the area.
- 8.66 As highlighted at Paragraph 8.49 of this Report, whilst single farmhouses can be appreciated in the designated open countryside, new isolated six-bedroom country houses of a considerable size, such as this development, are incongruous features within the character of the surrounding area, the LCA, the LSA, and the NCA, in the designated countryside.
- 8.67 By virtue of the size, scale, layout, design, appearance, use of materials and architectural detailing of the proposal, the scheme is not considered to represent a structure associated with an existing or historic agricultural use, nor does it retain any of the site’s agricultural characteristics, which positively contribute to the character of the area. Therefore, the proposal is considered to result in far greater significant adverse impacts to the character of the area in comparison to the previous prior approval scheme.

- 8.68 Although the LVIA suggests that mitigation planting can address any potential impacts of the development, vegetation cannot be relied upon to provide permanent or substantial buffers to views because it can be removed without planning permission, it is susceptible to disease, and it is ever evolving and reliant on regular maintenance to retain a consistent form. It is also not considered that new planting could appropriately screen a 10.3m high structure.

Summary

- 8.69 To conclude, the development does not comply with the requirements of Policy DM14 of the SADMP. As a result, the scheme represents new and unjustified residential development beyond any identified settlement boundary and is unacceptable in principle.
- 8.70 By virtue of its size, scale, height, volume, design, use of materials, and architectural features of the scheme, the proposal results in significant harm to the intrinsic value, beauty, open character, and landscape character of the designated open countryside, as well as the character of the Sence Lowlands Landscape Character Area, the Sheepy Magna and Surrounds Landscape Sensitivity Area, and the Mease and Sence Lowlands National Character Area 72. As confirmed by the Applicants' LVIA, these impacts are permanent, irreversible and are visually prominent from Public Right of Way T19 and the B5000, which exacerbate the adverse effects of the scheme.
- 8.71 Ultimately, it is not considered that the material considerations raised by the LVIA justify the significant harm of this development in these site-specific circumstances. Therefore, the development is contrary to, and in conflict with Policies S8 and S10 of the SPNP, Policies DM4, DM10, and DM14 of the SADMP, and Chapters 2, 12, and 15 (including Key Policy Paragraphs 84 and 135) of the NPPF, the National Design Guide, and the Good Design Guide.

Impact upon Residential Amenity

- 8.72 Key Policy Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.73 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.
- 8.74 The closest neighbouring property is over 60m to the east of the application site. Therefore, the development is not considered to result in any significant adverse impacts to neighbouring residential amenity.

- 8.75 The scheme is considered to provide sufficient private outdoor amenity space and internal floor space to accommodate the future occupiers of the development.
- 8.76 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity or the residential amenity of the future occupants of the scheme in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.77 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.78 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.79 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.80 No amendments are proposed to the existing access to the site. The proposal removes all existing buildings including the existing agricultural use from the site. Given the above, the current scheme for one dwelling is not considered to result in an intensification of the use of the site.
- 8.81 Both proposed garages are compliant with the requirements of the LHDG. By virtue of the scale of the size and its large outdoor courtyard area, the development can accommodate sufficient off-street vehicle parking.
- 8.82 In light of the above, the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.83 In summary, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.84 It is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with one replacement dwelling are limited and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.85 Ultimately, the scheme represents new and unjustified residential development beyond any identified settlement boundary. By virtue of its size, scale, height, volume, design, use of materials, and architectural features, the proposal is not proportionate to the size, scale, mass or footprint of the original dwelling, nor is it situated within the curtilage of the existing property. As a result, the development results in significant harm to the intrinsic value, beauty, open character, and landscape character of the designated open countryside, as well as the character of the Sence Lowlands Landscape Character Area, the Sheepy Magna and Surrounds Landscape Sensitivity Area, and the Mease and Sence Lowlands National Character Area 72. These impacts are permanent, irreversible and are visually prominent from Public Right of Way T19 and the B5000, which exacerbate the adverse effects of the scheme. This attracts significant weight in the planning balance.
- 8.86 Ultimately, the adverse impacts of the scheme significantly and demonstrably outweigh any potential benefits of the development. Therefore, the development is contrary to, and in conflict with Policies S8 and S10 of the SPNP, Policies DM4, DM10, and DM14 of the SADMP, and Chapters 2, 12, and 15 of the NPPF (including Key Policy Paragraphs 84 and 135), the National Design Guide, and the Good Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, development that is not well designed and fails to reflect local design policies and government guidance on design should be refused.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

11.1 Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The scheme represents new and unjustified residential development beyond any identified settlement boundary. By virtue of its size, scale, height, volume, design, use of materials, and architectural features, the proposal is not proportionate to the size, scale, mass or footprint of the original dwelling, nor is it situated within the curtilage of the existing property.

As a result, the development results in significant harm to the intrinsic value, beauty, open character, and landscape character of the designated open countryside, as well as the character of the Sence Lowlands Landscape Character Area, the Sheepy Magna and Surrounds Landscape Sensitivity Area, and the Mease and Sence Lowlands National Character Area 72. These impacts are permanent, irreversible and are visually prominent from Public Right of Way T19 and the B5000, which exacerbate the adverse effects of the scheme.

Therefore, the development is contrary to, and in conflict with Policies S8 and S10 of the Sheepy Parish Neighbourhood Plan (2021), Policies DM4, DM10, and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapters 2, 12, and 15 of the

National Planning Policy Framework (2024), the National Design Guide (2021) and the Good Design Guide (2020). Ultimately, the adverse impacts of the scheme significantly and demonstrably outweigh any potential benefits of the development.

a. Notes to Applicant

1. The application has been determined in accordance with the following submitted details:

- Appendix 4 – Baseline Habitat Condition Assessment Sheets (submitted: 21.05.2024)
- Application Form (submitted: 21.05.2024)
- BNG Feasibility Assessment (submitted: 21.05.2024)
- BNG Metric PDF (submitted: 17.06.2024)
- Contamination Report (submitted: 21.05.2024)
- Covering Letter (submitted: 21.05.2024)
- Design and Access Statement (submitted: 21.05.2024)
- Ecological Appraisal and Nocturnal Bat Survey Report (submitted: 21.05.2024)
- Existing Agricultural Barn 01 Elevations and Sections 2568-0015-A (submitted: 21.05.2024)
- Existing Agricultural Barn 01 Floor Plans 2568-0014-A (submitted: 21.05.2024)
- Existing Agricultural Barn 02 Elevations and Sections 2568-0017-A (submitted: 21.05.2024)
- Existing Agricultural Barn 02 Floor Plans 2568-0016-A (submitted: 21.05.2024)
- Existing Agricultural Barn 03 Floor Plans, Elevations and Sections 2568-0018-A (submitted: 21.05.2024)
- Existing Farmhouse Elevations and Sections 2568-0011-A (submitted: 21.05.2024)
- Existing Farmhouse Floor Plans 2568-0010-A (submitted: 21.05.2024)
- Existing Outbuilding Elevations 2568-0013-A (submitted: 21.05.2024)
- Existing Outbuilding Floor Plans 2568-0012-A (submitted: 21.05.2024)
- Existing Pole Barn Elevations and Sections 2568-0019-A (submitted: 21.05.2024)
- Existing and Proposed Comparative Area Plan (2568-2102-C) (submitted 31.01.2025)
- Existing Site Location Plan (25688-0001-B) (submitted: 31.01.2025)
- Existing Site Plan 2568-0002-A (submitted: 21.05.2024)
- Existing Waste Management Plan 2568-0003-A (submitted: 21.05.2024)
- Landscape Mitigation (submitted: 21.05.2024)
- Landscape and Visual Impact Assessment (submitted: 21.05.2024)
- Landscape and Visual Impact Assessment – Appendix 3 (submitted: 21.05.2024)

- Proposed Attic Floor Plan (2568-2107-C) (submitted: 31.01.2025)
- Proposed First Floor Plan (2568-2106-C) (submitted: 31.01.2025)
- Proposed Ground Floor Plan (2568-2105-C) (submitted: 31.01.2025)
- Proposed North & East Elevations (2568-2151-C) (submitted: 31.01.2025)
- Proposed Roof Plan (2568-2108-C) (submitted: 31.01.2025)
- Proposed Site Location Plan (2568-2160-C) (submitted: 31.01.2025)
- Proposed Site Plan (2568-2101-C) (submitted: 31.01.2025)
- Proposed South & West Elevations (2568-0004-B) (submitted: 31.01.2025)
- Proposed Waste Management Plan (2568-0004-B) (submitted: 31.01.2025)
- Tree Survey and Constraints Plan (submitted: 21.05.2024)