

Delegated Report

Planning Ref: 24/00955/HOU

Applicant: Gareth Hunt

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Greenleaves Pinwall Lane Pinwall

Proposal: Retrospective approval for construction of a green house, gazebo, raised beds and a pond

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning consent for the retrospective construction of a greenhouse, gazebo, raised bed and a pond at Greenleaves, Pinwall Lane, Pinwall.
- 2.2. The existing greenhouse measures 3.85 metres in width, 2.58 metres in depth and hosts a pitched roof which measures 2.65 metres to the ridge and 1.96 metres to the eaves. It is constructed out of fully glazed panels with a green trim.
- 2.3. The existing gazebo measures a maximum of 4.99 metres in width and 3.69 metres in depth, with an adjoining panel to the south-east measuring 2.55 metres in width and an adjoining panel facing 70 degrees to the north measuring 1.61 metres in width. The structure features an overall height of 2.43 metres and is constructed out of dark grey painted timber panels.
- 2.4. The existing raised beds compromise an “L” shaped design and measure a maximum of 5.58 metres in width, a maximum of 1.92 metres in depth, and host a height of 0.51 metres. They are constructed out of rendered brick.
- 2.5. The existing pond measures 6.44 metres in width and 3.22 metres in depth.

3. Description of the site and surrounding area

- 3.1. The application property is a two storey semi-detached residential dwelling, situated within the open countryside. The application dwelling compromises the use of red brick and cream render to the walls of the main house and grey render to the walls of the detached garage, brown interlocking tiles to the roof and white uPVC to the windows. It is the first dwelling in a small collection of dwellings located to the north of Pinwall Lane.
- 3.2. The neighbouring properties are also two storey semi-detached dwellings and they are of a similar design to the subject property and are finished in similar materials. Open countryside is located to the rear of the property.
- 3.3. A certificate of lawful existing use to use the existing agricultural land to the north-west of the application dwelling (identified by the red line within *Figure 1*) as a garden was granted in August 2024 under application reference; 24/00684/CLE.

Figure 1



4. Relevant planning history

08/00209/FUL

- EXTENSION AND ALTERATION TO DWELLING AND REPOSITION OF ACCESS DRIVEWAY
- PER
- 29.04.2008

24/00684/CLE

- Lawful Development Certificate for the existing use of agricultural land as garden
- CERTLE
- 19.08.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. No comments have been received following the publications.

6. Consultation

6.1. Sheepy Parish Council:

"NEUTRAL

Please note, this response is based on documents available on HBBC Planning Portal as at 18th November 2024. Sheepy Parish Council kindly request that it is notified and consulted on any later changes to this application so as to ensure full compliance with the Sheepy Parish Neighbourhood Plan made May 2022.

Sheepy Parish Council has reviewed the above application 24/00955/HOU - (Greenleaves, Pinwall Lane, Pinwall, Retrospective approval for construction of a green house, gazebo, raised beds and a pond) and is cognisant of the Decision Notice (19 August 2024) and Delegated Report (19 August 2024) for 24/00684/CLE and notes that the green house, gazebo, raised beds and a pond appear to be within amended red edged site plan (HBBC Reference 16 August 2024 – Site Location Plan Drawing 0330 (A) 001 Rev A) for which the LPA granted consent (19 August 2024) and therefore will respect HBBC's wider planning regulation knowledge, not necessarily known by Sheepy Parish Council, on this matter, to ensure it is be in line with the policies, which should be considered collectively, in the Sheepy Parish Neighbourhood Plan made May 2022.

Nevertheless, as this application is retrospective for development on what was Agricultural Land, prior to Lawful Development Certificate for the existing use of agricultural land as garden being granted 19 August 2024, Sheepy Parish Council request that Hinckley & Bosworth Borough Council add a condition to ensure no future development takes place on agricultural land owned by the applicant as shown on HBBC Reference 16 August 2024 – Site Location Plan Drawing 0330 (A) 001 Rev A. With an addendum to remove and future permitted development rights to protect the character of the site and surrounding area.

Furthermore, as this site is in the countryside, and therefore to prevent subsequent housing or commercial development, Sheepy Parish Council request that, Hinckley & Bosworth Borough Council gives consideration to adding the condition that , The Lawful Development Certificate for the existing use of agricultural land as garden, granted 19 August 2024, shall be restricted to the use as garden land and shall always remain part of Greenleaves, Pinwall Lane, Pinwall, and shall not be sold, leased nor otherwise disposed of separately from, the remainder of the premises.' END"

6.2. Environmental Agency:

"We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

- The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant

environmental risk then please do not hesitate to contact us and we will be pleased to review our response.”

6.3. LCC Ecology;

“The retrospective development consisting of a green house, gazebo and raised bed appears to be on existing garden and doesn’t tie into the existing dwelling.

Therefore, the impact on local ecology is likely to be minimal.

I have no objection or further comments on this application.”

6.4. HBBC Environmental Health (Pollution);

“No objection.”

6.5. HBBC Drainage;

“No objection on sustainable drainage grounds.”

7. Policy

7.1. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S1: Countryside
- Policy S5: Ecology and Biodiversity
- Policy S8: Design

7.2. Core Strategy (2009)

- Policy 12: Rural Villages

7.3. 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

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP and Policy S1 of the Sheepy Neighbourhood Plan both set out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside.
- 8.3 This application seeks full planning consent for the retrospective construction of a greenhouse, gazebo, raised bed and a pond at Greenleaves, Pinwall Lane, Pinwall. an existing dwelling and therefore is a sustainable development within the countryside and acceptable in principle. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area

- 8.4 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.
- 8.6 Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.
- 8.7 Policy S1 of the Sheepy Neighbourhood Plan allows for sustainable development in the countryside where it is a householder development.
- 8.8 Policy S5 of the Sheepy Neighbourhood Plan seeks to ensure that development has appropriate regard for the network of local ecological features and habitats.
- 8.9 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals are designed with evident care as to respond positively to the character of the area, respond to features within its setting and to work with scale, form to make a positive contribution to the street-scene.
- 8.10 The application seeks full planning consent for the retrospective construction of a greenhouse, gazebo, raised bed and a pond at Greenleaves, Pinwall Lane, Pinwall. The application is required as whilst the use of the land was deemed virtue (through the passage of time) the land did not benefit from permitted development rights as it was not in the curtilage of the dwelling. Permission is therefore sought for their retention.
- 8.11 The structures are situated to the north of the application dwelling; host modest footprints, single storey scales and sympathetic construction materials; they are located in a discreet position within the countryside on Pinwall Lane and are screened significantly by way of the existing vegetation surrounding the sites curtilage. As a result, the structures are not visually prominent from any public

areas and neither result in any adverse visual impacts on the surrounding area. Prior to the issuing of the certificate of lawful existing use the application dwelling hosted a private amenity space on a significantly smaller scale, therefore the remaining private amenity space to serve the existing dwelling even following the construction of additional structures is considered to be more than sufficient.

- 8.12 The implementation of two additional conditions removing permitted development rights as set out within Schedule 2, Part 1, Class E and F and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders with or without modification) are, however considered necessary by the Local Planning Authority in order to safeguard the intrinsic value, beauty, open character and appearance of the countryside and to prevent further unrestricted built form in this area which if controlled could result in countryside harm.
- 8.13 In light of the above, it is considered that the proposal would complement the character of the existing dwelling and surrounding area/countryside and therefore complies with Policies DM1, DM4 and DM10 of the SADMP and Policy S1, S5 and S8 of the Sheepy Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the SADMP seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.15 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals are designed with evident care as to show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, and noise and light pollution.
- 8.16 Due to the nature of the development and the siting of the site significantly away from any adjacent residential dwellings, it is not considered that the proposal would not have an adverse impact upon the residential amenity of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature.

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.

10. Conclusion

- 10.1 The proposed development is for a property located within the countryside. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, as long as the proposal is in accordance with the relevant policies of the SADMP. Policy DM4 of the SADMP and Policy S1 of the Sheepy Neighbourhood Plan both set out that householder applications would be considered sustainable within the countryside where they lead to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside.
- 10.2 The proposed development has been assessed and the Local Planning Authority can conclude that the proposed development would complement the character and appearance of the host dwelling, and would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site. On this basis, the proposal is therefore considered to be in accordance with Policy DM1, DM4, DM10 of the Site Allocations and Development Management Policies DPD and Policy S1, S5 and S8 of the Sheepy Neighbourhood Plan and is recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 14th October 2024.

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

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

- Site Location Plan, Drg No. 0330-A-GA-001;
 - Block Plan, Drg No. 0330-A-GA-002;
 - Site Plan, Drg No.0330-A-GA-003;
 - Existing Planters, Drg No. 0330-A-GA-004;
 - Existing Greenhouse, Drg No. 0330-A-GA-006
- as received by the Local Planning Authority on the 14th October 2024.

- Existing Gazebo, Drg No. 0330-A-GA-005 as received by the Local Planning Authority on the 12th November 2024.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the provisions of Schedule 2, Part 1, Class E and F and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders with or without modification), no further buildings, hard surfaces incidental to the enjoyment of the dwellinghouse or means of enclosure shall be carried out on the site unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the intrinsic value, beauty, open character and appearance of the countryside in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. **Notes to applicant**

- The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.