

## Delegated Report

**Planning Ref:** 23/00705/FUL  
**Applicant:** C/O Simon Cheshire (Agent)  
**Ward:** Ambien



Hinckley & Bosworth  
Borough Council

**Site:** Upper Pullins Farm, Stoke Lane, Higham on the Hill

**Proposal:** Change of use of existing barn to C3 dwelling with associated private amenity space and parking

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### 1. Recommendations

- 1.1. **Refuse planning permission** for the reasons outlined at the end of this report.

### 2. Planning Application Description

- 2.1. This application seeks full planning permission for the conversion of an existing barn to form a four bedroomed dwelling, including associated private amenity space and parking.
- 2.2. The application has been supported by a Design and access statement and a structural report.

### 3. Description of the Site and Surrounding Area

- 3.1. The application site is located in the countryside on the eastern side of Higham on the Hill, accessed via Stoke Lane. To the north of the barn is vale Farm Bed and breakfast with the associated dwelling, agricultural outbuildings and a storage yard. The site is bound by open countryside to the east, south and west. Footpath T46 runs across the northern boundary between this site and Vale Farm B&B.

### 4. Relevant Planning History

N/A

### 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. One objection has been received making the following comments:
- Out of character with wider agricultural area, conservation area and historic nature of the site
  - Does not preserve or enhance the character of the area
  - Harm to visual amenity from footpaths T47 and T48

### 6. Consultation

- 6.1. No objections, some subject to conditions, received from:-

Leicestershire County Council (Ecology)  
Waste Services  
Environmental Health (Pollution)  
Environmental Health (Drainage)

- 6.2. Higham on the Hill Parish Council:

Object –

1. This proposed development is outside the settlement boundary.

2. It is not in keeping with its rural setting.
3. It is a metal framed storage facility erected in 2000 for the sole purpose of agricultural use and as such did not require planning permission.
4. Turning it into a residential property is not appropriate and would do nothing to enhance the setting.
5. If permission were granted it would set a precedent for any modern tin roofed barn to be turned into accommodation.
6. In the location plan there is no recognition of a public footpath quite close to the site and documentation with this application suggests that this site cannot be seen from the road, which is not the case.
7. Numerous policies in the local development plan would suggest that this application contravenes many environmental policies, particularly development in the open countryside.
8. I believe as a Parish Council we are right to oppose this application.

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 12: Rural Villages

### **7.2. 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### **7.3. National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Noise
- Contamination
- Other matters
- Other material considerations

#### Assessment against strategic planning policies

- 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, and that the NPPF is a material planning consideration in planning decisions.

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 8.3. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(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.”*
- 8.7. This 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. Policy DM4 of the SADMP only considers residential 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”.
- 8.9. Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.

- 8.10 The development is outside of any identified settlement boundaries in the countryside, but involves the reuse of an existing barn, which is compliant with Policy DM4 of the SADMP. Paragraph 13.6 of the SADMP states that, *“Any proposal which relates to the re-use of a redundant buildings in the countryside must have specific regard to Policy DM15.”* Therefore, the application is acceptable in principle in accordance with Policy DM4 of the SADMP, subject to assessment against Policy DM15 of the SADMP.
- 8.11 Policy DM15 of the adopted SADMP states that proposed development outside the settlement boundary for the re-use and/or adaptation of redundant or disused rural buildings will be supported where:
- a) The applicant demonstrates the building is no longer viable in its current use; and
  - b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
  - c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
  - d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance.

All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.

- 8.12 The supporting text to Policy DM15 recognises that *‘buildings in the rural area are often attractive, frequently constructed from local materials and often reflect the local vernacular, which in turn contribute significantly towards the character and diversity of the area in their existing form’*. It goes on to state that *‘It should be recognised that not all buildings in the countryside are suitable for conversion or adaptation to new uses as they may be poorly designed and constructed.’*
- 8.13 The site is located in the countryside, remote from everyday services and facilities that would be required to support residential development. The scheme proposes the conversion of a part blockwork/ part clad barn and initially would appear to be potentially compatible with one of the forms of development allowed in the countryside by Policy DM4 of the adopted SADMP subject to there being no significant adverse effect on the open character or appearance of the surrounding landscape. Impact on the character of the area is discussed later in this report.
- 8.14 The application has been accompanied by a structural report and considers the barn makes for an uncomplicated inclusion of additional materials and thermal insulation.
- 8.15 The proposed modifications to the existing barn are listed as:
- *Roof - The roof is to be insulated with rigid thermal insulation above the purlins and a ceiling of plasterboard. Supplemental purlins are to be provided for fixing purposes. The rafter members of the steel portal frames are to remain and the existing roofing sheets replaced with new profiled sheets.*

- *Walls - The existing concrete blockwork is to be retained and new thermal insulation added to the internal face of the wall with a plasterboard finish. The areas of vertical sheeting are to be replaced and insulated with new thermal insulation behind the sheeting rails and with a plasterboard finish.*
- *Timber clad structural insulated panels are proposed to the southern elevation and located in between the existing steel stanchions which will be increased in height with steelwork of a similar section welded in place below the level of the rafter member.*
- *Ground floor - the existing oversite concrete is to be overlain with thermal insulation and finished with a concrete screed to receive floor finish.*
- *First floor - to be engineered joists with boarded finish.*
- *Windows and doors - to be PVCu construction with multiple layer glazing units.*
- *Drainage – Rainwater to be as existing. Foulwater to be to Klargestor or similar with overflow taken to soakaways as per the manufacturer's recommendations.*

- 8.16 The report confirms that the only parts of the original structure to remain would be roof purlins (to be supplemented with additional purlins), part of the existing concrete blockwork, and the existing steel frame. The proposal would include a new roof, new concrete screed to the floor, with three of four sides requiring new walls above the ~half height retained blockwork (with the existing sheeting being removed) and the southern elevation requiring an entirely new elevation. Several openings would also be created within the existing external elevations, and no evidence has been provided to demonstrate that these openings would not result in the integrity of the existing building being undermined, nor clear evidence that the existing building is structurally capable of supporting, such insertions without the need for any additional support.
- 8.17 It is considered that having regard to which parts of the existing structure would remain, the proposal would not be considered capable of conversion without significant rebuild or alteration. It is therefore considered that the works required to provide a viable residential scheme for the building would extend significantly beyond the scope of what would reasonably be regarded as 'conversion' of the existing building permissible under Policy DM15 of the SADMP.
- 8.18 Given the above, the Council considers that the proposal is contrary to, and in conflict with, Policy DM15(a) and (b) of the SADMP. Consequently, the significant rebuild and alteration to the structure represents new unjustified residential development in the protected countryside, and therefore the development is contrary to, and in conflict with Policy DM4 of the SADMP. As such, the application does not accord with the Development Plan and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

#### *Housing Land Supply*

- 8.19 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.20 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. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.21 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.22 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.23 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 clear 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.
- 8.24 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.25 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.26 The development is for one singular residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.27 Given the Council's failure to deliver a five-year supply of land for housing, it is considered that positive weight should be attributed to the provision of the proposed dwelling, however, this is limited owing to the scale of development.

Design and impact upon the character of the area

- 8.2. Policy DM4 of the adopted SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally. Policy DM15 requires that all development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting. Policy 21 of the Core Strategy seeks to ensure that the siting and scale of the proposed development is appropriately related to its setting within the Forest and that the development respects the character and appearance of the wider countryside.
- 8.3. The existing barn is visible on the approach to the site, and would be seen from wider areas, particularly for users of footpath T46 facing south and southwest from the north of the site. The proposal seeks to convert the existing building and create a private garden and parking area.
- 8.4. The proposal seeks to introduce several openings within the elevations of the barn on all sides. Currently openings are limited to one mostly open elevation on the south facing elevation, with one door on the west facing elevation. The proposal would introduce nine large windows to the proposed south elevation, one of which is floor to eaves height. It is not considered that the quantity and design of the proposed openings are reflective or relatable to the existing openings of the building and result in the building appearing predominantly domestic and would not appear as a rural building in keeping with the countryside. As such would impact upon the character of the existing building, which is contrary to Policy DM10 of the SADMP.
- 8.5. Furthermore, no landscaping scheme has been submitted to help to assimilate the proposal into the existing area. Although this could be secured by condition, the application as presented does not suggest how this could be done sensitively and without appearing incongruous or uncharacteristic. The introduction of residential paraphernalia and parked cars associated with a new dwelling in the countryside would result in the domestication of the immediate setting which is considered to cause harm to the character and appearance of the area, and certainly does not enhance the immediate setting, which is in conflict with Policies DM4, DM10 and DM15 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.6. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.7. The nearest neighbouring property is Vale Farm, situated approximately 90m to the north west of the application site. Given this separation distance it is not considered that this proposal would result in any impacts upon any neighbouring properties.

Impact upon highway safety

- 8.8. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on the highway network or highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.9. The existing access track serving the site is taken from Stoke Lane. The LHA is satisfied that the existing access is suitable to serve the proposed development and that the proposals will have a minimal impact on the existing highway network.

- 8.10. Regarding the Public Footpath, the LHA is satisfied that the continued use and enjoyment of Footpath T46 can be achieved and secured via imposing a condition.
- 8.11. The traffic movements associated with one dwelling would not result in any material increase in traffic using the existing access, and therefore the proposed development would not have any significant adverse impacts on the highway network. The applicant has demonstrated that adequate parking and turning provision would be provided within the application site. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

#### Other matters

- 8.12. Leicestershire County Council (Ecology) have confirmed that as the building is currently covered with a sheet roof material, and not tiles, it is unlikely that the building is supporting roosting bats and therefore have no objections nor conditions.
- 8.13. Street Scene Services (Waste) recommend a condition to require refuse and recycling storage and collection details to be submitted for prior approval should planning permission for residential use be approved.

#### Other material considerations

- 8.14. The proposed scheme would provide a small, localised and temporary benefit to construction through the employment of trades required. It is identified that there is also limited contribution to the social role through the provision of one new dwelling, however, the proposal would not significantly boost the housing supply.
- 8.15. To the contrary, the site is in a countryside location remote from services and facilities and future occupiers would be entirely reliant on private car to access services. There is no footpath linking the site to the village centre for approximately 260m around a significant bend and on a country lane with no street lighting, discouraging walking into the village. Furthermore, the proposed development would not result in a visual improvement nor enhancement to the countryside and immediate setting, and the adverse impacts of this development would significantly and demonstrably outweigh the limited benefits.

### **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 and planning balance**

- 10.1. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and 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 the Framework taken as a whole.
- 10.2. Policy DM4 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF with paragraph 174b) recognising the importance of the intrinsic character of the countryside, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.
- 10.3. The applicant has failed to demonstrate that the existing building is capable of conversion to residential use without significant rebuilding and alterations. From the information submitted it is considered that the works required to provide a viable residential scheme would extend significantly beyond the scope of what would reasonably be regarded as 'conversion' and therefore, the proposed scheme would result in a dwelling more akin to a new build dwelling in the countryside.
- 10.4. The proposal therefore represents new unjustified residential development in the countryside, which would cause significant harm to its intrinsic, value, beauty, open character, and landscape character. The proposed development would also result in the provision of openings which are inharmonious to the existing character of the building or surrounding area, resulting in an overly residential appearance to the application site. The proposal is therefore in conflict with Policies DM4, DM10 and DM15 of the adopted SADMP.
- 10.5. The limited social and economic benefits that may result from the scheme would not outweigh the harm attributed to the clear and significant conflict with the adopted policies of the development plan and demonstrable harm to the character and appearance of the countryside.

## **11. Recommendation**

### **11.1. Refuse planning permission:**

### **11.2. Reasons**

- 1. The applicant has failed to demonstrate that the buildings are capable of conversion to residential use without significant rebuilding and alterations and the proposal would therefore result in unjustified new residential development in the countryside. In addition, by virtue of the proposed design, the proposal would harm and fails to enhance the character and appearance of the application site and its immediate setting. The proposed scheme would therefore not represent sustainable development and would conflict with Policies DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework.