

Delegated Report

Planning Ref: 24/00963/FUL

Applicant: Mr & Mrs Cook

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: The Winnowing Barn, Main Street, Orton On The Hill

Proposal: Demolition of existing garage to create access to lower field.

Recommendations

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

Planning application description

- 2.1. The proposal seeks the demolition of existing garage to create better access to a lower field used for equestrian purposes. The existing single storey double brick built garage was not part of the original barn development and the proposed would extend the existing driveway to the bottom field to provide better access to the stables. The existing dropped kerb would also be extended by 2 low level kerbs. Parking arrangements will not be affected, nor does the proposal impact the use of the site which has been established through earlier permissions.

Description of the site and surrounding area

- 3.1. The Winnowing Barn is a detached dwelling that sits within its own grounds along Main Street in Orton on the Hill. The dwelling is a barn conversion with a large stable block and field shelters at rear.
- 3.2. Orton on the Hill is a small village forming part of the Twycross civil parish in the Hinckley and Bosworth district of Leicestershire. The village location is defined by a group of relatively isolated woodland trees set in open countryside at the top of a high ridge orientated east-west. It is approached by narrow straight roads from Sheepy to the south and Twycross and Atherstone along the ridge
- 3.3. The site is located within the Orton on the Hill Conservation Area.

Relevant planning history

4.1 **24/00526/CLE**

- Certificate of lawfulness for existing operational development comprising of the erection of four field shelters for equestrian use
- Granted
- 29.07.2024

16/00493/FUL

- Erection of agricultural storage and livestock building (revised scheme)
- Refused
- 25.08.2016

16/00211/FUL

- Erection of agricultural storage and livestock building
- Refused
- 18.04.2016

13/00030/FUL

- Change of use of land from agricultural to equestrian use and the formation of a menage
- Permitted
- 07.03.2013

06/00447/FUL

- Erection of 4 No. stables and hay store
- Permitted
- 14.09.2006

Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. There has been 1 letter of representation received suggesting that permission should be conditional on the revised driveway being for personal use of the occupiers and not to be used in connection with any commercial activity or development either now or any time in the future.

Officer note: The permission for the use of the land is under application 13/00030/FUL which prevents the use of the land for commercial purposes and as such it is not necessary to further restrict the use of the same access.

Consultation

- 6.1. No objection has been received from:-
- HBBC (Pollution)
- LCC Highways- no objection but informative to be added
- Conservation Officer- No objection

Policy

- 6.1 Core Strategy (2009)
- Policy 13: Rural Hamlets
- 6.2 Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 6.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 6.4 Other relevant guidance
- Good Design Guide (2020)

- National Design Guide (2019)

Appraisal

7.1 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
- Drainage

Assessment against strategic planning policies

- 7.2 The 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 7.3 The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 7.4 The garage and access is within the settlement boundary of Orton on the Hill and the principle of these aspects are considered accepted in accordance with Policy 13 of the Core Strategy as development within the settlement boundary. The principle of development is acceptable subject to all other material considerations being satisfactorily addressed.

Design and impact upon the character of the conservation area.

- 7.5 The Winnowing Barn is located within the Orton on the Hill Conservation Area. It sits approx. 1m back from Main Street with a vehicle access on the northern side of the site which leads to a detached 2 bay garage, set back approx. 17m from Main Street and a large garden plot to the east/ rear of the barn which leads to fields to the east. The Main dwelling is a barn conversion, with a large stable block, a menage and field shelters at rear.
- 7.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.7 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 2 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 7.8 This application is for the demolition of a double garage located to the east of Winnowing Barn. The Barn and garage subject to the application is located within

the Orton on the Hill Conservation Area. The garage is a relatively modern construction (dating from the early 2000s) but has been constructed of materials prevalent to the area (red brick, clay tile roof, timber doors) and follows a traditional form. As such it is considered to be a neutral feature within the conservation area. It is considered the demolition of the garage would result in the removal of a neutral feature within the conservation area and as such would have no adverse impact upon its character and appearance. The proposal would therefore preserve the significance of the Orton on the Hill Conservation Area, and as a result the proposal would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 7.9 For the same reasons the development would not have an adverse impact on the character of the area and complies with policy DM10 of the Site Allocations and Development Management Policies DPD

Impact upon neighbouring residential amenity

- 7.10 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.
- 7.11 There have been no objections received from any neighbouring dwellings.
- 7.12 The block plan demonstrates that the plot would be able to accommodate sufficient onsite parking at the rear once the garage was demolished.
- 7.13 There would be no adverse impacts from loss of privacy or overlooking to the nearest non-associated neighbour, No10 Main Street. Due to the nature of the proposal, the distances involved and the boundary screening are deemed sufficient to retain an acceptable amount of residential amenity to No10 Main street and all neighbouring dwellings.
- 7.14 The proposal would not alter the use of, or lead to an intensification of the existing site access.
- 7.15 Therefore the proposal will not result in any significant adverse impacts on the amenities of the occupiers of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 7.16 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 7.17 Subject to an informative regarding a dropped kerb LCC Highways had no objections to the proposal. It is considered the proposal would not result in any significant adverse impacts on highway safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP

Drainage

- 7.18 Policy DM7 seeks to ensure developments do not create or exacerbate flooding.
- 7.19 Considering the scale and nature of development and the existing hardstanding the proposal is unlikely to exacerbating flooding in accordance with Policy DM7 of the SADMP.

Ecology

- 7.20 Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity. The proposal would not impact protected species.
- 7.21 The development is exempt from mandatory Biodiversity Net Gain (BNG) through the de minimis exemption, it would not impact priority habitat of any kind.

Equality implications

- 8.1 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.
- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 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).

Conclusion

- 9.1 It is considered that the proposal would have a neutral impact upon the character and appearance of the Orton on the Hill Conservation Area, thus preserving the significance of this designated heritage asset. Consequently, the proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 9.2 The siting, scale and design of the proposed would also have no adverse impact upon the residential amenity of any neighbouring dwellings nor the character of the area and would have no impact upon highway safety. Therefore the proposal would comply with Policy DM1, DM7, DM10, DM17 and DM18 of the SADMP (2016), Policy 13 of the Core Strategy (2009).

Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

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

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

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

Site Location Plan Drg No. 2024-25-01 received 07/01/2025
Amended Block Plan Drg No. 2024-25-00 received 07/01/2025
Proposed Parking Plan Drg No. 2024-25-01 received 17/10/2024
Topographical Survey received on 17/10/2024

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be occupied until such time as off street car parking provision has been provided in accordance with Proposed Parking Plan Drg No. 2024-25-01 received 17/10/2024. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 109 and 110 of the National Planning Policy Framework (2024).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The Applicant should be advised notwithstanding planning permission, to facilitate the proposed amended access, the Applicant would still need to apply to the LHA for a vehicle crossover (dropped kerb) permit. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>. The Applicant should note that the approval of planning permission does not guarantee permission for the required works permit.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving,

discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).