

Delegated Report

Planning Ref: 23/00392/FUL

Applicant: Mr and Mrs A Gibson

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: 65A Newbold Road Barlestone Nuneaton

Proposal: Proposed new stable block with associated storage area

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for a new stable block with an associated storage area at 65A Newbold Road, Barlestone. The scheme includes the provision of one stable, and a store and tack and feed room. To facilitate this development, an existing open front shed is removed from the site.

2.2. The structure externally measures 10m in width x 10m in depth, with a total footprint of 88.4sqm. The scheme features two hipped roofs that have a ridge height of 3.3m, and an eaves height of 2.9m. The building is constructed with timber cladding, timber doors and windows, and a metal roof covering.

2.3. The Planning Officer raised concerns regarding the scale of the development and its likely impact on the intrinsic value, beauty, open character, and landscape character of the countryside. Following the discussion of these concerns with the Applicant, the Applicant significantly reduced the size and scale of the development.

2.4. Originally, the new stable block externally measured 18.1m in width x 15.1m in depth, which created a total footprint of 188sqm. The development also initially utilised two hipped roofs that had a ridge height of 5m, and an eaves height of 3.2m.

3. Description of the Site and the Surrounding Area

3.1. The application site comprises of 65A Newbold Road, which is an existing two-storey, red brick dwelling, as well as a detached garage, a single-storey stables, an existing open front shed, and paddock land.

3.2. The existing open front shed externally measures 7.4m in width x 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The single storey stable block is to the northwest of the dwelling and externally measures 18m in width x 5.1m in depth.

3.3. The application site is located to the southeast of, and outside of, the identified settlement boundary for Stand Alone Key Rural Centre, Barlestone. However, the residential property, 65A Newbold Road, is within its identified settlement boundary.

3.4. The site is accessed via a part-shared drive onto Newbold Road, which is a classified 'C' road that is subject to a 30mph speed limit. The site's southern boundary is well screened from the highway by existing mature landscaping comprising predominantly of tall conifer trees, but views of the site can be seen on Newbold Road from the west.

3.5. The property is set back from the highway and occupies an elevated position in relation to it. The location of the proposed development is adjacent to the highway boundary and also occupies an elevated position in relation to it by approximately 2m in comparison to the public footpath. The paddock to the west of the site slopes down towards the two neighbouring dwellings, 61 and 63 Newbold Road. Beyond these neighbouring dwellings are allotment gardens.

3.6. To the north of the site there is Mill Farm cottage, which is separated from the site via a paddock, and beyond this is open agricultural fields. Further to the west of the site is more residential dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development, but beyond this is further open agricultural fields.

4. Relevant Planning History

4.1 16/00349/CONDIT

- Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access.
- Permitted
- 23.06.2016

4.2 15/01197/CONDIT

- Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes.
- Permitted
- 21.12.2015

4.3 12/00954/FUL

- Demolition of existing dwelling and erection of one new dwelling and detached garage
- Permitted
- 15.01.2013

4.4 12/00006/FUL

- Extension and alterations to dwelling and erection of garage
- Permitted
- 30.03.2012

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Barlestone Parish Council
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Ecology Unit
- The Local Highway Authority (subject to conditions)

- 6.2 On 17 May 2023, the Local Highway Authority requested clarity as to whether the stables are to remain in the private ownership of the Applicant, or whether they are for a commercial use. The LHA also requested that the Site Location Plan was revised so that the access route to Newbold Road is shown fully within the red line boundary of the site.
- 6.3 The Applicant confirmed that the scheme was for the private use of the Applicant on 14 September 2023, and then submitted a revised Site Location Plan on 25 October 2023. On the basis that the stables are to remain private, which was recommended to be secured via planning condition, the LHA advised that it had no objection to the use of the existing access without any further works on 03 November 2023.
- 6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

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

Principle of Development

- 8.2. 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 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. 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".
- 8.8 Whilst the riding of horses may entail a recreational activity that is undertaken by the rider, the principal purpose of stables is for the shelter and keeping of horses, which is not considered to be ancillary to a recreational use of land. This is because stables are equestrian sui generis use and, fundamentally, the welfare of horses is not considered to be a recreational use.
- 8.9 Furthermore, the application site is not utilised for, nor in association with a commercial agricultural business to justify the provision of additional agricultural storage space in principle.

- 8.10 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.11 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.
- 8.12 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy 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.

Design and Impact upon the Character of the Area

- 8.13 Paragraph 134 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.14 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.15 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.
- 8.16 As highlighted previously within this report, the proposal lies outside of the identified settlement boundary of Barlestone and does not fall under any of the exception categories allowed by Policy DM4 of the SADMP and is therefore unacceptable in principle.
- 8.17 Although the site's southern boundary benefits from being well screened from the highway by existing mature landscaping, vegetation cannot be relied upon to provide permanent or substantial buffers to views. This is 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. Furthermore, views of the development are likely to be visible from the south-western site boundary of the site via Newbold Road.
- 8.18 Moreover, there is already an existing 90sqm stable block within the site that is 18m in width and 5.1m in depth, which is a major material consideration within this application. This is because the Applicant has not provided any justification as to why they require further stabling, and how the increased provision of stabling is acceptable for a singular residential use.

- 8.19 Nevertheless, the Applicant has reduced the capacity of the current proposal to one additional stable, which increases the total stabling capacity of the site to five. This is considered by the Local Planning Authority to be the limit to the acceptable capacity of stabling that is in association with a single residential use.
- 8.20 Notwithstanding this, the proposed structure is only 2.6m wider and deeper than the existing structure within the site, which increases the footprint of the buildings on site by 34.4sqm. Whilst this is slightly over half the footprint of the original structure, as the scheme replaces an existing structure within this location, the provision of a new dual agricultural and equestrian use structure for the private use of the Applicant that is slightly larger than the existing building is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the open countryside in these site-specific circumstances.
- 8.21 In addition, the proposal retains a limited height of 3.3m, which is only 0.2m higher than the existing structure within the site. Given the massing of the existing building and the limited visibility of the structure from the street scene, this is not considered to be unacceptable in these site-specific circumstances.
- 8.22 Although existing mature landscaping cannot be relied on for permanent and substantial buffers to views of the development from Newbold Road, the Applicant has proposed additional fencing and hedge planting to the north and west of the development. This is considered to reduce the impact of the development and improve the character of the site. However, due to the lack of detail of this landscaping, a landscaping scheme is secured via planning condition to ensure that appropriate landscaping is achieved within the site.
- 8.23 Moreover, the scheme is for the private residential use of the Applicant, which is secured via planning condition, and is therefore the proposal is not considered to result in any significant intensification of the use of the site.
- 8.24 To summarise, the development causes harm in principle to the open countryside, contrary to Policy DM4 of the SADMP. Whilst there is an existing stable block within the site, the development does not increase the capacity of stabling within the site beyond a reasonably acceptable scale for a singular residential use. As the scheme is for a private residential use, the scheme does not cause any significant intensification of the site, which reduces its impact on the character of the countryside and the surrounding area.
- 8.25 Moreover, whilst the development is slightly larger than the existing structure it replaces, it is sited in a similar position to this existing building and retains its limited height and volume, which is considered to further reduce its impact on the character of the countryside and the surrounding area.
- 8.26 By virtue of its design, proposed use of materials, size, scale, massing, volume, and siting, the development is considered to be acceptable in these site-specific circumstances and is likely to respect the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.27 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.28 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.
- 8.29 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.30 The development is 25m away from the host dwelling and over 60m from the nearest neighbouring dwelling to the west of the site. Therefore, it is not considered that the development results in any loss of light, overbearing or overshadowing impacts to neighbouring residential amenity.
- 8.31 To safeguard the residential amenity of surrounding neighbours, the development is limited to the private use of the Applicant, which is secured via planning condition.
- 8.32 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to residential amenity and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.33 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.34 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.35 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.36 The development utilises the existing residential access onto Newbold Road, which is a part-shared access with 65 Newbold Road. The proposal makes no amendments to this access.
- 8.37 Based on the available records to the Local Highway Authority (LHA), there have been no recorded Personal Injury Collisions within 500m either side of the site access within the last five years.

- 8.38 On the basis that the stables are used for the private use of the Applicant, the LHA have no objection to the use of the existing access without any further works. This is because the existing access is used to access the Applicant's land at present, and the LHA do not consider it possible to demonstrate that a proposal for a private use is likely to lead to an intensification in the use of the access. However, to ensure that the scheme does not result in an unacceptable intensification of the site and its access, this secured via planning condition.
- 8.39 Furthermore, on the basis that the stables are used for the private use of the Applicant, the LHA consider the gravel yard shown within the Proposed Site Plan to be sufficient for vehicle parking and turning.
- 8.40 In light of the above, and subject to planning conditions, it is considered that 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.

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 The proposed development is considered to be compliant with the relevant national and local policy as it:
- Is an appropriate scale and design.
 - Does not have an adverse impact upon the character and appearance of the area.
 - Does not have a significant adverse impact upon residential amenity.
 - Does not have a significant adverse impact upon highway safety.
 - Provides sufficient vehicle parking spaces for off-street parking.

- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Proposed Floor Plan and Elevations 11 2679 23 E (submitted: 25.10.2023).
- Proposed Site, Roof, and Block Plan 11 2679 22 F (submitted: 25.10.2023)
- Site Location Plan (submitted: 25.10.2023)
- Topographical Survey – Drg No. 11.2679.19 (submitted: 24.04.2023)

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 materials to be used on the external elevations of the development hereby permitted shall accord with the materials outlined within the Proposed Floor Plan and Elevations 11 2679 23 E (submitted: 25.10.2023).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The application site and the structure hereby permitted shall be used for the private use of the Applicant's family's horses only and for ancillary storage. Neither the application site, nor the structure hereby permitted shall be utilised for events, nor for any commercial or industrial purposes, including for its use as livery stables. Should the stables become redundant the building shall be demolished and the site restored to grassland unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has been granted on the basis that the building is required for the accommodation of the Applicant's family's horses and should that use no longer be required then alternative uses are unacceptable or unlikely to be supported in the interests of the amenity and character of the area in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. The development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with Proposed Site, Roof, and Block Plan 11 2679 22 F (submitted: 25.10.2023). Thereafter the onsite parking and turning provision shall be kept available for such uses 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 the National Planning Policy Framework (2023)

6. The development hereby permitted shall not be first used until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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).

a. **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. This development is for a private stable block that is outside of the identified settlement boundary of Barlestone in the open countryside. In these site-specific circumstances, the Local Planning Authority do not consider that the application site is a suitable location for a residential dwelling.
3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
5. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in

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