

Delegated Report

Planning Reference: 25/00660/HOU
Applicant(s): Mr and Mrs O Wood
Ward: Cadeby, Carlton, Market Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Application Site: The Hayloft, 1 Boston Sidings, Bull in the Oak

Proposal: Proposed new garage

Case Officer: Gwion Russell (Planning Officer)

1. Recommendations

1.1. Refuse planning permission due to:

- Reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This householder planning application seeks planning permission for a single storey garage and workshop outbuilding at The Hayloft, 1 Boston Sidings, Bull in the Oak.
- 2.2. The garage externally measures approximately 8000mm in depth by 12000mm in width, with a base to ridge height of 3850mm. It is proposed to be finished in metal cladding with a metal sheet dual-pitched roof. The garage has a metal roller shutter garage door (measuring approximately 3700mm in width) to its front central elevation with an open canopied section to its front right elevation, a double-paned window to its front left elevation, a separate door and another double-paned window to its north side elevation, with no fenestration or detailing at its rear elevation (fronting the entryway) and south side elevation. The proposals include a loose stone hardstanding to provide a driveway for the proposed garage which sits alongside a protected tree protected by a Tree Preservation Order. The garage is proposed within the curtilage of No. 1 Boston Sidings and to the southeast of the dwelling.

3. Description of the Site and the Surrounding Area

- 3.1. The application host dwelling is a two-storey, detached property within a group of dwellings known as 'Bull in the Oak', in the countryside to the north of Cadeby and east of Market Bosworth. It is part of a set of five newly built dwellings on the site of a former agricultural complex and all the dwellings have been designed to reflect the former use of the site - all dwellings are of differing yet complementary architectural styles. The application site, the easternmost property, has a metal barrel vaulted roof and is finished predominantly in timber cladding, reflecting its two nearest neighbouring dwellings – it also has an integrated double garage and off/street

driveway space which is designed to fit two vehicles and which forms part of the original building design. Along with the rear garden space and paddock land to the north of the dwelling, it also features a large garden (with an established protected tree and generous green space) to the property frontage which is seen upon entry to the complex.

- 3.2. Cadeby Homes developed the site in 2019 and describes the site as a '*collection of five outstanding and unique properties [which] have been carefully designed to the highest quality reflecting the traditional craftsmanship whilst fusing together the feeling of luxury contemporary living*'. The remaining dwellings on the gated estate (to the north and west of the application site) include two similarly designed traditional two-storey courtyard barn type dwellings and two dwellings resembling contemporary Dutch barn conversions. The dwellings immediately to the south (outside of the complex) have significant heritage value and are constructed using older red brick and tile, some of which are built as single storey barn conversions arranged around a courtyard along with the original two storey farmhouse that they historically served.
- 3.3. Permitted development rights relating to extensions and outbuildings were removed from the development by planning permission 17/00149/FUL for the development of the former farm complex to provide the five dwellings.
- 3.4. A Grade II listed late 18th Century farmhouse ('The Old Farmhouse', Bull in the Oak) sits to the southeast to the site, approximately 70m from the proposed garage (Listed Reference: 1074282). As aforementioned, there is a protected tree (TPO) 5m from the proposed garage and which is to be retained.

4. Relevant Planning History

17/00149/FUL

- Removal of existing residential and agricultural buildings for the erection of 5 new dwellings and associated works.
- Permitted
- 08.08.2018

22/01177/FUL

- Proposed relocation of existing field access and dropped kerb.
- Withdrawn
- 20.04.2023

23/00799/FUL

- Retrospective application for change of use of agriculture field to equestrian (sui generis) for private use, with the retention of a stable block and horse exercising area.
- Permitted
- 20.05.2024

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. No responses have been received.

6. Consultation

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

- Arboricultural Officer

"I have no formal objections to the proposed site layout as submitted. However, it is imperative that all specified tree root protection measures, including the installation of root protection barriers and the establishment of construction exclusion zones, are fully implemented and strictly adhered to throughout the duration of the development. These protective measures are essential to ensure the long-term health and stability of the retained trees, whose presence makes a valuable contribution to the visual amenity, ecological value, and overall character of the site and its surroundings."

- 6.2 There have been no comments received from the following consultees:

- Cadeby Parish Council

- 6.3 The Council's Heritage Officer has commented as follows:

"Bull in the Oak Farmhouse is located a relatively short distance to the east of the application site. The Farmhouse dates from the late 18th century and is a grade II listed building of special historic and architectural interest. Whilst its heritage significance is inherent in its built form, it does also draw some significance from its predominantly rural setting which includes surrounding agricultural fields and converted agricultural buildings formerly associated with its use and function. The application property is one of five modern dwellings constructed on part of the former farm complex. The dwellings have a combination of traditional and contemporary designs which positively reflect the former agricultural use of the site. As a result, the dwellings and the application site subject to this proposal are a positive presence within the setting of the listed building."

As currently proposed it would be an uncharacteristic development that would not reflect the design quality of the associated modern dwellings nor respect the character of the wider area. Therefore, I agree with the current conflict with Policy DM10. In my opinion, for these same reasons the garage as currently proposed would also likely be a minor negative presence within the wider setting of the listed Farmhouse, causing an adverse impact upon its heritage significance. Therefore, in its current form the proposal would also conflict with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF, and not meet the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by failing to preserve the setting of the listed building."

- 6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- No relevant policies

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 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

7.3 National Planning Policies and Guidance:

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

7.4 Other Relevant Guidance:

- Hinckley and Bosworth Borough Council – The Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Cadeby Conservation Area Appraisal

8. Appraisal

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

- Design and impact upon the character of the area
- Design and impact upon the historical significance of statutorily listed buildings
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and impact upon the character of the area

8.2 Policy DM4 of the SADMP states that the countryside will first and foremost be safeguarded from unsustainable development in order to protect its intrinsic value, beauty, open character and landscape character.

- 8.3 Policy DM4 (b) allows the extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside.
- 8.4 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and outbuildings.
- 8.5 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that development:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- 8.6 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, vistas, landmarks, and landscaping, amongst others.
- 8.7 The application is for the erection of an outbuilding within the curtilage of the property and not an extension of existing building, as outlined by policy DM4 (b), however, as householder development within the curtilage it is still acceptable in principle subject to it enhancing the character of the area.
- 8.8 In accordance with the Good Design Guide, garages and car ports should generally be set back from the existing building so as not to dominate the street-scene. The application site is located within a gated community, with hard boundary treatment that separates it from the highway. However, due to the height of the boundary the proposed garage would be seen from the highway, in a highly prominent position on at the entrance to the development.

- 8.9 Policy DM10 (c) requires that proposals should enhance or complement the character of the surrounding area. Policy DM4 requires an enhancement to the character of the area. It is pertinent in this case that whilst the surrounding dwellings do not result from agricultural conversions, the clear design ethos is of an agrarian character to respect the former agricultural complex. The existing dwellings are set back from the highway, arranged in a loose courtyard style with soft landscaping to the front including the retained TPO trees.
- 8.10 The plot itself and particularly the garden to the front of the dwelling play an important part of the setting of the development as the area is highly visible from the highway. The Good Design Guide states that corner plots play an important role in the establishment of a local street scene and overdevelopment on corner plots can create an oppressive quality and lead to a change in the character of a place. Although the dwelling is not considered a corner plot, the front garden forms a corner plot within the complex and thus the design of the garage outbuilding should follow the design principles in page 44 of the Good Design Guide. The proposed garage is large with a width of 12m and depth of 8m, and its scale and massing in combination with the proposed siting does not present a subordinate design. Due to its proposed siting and design, an 8m deep side elevation and 12m wide side elevation which would consist of the metal cladding with no fenestration or architectural detail would be the first viewpoint as people enter the complex and would be prominent in views of pedestrians and drivers passing by. The garage would be visually dominant and would detract from the otherwise well-designed and attractive rural development. It would neither complement nor enhance the area in this regard and would be seen as an incongruous feature in the area.
- 8.11 Although, metal sheeting as proposed, is consistent with the application dwelling's roof material and can be found on agricultural buildings, albeit in a very different form, it is not a predominant material utilised in the host dwelling nor those in the wider development. It does not complement or enhance the application dwelling or the surrounding area.
- 8.12 A nearby garage outbuilding was permitted previously at 5 Boston Sidings (Ref: 22/00629/HOU). It is a standalone structure which is designed with brick and a roof to match the existing application dwelling, and which is significantly smaller in footprint to the garage proposed within this application. Additionally, that garage is well screened from public vantage points by the presence of hard boundary treatments, existing buildings and a greater distance from the highway. This garage is not comparable to that proposed here and offers no justification for support of this application.
- 8.13 The garage and paving area are sited within the root protection of the Ash Tree which is protected by a TPO. The Council's arboricultural officer has raised no concerns providing that the recommendations within the submitted tree survey are strictly adhered to and this matter could be dealt with by a planning condition were the application to be otherwise acceptable.

- 8.14 Overall, by virtue of the garage's design, materials, scale, massing and prominence from the highway, the development fails to respect the character of the existing dwelling and surrounding area and neither complements or enhances the general character of the area or of the wider countryside. As such, the proposal is contrary to Policies DM4 and DM10 of the SADMP, the principles set out in the Good Design Guide, Policy 135 of the NPPF and the National Design Guide.

Design and impact upon the historical significance of statutorily listed buildings

- 8.15 Policy DM11 of the SADMP states that all development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the heritage asset and its impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts. In this case, 'The Old Farmhouse', Bull in the Oak, which is Grade-II listed, is sited approximately 70m from the proposed garage (Listed Reference: 1074282).
- 8.16 Policy DM12 of the SADMP states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.
- 8.17 The nearby Grade-II listed building sits on a corner plot, on a cross-road intersection, which links the nearby towns of Market Bosworth and Newbold Verdon, so it is a key link road that is used by many drivers, passengers and pedestrians.
- 8.18 Due to the use of materials that do not adequately match the existing dwelling and the scale and massing of the outbuilding, the proposed garage fails to remain subordinate or consistent with the host property and appears as an incongruous feature in its setting. As a result, the proposal competes visually with the architectural and historic interest of nearby listed buildings and disrupts the established building form of Bull in the Oak which is contrary to local design policies and heritage guidance.
- 8.19 Although the approved garage (Ref: 22/00629/HOU) is closer in proximity to the Grade-II listed building nearby, the design better complements the existing dwelling and surrounding area and detracts less from the significance of the nearby heritage asset. The proposal for a 12m wide metal outbuilding within the property curtilage will be seen by passersby within the setting of the listed farmhouse and would detract from the significance of this listed building.
- 8.20 The proposal, by virtue of its close proximity to a Grade-II listed building and its use of unsympathetic external materials, introduces an intrusive and incongruous structure into a sensitive rural and heritage setting. The scale and massing and detailed design of the building contrasts starkly with the traditional domestic scale and character of the area and undermines the significance of setting of the listed farmhouse. The justification put forward does not outweigh the significant harm

caused to the setting of the listed building, and the proposal is therefore contrary to Policies DM11 and DM12 of the SADMP.

Planning balance on heritage

- 8.21 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.22 The proposed structure's proximity to a Grade II listed building, combined with its scale and massing and use of unsympathetic materials, disrupts the historic and rural character of the area by introducing an intrusive built form. This stark contrast undermines the heritage value of the setting and conflicts with local planning policies DM11 and DM12, which aim to protect such environments. The proposal is therefore considered to result in a significant adverse impact on the heritage asset. The harm to the designated heritage asset is considered to be less than substantial in terms of the NPPF.
- 8.23 As outlined by the Council's Heritage officer:
- 'the garage as currently proposed would also likely be a minor negative presence within the wider setting of the listed Farmhouse, causing an adverse impact upon its heritage significance'*
- 8.24 Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated heritage assets. The more important the asset, the greater the weight that should be applied.
- 8.25 Paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. This requirement is reiterated in Policy DM12 of the SADMP.
- 8.26 Where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, Paragraph 215 of the NPPF and Policies DM11 and DM12 of the SADMP require this harm to be weighed against the public benefits of the proposal.
- 8.27 Public benefits may arise from many developments and can include anything that delivers economic, social, or environmental progress, as described in Paragraph 8 of the NPPF.
- 8.28 Public benefits may also include heritage benefits, as specified in Paragraph 20 of the Planning Practice Guidance (Conserving and Enhancing the Historic Environment), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
 - Reducing or removing risks to a heritage asset.

- Securing the optimum viable use of a heritage asset in support of its long-term conservation.

- 8.29 It is not considered that there are any public benefits of the proposal. The scheme, in its entirety, is not considered to sustain or enhance the significance of the heritage asset or the contribution of its setting. Therefore, the proposal does not demonstrate any heritage benefits.
- 8.30 While the proposal may offer functional advantages for the occupier, these are private benefits and not public ones and are far outweighed by the harm that is caused to the setting of the listed farmhouse and therefore to the significance of the heritage asset.
- 8.31 In weighing the public benefits against the harm as required by paragraph 215 of the Framework it is evident that the harm to the setting of the listed farmhouse is such that the proposal is contrary to Policies DM11 and DM12 of the SADMP and the requirements of Section 16 of the NPPF and that the application should be refused.

Impact upon Residential Amenity

- 8.32 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.
- 8.33 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.
- 8.34 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.35 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property. The proposed garage sits within the property curtilage of the host dwelling but is sited forward of the perceived principal frontage of the dwelling. As the dwellings within the development are all mostly separated by a single carriageway and the minimum distance from the proposed garage to the nearest neighbouring dwelling is 14m over the shared site access and therefore would not result in any significant loss of privacy to the occupiers of The Granary.
- 8.36 The proposal will not cause loss of light or privacy for the habitable rooms of any nearby dwelling due to its adequate distance. Given the generously sized plots and adequate separation distances, the outbuilding will not impact the remaining neighbouring amenity by way of loss of light or loss of privacy.

- 8.37 By virtue of these factors, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties 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

- 8.38 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.39 In addition to the integrated double garage already provided within the dwelling, the additional gravel-surfaced parking and the additional detached garage, the level of off-street parking provision would be more than adequate to serve the resulting dwelling and therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it has been found that the harm to the significance of the heritage asset is such that the planning permission should be refused. In addition, in this instance, the proposal is contrary to Policies DM4 and DM10 of the SADMP, the principles set out in the Good Design Guide, Policy 135 of the NPPF and the National Design Guide.

11. Recommendation**11.1 Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

- 11.1 The proposed development, by virtue of its scale and massing, incongruous design, materials, and siting fails to complement or enhance the character of the area and the surrounding countryside. The proposal is therefore contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies (2016), the principles outlined in the Council's Good Design Guide (2020), Paragraph 135 of the National Planning Policy Framework (2024) and the National Design Guide (2019).
- 11.2 The development's close proximity to a Grade-II listed building combined with its scale, massing and detailed design introduces an incongruous and visually harmful structure into the setting of a Grade II listed building. The proposal results in less than substantial harm to the significance of the designated heritage asset and there are no public benefits that outweigh the harm that is caused. The proposal is therefore contrary to Policies DM11 and DM12 of the SADMP and the requirements of Section 16 of the NPPF.

Notes to applicant

1. This application has been assessed and determined with reference to the submitted documentation below:

- Application Form (received by the Local Planning Authority on 04/07/25)
- Topographical Survey Sheet 1 of 1 - Drg No. 25_4523_01 (received by the Local Planning Authority on 04/07/25)
- Arboricultural Impact Assessment ref.250619 25076 AIA V1 (received by the Local Planning Authority on 04/07/25)
- Proposed Block Plan - Drg No. 25.4523.03 A (received by the Local Planning Authority on 18/09/25)
- Proposed Floor Plan and Elevations – Drg No. 25.4523.04 B (received by the Local Planning Authority on 18/09/25)