

Delegated Report

Planning Ref: 23/00177/FUL

Applicant: Mr Kevin Mansell

Ward: Twycross, Sheepy and Witherley

Site: South Riding, Sibson Road, Sheepy Parva

Proposal: New vehicular access



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application proposes to install a new vehicular access, to serve a new detached garage storing the applicant's car collection.

3. Description of the site and surrounding area

- 3.1. The application site comprises a detached two storey dwelling in Sheepy Parva. The property is located in an area of designated countryside. Residential development borders the application site to the north, a farm complex to the east, and agricultural fields to the south and west. Beyond the fields to the south is further residential development.

4. Relevant planning history

20/00799/CLE

Certificate of (existing) lawful development relating to use of land for garden land ancillary to South Riding
Certificate of Lawful Use Existing granted 06/10/2020

20/00741/HOU

Two storey side and rear extension
Planning Permission granted 07/10/2020

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent out to neighbours.
- 5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: No objections to layout or highways safety and are satisfied with the proposed access subject to planning conditions which have been set out within the response and have been included at the end of this report.
- 6.2. Sheepy Parish Council: Objection to proposal. Objections relate to the proposal not being in accordance with the neighbourhood plan. This is based on the removal of part of the hedgerow and grass verge at the village gateway which is identified within the neighbourhood plan. No reasoning for a third access has been identified.
- 6.3. HBBC Waste Management: No objections.
- 6.4. HBBC Drainage: Notes to applicant, no objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

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

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **National Planning Policies and Guidance**

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

7.4. **Sheepy Neighbourhood Plan (2022)**

- S1: Countryside
- S8: Design

7.5. **Other relevant guidance**

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

8. **Appraisal**

8.1. **Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon highway safety

Assessment against strategic planning policies

- 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. 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.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Sheepy Neighbourhood Plan (SNP) (2022).
- 8.4. The application site is located in Sheepy Parva and is sited within the countryside. Policy DM4 and S1 of the SNP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered 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 diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/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.
- 8.6. Policy DM4 of the SADMP supports development in the countryside where it is considered to be for the change of use, re-use or extension of existing building which lead to the enhancement of the immediate setting.
- 8.7. In addition Policy S1 of the SNP outlines that development in the countryside may be considered sustainable where it is one of the following types of development:
- A. The re-use and adaptation of buildings in accordance with the Site Allocations and Development Management Policies DPD Policies DM14 and DM15;
 - B. Householder development;
 - C. Dwellings in accordance with Policy S10;
 - D. Development and diversification of agricultural and other land-based rural businesses, which accords with the NPPF;
 - E. Employment development in accordance with Policy S18;
 - F. Development by statutory undertakers or public utility providers;
 - G. Recreation and tourism provided it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; and
 - H. Renewable energy in accordance with Policy S4.
- 8.8 During the course of the application the applicant has confirmed the proposed access will serve a garage for the storage of the applicant's classic car collection. Therefore whilst the application is for full planning permission the development will be ancillary to the residential use of the site and is considered to be householder type development in its nature. Therefore, subject to the ancillary use of the access the proposal is considered to comply in principle with Policy DM4 of the SADMP and Policy S1 of the SNP. The following sections of this report will assess the proposal in relation to its impacts upon the setting in respect of Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.8. Policies DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.10. Policy 1 of the SNP seeks to protect the intrinsic character, beauty, heritage and wildlife of the countryside. Development is considered acceptable for householder development.
- 8.11. Policy 8 of the SNP seeks to enhance the design of development within the SNP area, protecting important local features such as wall, hedgerow and trees.

- 8.12. The proposal seeks to create a new vehicular access serving an new garage building, which the applicant has suggested will be erected under permitted development, it is noted that this application is not considering the outbuilding but focuses solely on the access. The proposed access will serve the garage which the applicant has confirmed is for the storage of a classic car collection and will be used for minor vehicle movements (approximately one outward and one inward movement per day).
- 8.13. The proposal would see the removal of a small section of hedgerow to allow for the vehicular access. The area of Sibson Road leading to Sheepy Parva and located around the development site consists of existing hedgerow with various breaks to allow for access to the residential dwellings on both sides. It is acknowledged that within Policy 8 of the SNP specific regard is given to the protection of hedgerow as an important local feature. It is however acknowledged that Hedgerows below 20m in length would not be required by planning permission to be removed and as such allows us to understand the fall back position of the applicant with regard to the removal of such hedgerow in proximity to their property. Whilst the application is made for full planning permission, it is considered to be minor development and would not cause detrimental impacts upon the character of the countryside.
- 8.14. It is considered that the removal of the small section of hedgerow and the formation of the vehicular access would not cause significant detrimental impacts upon the character of the area and character of the countryside when considering similar accesses and breaks within the hedgerow on Sibson Road. It is therefore considered that the proposal is in general accordance with policies DM4 and DM10 of the SADMP and policies 1 and 8 of the SNP.

Impact upon highway safety

- 8.15. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.16. The application proposes a new vehicular access serving South Riding, Sibson Road. As part of the application, Leicestershire County Council Highways were consulted on the proposal. The Highways Dept offered no objections to the formation of the access with regard given to the proposed access arrangements, highway safety and the internal layout. It is considered that the proposal would have no detrimental impacts upon highway safety and vehicle parking standards.
- 8.17. Conditions have been included at the end of this report to reflect the County Councils comments on the application and to ensure that the proposal is in accordance with Policy DM17 and Policy DM18 of the SADMP.

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 proposal seeks to create a new vehicular access serving South Riding, Sibson Road. The proposal is considered to have limited impacts upon the character of the area and countryside and no impacts upon highway safety.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 of the adopted SADMP and Policies 1 and 8 of the SNP.
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, as follows:
- Site Plans Drg No. 022309 Rev A
- 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. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on JMA Building Design drawing number 022309 have been implemented in full.
- Reason:** To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 44 metres by 2.4 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

5. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 6 metres of the highway boundary and shall be hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

6. The proposed development shall remain ancillary to the existing use of the site and shall not be occupied or operated separately from the remainder of the premises.

Reason: To ensure a satisfactory form of development within the countryside in accordance with Policies DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and S1 of the adopted Sheepy Parish Neighbourhood Plan Review (2022). In the interests of general highways safety and in accordance with the National Planning Policy Framework (2021) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network.

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. Where the proposed area of hard-standing exceeds 5 square metres, it should be constructed of porous materials, or provision should be made to direct surface water runoff to a permeable area within the curtilage of the property.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. 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.

