

Delegated Report

Planning Ref: 24/00298/FUL
Applicant: Mr Knott
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Gatehouse Lodges, Cadeby Lane, Cadeby,
Leicestershire
Proposal: Change of use from holiday lodge to single dwellinghouse

1. Recommendations

- 1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning Application Description

- 2.1. The proposal relates to full planning permission for the change of use from a holiday lodge to a single dwellinghouse. No internal or external changes are proposed to the existing building.
- 2.2. The proposed would consist of a ground floor study, bathroom, utility room, living room and kitchen. The 1st floor would consist of an en-suite bedroom, a bathroom and a bedroom with a dressing room. The attic would form 2 more bedrooms with a central bathroom area and stairway leading downstairs.
- 2.3. Access to the site is gained directly from Atherstone Road via the existing access drive serving the holiday lets, the caravan park, the equestrian use and the proposed dwelling.
- 2.4. Following the receipt of an amended plan on 8 May the existing car park is to be reduced in size (4 parking spaces plus an electric charging point proposed) and additional landscaping is proposed for the perimeter of the site in the form of hedgerow and trees. A picket fence is proposed internally and at the front of the site. A bin store area is proposed at the rear.

3. Description of the Site and Surrounding Area

- 3.1. The site relates to a detached two storey building with distinctive architectural features originally built as a tea room. The wider site also contains existing holiday lets on one side and a caravan site on the other side. There is a large hardstanding parking area at the front. To the rear of the site is open countryside. On the opposite side of Cadeby Lane is Market Bosworth Rugby Club. The site is located outside the settlement boundaries of Cadeby and Market Bosworth therefore it is classed as being within the countryside. The site is a few hundred metres from the Market Bosworth Conservation Area.
- 3.2. To the west of the site, past the other holiday homes, is land also within the ownership of the applicant which has stables, a barn and menage.
- 3.3. From the planning history below you can see 15/00026/FUL was approved for Erection of a tea room (A3) and associated access and car parking in 2015 & 20/00729/FUL which was approved for the conversion of the application property to form one holiday lodge with external alterations. The approved use of the building is therefore for tourism purposes.

Relevant Planning History

23/00927/FUL	Change of use of land from agricultural to sui generis (siting of caravans, motorhomes and tents on serviced hard standing and grass pitches) (Retrospective)	Approved	21/12/2023
20/00729/FUL	Conversion of existing building to form one holiday lodge, external alterations	Approved	25/09/2020
19/01308/FUL	Development of the land for the erection of three timber lodges for holiday let purposes on land north of Cadeby Lane, (Resubmission of 18/00805/FUL)	Approved	10.02.2020
19/00005/PP	Development of the land for the erection of three log cabins for holiday let purposes	Dismissed	16.05.2019
18/00805/FUL	Development of the land for the erection of three log cabins for holiday let purposes.	Refused	23.11.2018
15/00026/FUL	Erection of a tea room (A3) and associated access and car parking	Approved	18.03.2015

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. 1 letter was received from the 'Market Bosworth Society' objecting to the proposed. The main points of objection are:

- 1) *The proposed dwelling would be outside the Parish Boundary.*
- 2) *At the time the MBS considered that the building was overbearing in scale and detracted from the Gatehouse*
- 3) *Negative impact on views from the Conservation Area*
- 4) *The property was out of context and incongruous.*
- 5) *Not in keeping with the character of the area.*
- 6) *The building is located in open countryside.*

Other points made are:

'The NPPF 2023 offers the following:

I. 88 c) sustainable rural tourism and leisure developments which respect the character of the countryside

II. 84 Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply.

This appears to rule against the proposed change of use.

Whilst the building formed part of the curtilage of the guest lodges, its existence could almost be justified. Initially as a cafeteria and then later as a holiday lodge. It is noted that the original planned for use has never been invoked. It is also noted that the conversion to a holiday let has never been invoked. It leaves questions unanswered as to the true purpose of the development.

The MBS also has concerns about the prospect of a ribbon development emanating toward Cadeby or from Cadeby as with two dwellings on that site as proposed there would be a determination for infill. This would have a wholly negative impact upon views from the Conservation Area.

We have recently seen via 23/00927/FUL where 8 caravan berths were applied for, on an adjacent piece of land, that several conditions were imposed to protect the views from the Conservation Area. We also note that permission as granted for 8 berths for caravans/motor homes/tents of which 3 berths must be reserved for tents with 5 berths for caravans. On the 14th April 7 caravans were seen to be berthed on pitches on that land. The introduction of a dwelling is not in keeping with the area and would be; as a two story out of character building incongruous.

The Market Bosworth Neighbourhood Plan CE1, CE1a and CE1b would not be met should this conversion be permitted. As a dwelling it would not be in character and would not be sensitive to the principal characteristics of the surrounding area.

DM4 Provides:

Safeguarding the Countryside and Settlement Separation to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. 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*
- 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.*

and:

- 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

This proposal does not meet any of the criteria for success under DM4. It does not enhance the site; it is not developing employment opportunities (actually the reverse) and as previously mentioned proposes a risk of a ribbon development.

More recently Tourism meetings attended by senior members of Hinckley & Bosworth Borough Council (HBBC) have identified a shortage of overnight accommodation in the borough. The policy is therefore to develop the number of overnight rooms available. This would reduce the number of rooms available and therefore is against the HBBC Tourism Policy. Which can be found here: Tourism Strategy 2024 to 2028 (hinckley-bosworth.gov.uk). On the front page is stated "This same framework then informs the four themes of the action plan: - More visitors staying overnight" The application in question is directly opposed to this policy. Item 2 of Theme 1 of the Tourism Action plan states: 2 Seek to increase supply of guest accommodation within the borough. Not to reduce it.

Previously the MBS has supported applications to increase the tourism offering and has supported the development of holiday lets in situ on this site. We do not support the conversion to a dwelling.

In summary:

- 1) Does not meet the requirement to succeed under DM4*
- 2) Does not comply with the policies within the Market Bosworth Neighbourhood Plan*
- 3) As dwelling it would have a poor relationship with its neighbours, be out of scale, character and incongruous.*
- 4) The requirement for a tearoom would swing the balance in favour of a building. That does not have the same effect when considering the detrimental impact upon the views from the Conservation Area and the Country Park.*
- 5) Introduces the risk of a ribbon development.*
- 6) Is contrary to the recently announced Borough Tourism Policy.*
- 7) There would be little chance of a two story dwelling being granted planning permission in this sensitive area.*

Conclusion:

It is the opinion of the MBS that the building must be put to its original purpose, of a cafeteria where the benefits would outweigh the negative effects or as its recent manifestation as a holiday let which would bring potential prosperity to the area in attracting the tourism pound. We are utterly against this application for change of use'.

The agent responded to the above objection with 'Noting the comments that the change of use has the potential to change the character of the area, there is no reference to how the Parish Council think this will happen.

Reference is made to the change of use is contrary to the local plan. It is not correct to say policy does not allow new dwellings. The conversion of an existing building is covered within the local plan and it is not location sensitive.

Regarding the comments cited within a tourist leisure facility. The adjacent caravan site is separate from this site and in a different ownership. The proposed development sits at the end of a previously brick-built development. The access is

adequate to cope with all of the requirements of the property and we see no conflict in what is being proposed against previously approved permissions.

I have received confirmation from the client that no EU grant funding was provided or received when the building was originally constructed.

We've added a vehicle charging point within the site though this is normally dealt with at the building regs stage. We have considered heat pumps and electric heating. Again this is something that would be discussed at the building regulations stage.

In terms of providing solar panels or other forms of green energy, it is my view that this is best placed where it can benefit the whole of the community, as individual panels placed on a house can have a detrimental effect on the visual appearance. In this case, the gable end is south-facing. Placing solar panels on either the West or East roof space will not in our view be efficient.

In regard to your own comments. It is accepted that improvements can be made to the layout of the exterior land. We have altered the drawing to show a rear garden, and an electric vehicle charging space. We have added landscaping to the perimeter. This will reduce the car parking area and will improve the biodiversity of the site.

Finally we are not able to commit to the long-term residential use of the property and who will live there. In our discussions, it has been assumed it will be a long-term residential rental property'.

6. Consultation

6.1. No objections have been received from HBBC Pollution.

Cadeby Parish Council objects to the proposal. Comments received were:

'This development has the potential to change the character of the area.

The council queries why 8 car spaces for a 4 bedroom house (over provision for a single family dwelling).

The establishment of a new dwelling house in this location is contrary to HBBC's Local Plan current policy which does not permit new dwellings.

The council is concerned regarding the appropriateness of this application; is it appropriate for a dwelling house to be sited in the middle of a tourist leisure facility? Would the location give rise to conflict between the residents and the visiting tourists?

There is concern that the building at the time of development was said to be part-funded by European Funding grant - if this application is permitted it could mean the funding would have to be re-paid as supporting a residential building would be contrary to EU funding guidance.

Should this application be granted to create a new dwelling there should be electric vehicle charging points and solar panels in line with net zero carbon targets for the Borough.

Access to dwelling would be via the existing leisure facility which could cause conflict'.

Policy

6.2. Core Strategy (2009)

- Policy 13: Rural Hamlets
 - Policy 23: Tourism Development
- 6.3. 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
 - Policy DM24: Cultural and Tourism Facilities
- 6.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 6.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

7. 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

Assessment against strategic planning policies

- 7.2. Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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).
- 7.3. The Council is unable to demonstrate five years of deliverable housing and the housing policies are considered to be out-of-date. As such paragraph 11 of the NPPF is triggered. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 7.4. The site is situated outside of any defined settlement boundary. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Of relevance to this proposal Policy DM4 does state that development in the countryside will be considered sustainable where:
- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses;

- 7.5. The proposed development would lead to the loss of a tourism facility and its replacement with a private dwelling, thus there would be no significant contribution to economic growth, job creation and/or diversification of a rural business. It could be argued the loss of the tourism facilities is at odds with this.
- 7.6. The development does involve the change of use/ re-use of an existing building, the issue as to whether this would lead to the enhancement of the setting is discussed later in the report. There is therefore a degree of compliance with this criterion of DM4, however, this cannot be viewed in isolation to the rest of the Development Plan which must be read as a whole.
- 7.7. Policy DM15 of the SADMP relates to the re-use and/or adaptation of redundant or disused rural buildings and goes into further detail beyond Policy DM4. Policy DM15 states that:

The reuse and/or adaptation of redundant or disused rural buildings will be supported where: current use; and

- 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, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.*

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

- 7.8. The applicant states that the building is redundant, yet despite requests has not submitted evidence to demonstrate that the building is not viable in its approved use as a holiday let. In fact in recent years there have been applications to expand upon the tourism offer of the wider site including applications for additional camping/caravanning land and for the reconfiguration of existing holiday lets on the site. In the face of this and the lack of evidence it has not been demonstrated that the existing building is no longer viable in its current use, thus the development fails to comply with Policy DM15 in that regard.
- 7.9. As an existing tourism site/use Policy DM24- Cultural & Tourism Facilities of the SADMP also applies. In terms of the retention of existing facilities Policy DM24 states that the Borough Council will seek to resist the loss or change of use of cultural and tourism facilities including ancillary areas. The redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:
- a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
 - b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
 - c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
 - d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site
- 7.10. As above no evidence has been submitted demonstrating the facility can no longer operate in a viable manner (paragraph 7.8). Despite requests, no substantive

evidence of attempts of diversification or marketing has been submitted with this application. The agent has stated that the necessary funding to complete the work for the above listed permissions in 2015 & 2020 was not there as the funders do not consider either option viable. But this is not evidenced in any way. It is stated the building is redundant, has not been completed, has stood empty for the last 5 years. However, no evidence has been submitted demonstrating that all attempts of diversification have been exhausted or even attempted in any way. Nor has any evidence been submitted that demonstrates that the facility cannot be retained through voluntary, charitable or community organisations or ventures. The proposal does not include the replacement of the approved tourism use and the loss of a small proportion of this mixed-use site would not see an enhancement of the overall site given the proposed use would be a private dwelling.

- 7.11. Even though the development falls under one of the categories of sustainable development as identified in Policy DM4 in that the proposal would involve the change of use of an existing building which would lead to the enhancement of the immediate setting, this enhancement would be minor & the proposal would not satisfy DM15 or DM24 when it comes to the loss of this existing tourist facility. Therefore, the principle of a change of use is not accepted.

- 7.12. The planning history is clear that the existing building and its original intended use of a tea room was approved on the basis that:

“Spatial objective 1 of the Core Strategy seeks to strengthen and diversify the economy and to encourage appropriate sectors with growth potential including tourism. This is supported by Policy 23 which states that new tourism development for new visitor attractions and holiday accommodation including bed and breakfast, holiday lodges and tenting fields will be encouraged in suitable locations where the development can help support existing local community services and facilities; is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the area with acceptable landscaping and adds to the economic wellbeing of the area. Policy NE5 of the adopted Local Plan is supportive of development that is important to the local economy and cannot be provided within or adjacent to an existing settlement.

It is considered that by virtue of the proposal being for tourism purposes, it would enhance the range of visitor accommodation available with the locality which will in turn benefit and increase competitiveness of the local economy and that of the borough as a whole. The proposal would result in an expansion of, and complement the existing tourism/leisure facilities within the borough. Further more by providing a tea room which is a replica of the old Blue Boar Inn, where Richard III lodged is of significant importance to the local area.”

- 7.13. The subsequent approved changes of use to holiday let(s) continued to provide tourism facilities within the Borough in accordance with the relevant policies of the Development Plan. Whilst not adopted planning guidance, the HBBC Tourism Strategy 2024 to 2028 outlines one action plan to encourage more visitors staying overnight with one theme including to increase the supply of guest accommodation within the borough. The current proposal would lead to the unjustified loss of this approved facility within the countryside where development is more strictly controlled.

Design and impact upon the character of the area

- 7.14. Policy DM4 of the SADMP requires that change of use proposals should lead to the enhancement of the immediate setting. 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.

- 7.15. The proposal only relates to the change of use of the building and does not include any internal or external changes apart from improvements to the landscaping and a reduction in size of the existing car park from 8 spaces to 4. Part of the space that was used as a car park will be changed to a lawn area for future residents.
- 7.16. Native hedgerow and several trees are proposed for the perimeter of the site with a picket fence proposed for the front boundary and internally on the site which will be an improvement on the existing situation.
- 7.17. It is thus considered that the proposal would not unacceptably harm the character or appearance of the area and would accord with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 7.18. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 7.19. The proposed change of use from a holiday let to a dwelling would not result in any additional windows or roof lights and would not change the relationship between the existing building and any other around the site, which are holiday lets or touring caravans. As such the proposal would not result in an adverse impact on neighbouring residential amenity in regard to overlooking or loss of privacy. Furthermore having regard to the existing caravan site, it is not considered that the holiday lets/ caravan site would result in any excessive noise which would have an adverse impact upon this dwelling. Sufficient amenity space has been provided and screening from the wider site would be improved. The Environmental Pollution Officer has no objections to the proposal. The proposed development is therefore considered to comply with Policy DM10 of the SADMP.

Flooding

- 7.20. Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The applicant has indicated that foul and surface water will be directed to the private mains sewer which runs from Bosworth Road along the northern boundary of the site in to Gatehouse Lodges.
- 7.21. The site is located within Flood Zone 1 with a low risk of fluvial flooding and generally at low risk of surface water flooding. A Flood Risk Assessment (FRA) is not required as the site is less than 1ha. The building is existing with drainage provisions already provided and is acceptable from a flood risk/ drainage perspective.

Impact upon highway safety

- 7.22. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 7.23. The proposal will seek to utilise the existing access off Cadeby Lane shared with the Gatehouse Lodges. It is not considered that the proposal would result in an intensification of this access through additional vehicular movements.
- 7.24. Adequate parking is provided within the existing car park which is to be reduced in size from 8 to 4 spaces along with an additional space for electric charging vehicles. Overall, it is not considered that the development would result in severe adverse impacts upon highway safety and so the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

8. 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).

9. Conclusion

- 9.1. The development would lead to the creation of a dwelling within the countryside, in a locationally unsustainable location. However, considering the approved use of the building the proposed use is unlikely to generate additional vehicle movements, thus this harm is not attributed negative weight in the planning balance.
- 9.2. The benefits of the development include the addition of one dwelling, with associated social and economic benefits through the occupation of a dwelling and future resident's expenditure in the local area. As a change of use there would be limited social or economic benefits through the construction period. Given the small scale of the development these benefits are given limited positive weight. The proposal would lead to a minor enhancement in the visual appearance of the site through the reduction of the parking area, however, given the surroundings and limited effect this would have on the countryside surrounding the site this benefit is attributed very limited positive weight.
- 9.3. Conversely, the development would lead to the loss of an existing tourism facility. In the absence of substantive evidence to the contrary the loss of this facility is judged to be unjustified and would cause social and economic harm through the loss of tourism facilities, potential visitors to the Borough and associated social/cultural benefits alongside their expenditure in the local area. The proposed change of use of this building within the countryside fails to comply with policies DM15 and DM24. The aforementioned negative impacts of the development demonstrably outweigh the limited benefits of the development in this case and therefore the application is recommended for refusal.

10. Recommendation

10.1. **Refuse planning permission** subject to the reasons at the end of this report.

10.2. **Reasons:**

1. The development would lead to the loss of existing tourism facilities in a rural area. The applicant has failed to demonstrate that the existing facility/building can no longer operate in a viable manner, that all attempts at diversification have been exhausted, that the facility cannot be retained through voluntary, charitable or community organisations or ventures and the proposal would not result in an appropriate replacement tourism resource nor would the proposal enhance tourism facilities on the remainder of the site. The proposed development is therefore contrary to Policy DM15 and DM24 of the Site Allocations and Development Management Policies DPD and Paragraph 88 of the National Planning Policy Framework (2023).