

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990



Hinckley & Bosworth
Borough Council

**STATEMENT OF CASE ON BEHALF OF THE LOCAL PLANNING
AUTHORITY**

PLANNING APPEAL BY MR RYAN PUGH

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR PROPOSED
ERECTION OF SINGLE STOREY EXTENSION TO FORM GARAGE AND
WORKSHOP**

AT:

WILLOW BARN, WYKIN LANE, STOKE GOLDING

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE:
24/00338/FUL**

**THE PLANNING INSPECTORATE REFERENCE:
APP/K2420/W/24/3348095**

CONTENTS:

Section 1: Introduction

Section 2: Comments on the Appellants Statement of Case

Section 3: Conclusion

Section 4: Suggested Conditions

APPENDICES:

Appendix 1: HBBC Officer Delegated Report

1.0 SECTION 1: INTRODUCTION

- 1.1 This statement outlines Hinckley and Bosworth Borough Council's statement of case in relation to the appeal against the refusal of full planning permission for the erection of single storey extension to form garage and workshop (revised scheme of 23/00698/FUL).
- 1.2 The application was refused by Hinckley and Bosworth Borough on 28th July 2024. This statement is in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission.
- 1.3 Please see Appendix 1 (the Delegated Officer Report) for the site description, application description, site history, relevant policies and the Council's case which shall not be repeated here for brevity.

2.0 SECTION 2: COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL

- 2.1 In preparing this statement the Council have reviewed the Appellant's Statement of Case (SoC) received on 15th July 2024, the following section comments specifically on this statement expanding upon the Council's full case contained in Appendix 1.
- 2.2 Paragraph 7.7 states that at paragraph 8.14 of the officers report it is confirmed that the proposal is in general accordance with policy DM10. The statement referred to is within the section assessing the proposals impact on residential amenity and this statement should not be taken out of this context.
- 2.3 The appellants' statement of case, specifically section 8.1 discusses the reason for refusal, the officer report contained in Appendix 1 addresses the points made. Within this section, The Good Design Guide (2020) is referred to, which details what would be considered acceptable design. The appellant states that this includes following the plan form of the original building, and then later, confirms that the building has been proposed to be extended – which does not respond to the original plan form of the building.
- 2.4 The Council has no further comments on the appellant's statement of case.

3.0 SECTION 3: CONCLUSION

- 3.1 As set out fully in the delegated officer report (Appendix 1) the application proposal to extend the existing barn is considered unacceptable in design terms. The extension would result in the loss of the historic form of the former agricultural building, would fail to complement or enhance the character of the surrounding area with regard to scale, layout and design and would not lead to an enhancement of the immediate setting. As such the proposal is in conflict with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the Council's Good Design Guide (2020).
- 3.2 It is respectfully suggested that there are no other material planning considerations or other evidence provided within the Appellant's SoC or other submitted information that would provide any development plan policy justification for the development or to indicate that the appeal should not be determined in accordance with the development plan for the area. However, should the Inspector be minded to allow the

appeal then it is requested that consideration be given to the imposition of the conditions suggested within Section 4 of this statement.

4.0 SECTION 4: SUGGESTED CONDITIONS

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:

Application form
Design and Access Statement
Preliminary Bat Inspection
Existing and Proposed Floor Plans Drg No. 23 41 05A
Site Location Plan Drg No. 23 41 04
Proposed Elevations, Sections and Site Plan Drg 23 41 03G
Received 9th April 2024

Preliminary Bat Inspection
Received 3rd June 2024

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

3. The materials to be used on the proposed elevations of the extensions shall accord with the approved materials detailed within the application form.

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

4. Prior to commencement of the hereby approved development, details shall be submitted to in wiring and agreed by the Local Planning Authority, in relation to the outstanding ecology matters. This shall include:
 - Details of the precautionary inspection of the lawn area. This should be carried out by an ecologist before any vegetation clearance takes place.
 - The existing ornamental pond within the garden adjacent to Wykin Lane and the boundary hedge along the edge of the garden should be protected by temporary fencing whilst any construction work is underway to ensure these cannot be disturbed, even by accident.
 - Details of at least one bat roost tube, including its location and incorporation within the extension, on the south or west facing side of the develop, shall be confirmed and submitted to the LPA..

Reason: To ensure a satisfactory form of development, and to safeguard biodiversity interests in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The 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 soakaway will be subject to the approval of the Building Control Surveyor. Any proposed 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).

Appendix 1 – Delegated Officer Report

Delegated Report

Planning Ref: 24/00338/FUL

Applicant: Mr R Pugh

Ward: Ambien



**Hinckley & Bosworth
Borough Council**

Site: Willow Barn, Wykin Lane, Stoke Golding

Proposal: Erection of single storey extension to form garage and workshop (revised scheme of 23/00698/FUL)

1. Recommendations

1.1. Refuse planning permission for the following reason:

- The application proposal to extend the existing barn is considered unacceptable in design terms. The extension would result in the loss of the historic form of the former agricultural building, would fail to complement or enhance the character of the surrounding area with regard to scale, layout and design and would not lead to an enhancement of the immediate setting. As such the proposal is in conflict with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the Council's Good Design Guide (2020).

2. Planning application description

- 2.1. The proposal seeks the erection of a single storey extension to form a garage and workshop, the application is a revised scheme of the previously refused 23/00698/FUL. The proposed extension includes to demolition and relocated of the existing wall located to the south of the existing dwelling, with this wall being reclaimed and integrated into the proposed south facing wall of the extension. The proposed single storey extension consists of a pitched roof, set lower than the existing roof structure of the existing dwelling, four proposed roof lights are shown within the proposed extension on the north facing elevation. Additional work such as the amendment to the fence/gate within the site allowing for access into the paddock has also been proposed within this application.

3. Description of the site and surrounding area

- 3.1. The site is located outside of the settlement boundary of Stoke Golding and is within the Countryside. The site is set back from the road, with a small parcel of garden land, containing a pond, between the building and the highway. The building is a single storey former agricultural building with a small courtyard area.
- 3.2. The development site is L shaped, retaining the original form of the agricultural building on site, and benefits from a stone wall which is located forward of the dwelling towards Wykin

Lane. The dwelling borders Willow Farm which is a two storey dwelling located closer to the highway, this property has a number of large outbuildings on site which are located within a reasonable proximity to the proposed development site. The development site, other than the neighbouring dwelling, is bound to the north, east and south by agricultural land and arable fields.

4. Relevant planning history

23/00698/FUL

Extension and conversion of existing barn to form garage and workshop

Refused

25.10.2023

18/01196/HOU

Single storey front extension to serve integral garage

Planning permission

16.01.2019

12/00208/COU

CHANGE OF USE FROM AGRICULTURAL BUILDING TO FORM ONE DWELLING INCLUDING ALTERATIONS

Planning permission

30.05.2012

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and a site notice posted within the local vicinity.

5.2. One objection has been received. The concerns raised relate to:

- Concerns relating to noise from workshop.
- Structural concerns of works damaging neighbouring property.
- Parking concerns
- Access for farmer

6. Consultation

6.1. The following consultation responses are:

- LCC Highways: No objections.

- HBBC Drainage: No objections, notes to applicant.
- HBBC Waste Management: No comments or objections.
- HBBC ES Pollution: No objection.
- Stoke Golding Parish Council: No comments received.
- LCC Ecology: Recommended refusal until the submission of a bat survey, mitigation or enhancement methods and a light assessment, under The Conservation of Habitats and Species Regulations 2017. Following the submission of a preliminary bat inspection and relevant information, the objection has been withdrawn and no objections stand.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

7.2. 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 DM6: Enhancement of Biodiversity and Geological Interests.
- 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) (Dec 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Notwithstanding the countryside location outside of any settlement boundary, extensions and alterations to existing domestic properties within established residential curtilages are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology
- Planning balance

Design and impact upon the character of the area

8.2. Policy DM10(c), (d) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass,

design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings.

- 8.3. Policy DM4 of the SADMP, seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Development in the countryside will be considered sustainable where it does not have a significant adverse effect of the intrinsic value, beauty, open character, and landscape character of the countryside. It confirms that development in the Countryside is sustainable where the proposal relates to the extension of an existing building which leads to the enhancement of the immediate setting.
- 8.4. The Good Design Guide (2020) confirms that former agricultural buildings previous purpose often leads to a specific appearance and layout. It states that features characteristic of historic working buildings should be retained. The Guide states that it is usually not appropriate to extend an agricultural building or add new buildings within its curtilage, as this risks losing the historic form of the building and its own status as an ancillary building. The guide does however note that in certain circumstances a very high-quality extension might be appropriate. The guide states that extensions should generally be simple, unobtrusive and respect the plan-form of the building and group layout. The guide goes on to state that the scale should be subordinate, that the siting should in no way impact the spatial and historic relationship of the farmstead and consider the orientation, form and method of connection.
- 8.5. The proposal seeks to extend the existing building along the South West, towards Wykin Lane. This would include demolishing and relocating an existing stone wall to cater for the development. The stone wall is proposed to be demolished and built into the new south facing wall of the extension with additional reclaimed stone. The development would then be changed from the existing L shape structure to a horseshoe, facing away from the highway, towards Willow Farm.
- 8.6. A previous extension, 18/01196/HOU, was approved at the site, however it was addressed and stated within the assessment that this was considered acceptable as the extension does not extend forward of the existing brick wall and the building retains its existing characteristic 'L' shape.
- 8.7. Conversely, the proposed extension under this application would extend at a right angle to the existing living/dining/kitchen wing of the dwelling creating a U shaped plan form to the dwelling. Whilst U-shaped barns are not uncommon, the barn conversion in question has retained its 'L' shape and it is this plan form which is perceived from the wider countryside and nearby road. The proposal therefore does not respect the plan form of the existing building. The demolition of the existing wall and inclusion of this within the proposed south facing wall of the extension is also not considered to be appropriate when considering the original boundaries and form of the site.
- 8.8. The development is therefore considered unacceptable in design terms, due to the overall design and orientation of the proposed development and the loss of the historic form. These works would not lead to the enhancement of the immediate setting and would close off the structure to the public highway and public vantage points.

- 8.9. As such, it is considered that the proposal is not in accordance with Policy DM4 and Policy DM10 of the adopted SADMP, and it is not in accordance with the Good Design Guide (2020).

Impact upon neighbouring residential amenity

- 8.10. 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 with in the vicinity of the site.
- 8.11. The proposal is for the extension of the existing structure and conversion to form a workshop. Details of the activities conducted within the workshop have not been submitted as part of the application and objections have been raised within concerns to this element of the proposal, however, Environmental health have confirmed that they have no objections in terms of pollution caused by this proposed use.
- 8.12. The proposed extensions are not considered to cause detrimental impacts to neighbouring residential amenity, in terms of loss of light, loss of privacy or overbearing impacts, by way of the single storey nature of the design and location of windows and doors in relation to existing boundary treatments.
- 8.13. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.15. Following a consultation with LCC Highways, it has been confirmed that there is not expected to be any impact upon highway safety or vehicle parking standards from this proposal. As such it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

Ecology

- 8.16. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value.
- 8.17. Following a consultation with LCC Ecology, it was confirmed that due to the proposed conversion and extension of the structure, additional information is required in relation to

roosting bats. Following the later submission of a preliminary bat inspection, LCC Ecology have withdrawn their objections and are now satisfied with the proposal from an Ecology standpoint. The proposal is therefore considered in accordance with Policy DM6 of the SADMP.

Planning Balance

- 8.18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.19. Whilst the proposal does not have significant detrimental impacts upon neighbouring amenity and is considered to be an extension to an existing building within the Countryside, the proposals are not considered to be acceptable in design terms, due to the orientation and design of the extensions alongside the loss of historic form of the building and stone wall.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

- 10.1 **Refuse planning permission for the following reasons**

11. Reasons

1. The application proposal to extend the existing barn is considered unacceptable in design terms. The extension would result in the loss of the historic form of the former agricultural building, would fail to complement or enhance the character of the surrounding area with regard to scale, layout and design and would not lead to an enhancement of the immediate setting. As such the proposal is in conflict with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the Council's Good Design Guide (2020).