

Delegated report

Planning Ref: 24/00820/NMA
Applicant: MT Baines & Sons
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Wood Farm, Stanton Lane, Ellistown, Coalville
Leicestershire, LE67 1FF

Proposal: Non material amendment to planning application 23/00954/CONDIT (Following original permission 21/00531/HYB). Amendment to House 1 - Raising of ridge and eaves of proposed roof structure whilst maintaining approved appearance and design.

Recommendations

- 1.1. **Approve Planning Permission** subject to:
- Previously imposed conditions on planning permission 23/00954/CONDIT

Planning application description

- 2.1. The application seeks a non-material amendment to planning permission 23/00954/CONDIT (Original application 21/00531/HYB was approved at appeal App/K2420/W/21/3279939). The proposed amendments would include:
- Amendment to House 1 - Raising of ridge and eaves of proposed roof structure whilst maintaining approved appearance and design.
- The original application reference 21/00531/HYB permitted the following on site:
- ‘Hybrid application comprising of Outline permission for the erection of buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme)’.
- 2.2 Application 23/00954/CONDIT was for the ‘Variation of of condition 16 (BREEAM New Construction 2018 Design Stage certificate) of planning permission 21/00531/HYB (Appeal B: APP/K2420/W/21/3279939)’.
- 2.3 Subsequently a NMA (24/00171/NMA) was approved at the farm site to amend 23/00954/CONDIT. The NMA involved the alteration of roof pitches and minor alteration to stanchion heights.
- 2.3 Approved plans associated with 23/00954/CONDIT are
- Site Location Plan Dwg No 30865-PL-201D
 - Farm Relocation Site - Site Layout (General Arrangement) Dwg No E19-29-018 RevA
 - Farm Relocation Site Highway Access Dwg No. E19-29-011
 - Bin Store Location Plan
 - Farm Buildings Cattle Shed 1 Dwg No. E19-29-071

- Farm Buildings Cattle Shed 1 Floorplan Dwg No. E19-29-071.1
- Farm Buildings Bullpen and Calving Units Building 2 Elevations and Floorplan Dwg No E19-29-073
- Farm Buildings Cattle Shed Building 3 Elevations and Floorplan Dwg No E19-29-073
- Farm Buildings Grain Store Building 4 Elevations and Floorplan Dwg No E19-29-074
- Farm Buildings Farm Workshop Building 5 Elevations and Floorplan Dwg No. E19-29-075 Rev A
- Proposed Planning Drawing Replacement House Number One Dwg No.19029/01
- Proposed Planning Drawing Replacement House Number Two Dwg No.19029/11a
- Farm Building Layout and Sections E19-29-014
- Domestic Curtilage Plan No 6756-L-20

2.4 Plans submitted as part of this NMA application are:

- Elevations and Floor Plan Drg No. 24_4443_05 received 27/08/2024

2.5 Comparing the approved plan for House 1 (Proposed Planning Drawing Replacement House Number One. Dwg No.19029/01 associated with 23/00954/CONDIT) with the proposed plan for this NMA application (Elevations and Floor Plan Drg No. 24_4443_05 received 27/08/2024) the differences in roof height are as follows:

	Previous Dimension	New Dimension	Increase in height
Main Ridge	6980	7550	570
Centre Gable	7455	7900	445
Left Gables (when viewed from front)	5980	7000	1020
Right Gables (when viewed from front)	5660	6100	440

2.6 The reason for the proposed amendment is to provide improved internal height and headroom particularly below sloping ceilings.

Description of the site and surrounding area

3.1. The application site is situated to the south west of West Lane (B585) and to the north of the Stanton Lane. Situated to the East of Stanton Under Bardon, situated outside any defined settlement boundary. To the north of the application site is Cliffe Hill Quarry, with areas of woodland and agricultural land to the south. There is a group tree preservation order (Ref W4) which is situated to the north west boundary of the application. To the north west is an established employment development with

a solar farm to the south west. The application site is situated outside any settlement boundary and within the National and Charnwood Forest.

- 3.2. The main site is negotiated by a number of overhead power lines which originate from an electricity substation located beyond the east boundary, and supported by steel framed pylons. The existing farmstead is made up of two dwellings, known as Wood Farm and Bramblewood, and a number of agricultural buildings and structures, which are of brick and slate, developed over time following the growth and need of the farm. The application site comprises of a number of irregular agricultural fields separated by hedgerows and trees.
- 3.3. There are a number of public footpaths in proximity to the site. Grange Walk, R114 and R31 are situated along the north east and south of the larger of the two application sites, and footpath R9 cross the farm site to the south east corner.
- 3.4. Levels across the application site vary, with a high point of the site positioned in the northern boundary of site, with an approximate level above Ordnance Datum (AOD) of 193 metres. The lowest point recorded is situated adjacent to a pond located in the south east corner which is at a recorded level of 161.5 metres AOD.

4.0 Relevant planning history

14/01220/FUL

- Extension of existing livestock building
- Permitted 09.03.2015

19/00507/SCOPE

- Proposed employment development of land east of Stanton Lane (Wood Farm), Bardon Opinion Issued – Environmental Impact Assessment not required 29.05.2019

20/00407/HYB

- Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures
- Refused 11.11.2020

21/00531/HYB

- Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme)
- Allowed at Appeal

23/00954/CONDIT

- Variation of Condition 16 (BREEAM New Construction 2018 Design Stage certificate) of planning permission 21/00531/HYB (Appeal B: APP/K2420/W/21/3279939)
- Approved 05.01.2024

24/00171/NMA

- Non-Material Amendment to Planning Permission ref: 23/00954/CONDIT.
Alteration of roof pitches and minor alteration to stanchion heights
- Approved 25.03.2024

5.0 Publicity

- 5.1 The application is a non-material amendment and as such no site notice or public consultation has been undertaken.
- 5.2 1 public comment has been received objecting to the proposed. The reason for the objection is that 'it will make the roof higher. These plans were made and approved and should not be changed. The people this house was designed for have had plenty of time to study the plans to decide if it met their needs. The houses planned on this "new farm site" already dominate this area and in my opinion are not in keeping. This change could impact neighbouring properties as they will appear even more domineering to the area'.

5.0 Consultation

- 5.1 No consultations undertaken

6.0 Policy

- 6.1 Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.
- 6.2 Since the original planning permission was issued there have been no significant changes to the policies within the development plan that would be material to the outcome of the assessment of the application in this case.

7.0 Appraisal

Assessment

- 7.1 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of 'non-material'; this is because it is so dependent on the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the Local Planning Authority to be satisfied that the amendment sought is non-material in order to grant an application under S96A.
- 7.2 The submitted plans are listed above in the description of the proposal as are the proposed amendments.
- 7.3 The nature of the change from the permitted scheme (23/00954/CONDIT) is discussed here along with compliance with the S106 and whether the changes proposed are considered to be material changes to the development.
- 7.4 The submitted plans above are proposed to replace the following plans:

Proposed Planning Drawing Replacement House Number One. Dwg No.19029/01 associated with 23/00954/CONDIT

The approved dwelling would be increased in height as per the table below but would have the same footprint as approved:

	Previous Dimension	New Dimension	Increase in height
Main Ridge	6980	7550	570
Centre Gable	7455	7900	445
Left Gables (when viewed from front)	5980	7000	1020
Right Gables (when viewed from front)	5660	6100	440

7.5 Application 21/00531/HYB was approved at appeal. With regards to the proposed farm buildings and dwellings the Inspector noted:

68. The proposals include two x two-storey replacement farm managers' dwellings with extensive curtilages, a farm workshop and four agricultural buildings (two cattlesheds, a grain store and a bullpen/calving units building) plus a covered cattle handling area. The two dwellings would be located one to each side of the proposed farm access drive off Ellistown Lane. The drive would extend beyond the existing hedgerow into the rear of the site where the farm buildings would be located. The workshop building would be located within the curtilage to House No One. Additional planting within the site is proposed, plus a balancing pond in the southeastern corner.

69. Whilst the Council takes no issue with this element of the proposals, local residents had some concerns. Farm workers' dwellings are an appropriate form of development in the countryside and in this case would be closely related to the proposed farm buildings. The agricultural buildings would be typically functional in appearance, appropriate for modern farm buildings. The dwellings would be of brick and tile and would include features such as chimneys and projecting gables to enliven the frontages. Whilst some local residents queried the size of the replacement dwellings compared with the existing dwellings on the holding, it is clear from the plans before me that they are roughly commensurate in terms of floor area. I am content therefore, that should there be a need to replace the existing farmstead such that this element of the appeal schemes is acceptable in principle, then the scheme proposed would not have a materially harmful impact on the character and appearance of the area.

70. Other concerns referred to light pollution and also to odour, given that the farm enterprise involves livestock rearing. Whilst the farm buildings would be closer to existing residential properties than is currently the case, the distance separation and landform, combined with conditions requiring an odour management plan and control over external lighting were the appeals to succeed, would be sufficient in my view to ensure that there was no material harm to the living conditions of existing residents. The distance separation combined with orientation of existing dwellings and intervening vegetation and landform also mean that there are no issues, as asserted by some, in relation to overlooking or material loss of outlook.

7.6 The approved development provides a farm dwelling suitable for the agricultural enterprise, no amendments are proposed to the footprint. The most significant of the proposed changes would be to the main ridge which is to be increased in height by over 0.5m. Although the height of other gables are to be increase, in particular the left gable which is to be increased by over 1m it would still be below the height of the

main ridge which is sympathetic to the original plans and all the gables remain to be below the maximum height of the approved dwelling (with the exception of the central gable). Whilst individually the increases in height are likely to be discernible, when considering those increases in the context of the wider approval they are not judged to be so significant as to introduce a material change to the approved development.

- 7.7 The Inspector noted concerns about the size of the dwelling but felt they are roughly commensurate in terms of floor area. The proposed changes have no impact on this. Furthermore the distance separation, orientation of the existing dwellings and intervening landform mean the proposed changes are unlikely to have a material impact on the surrounding area. It is considered cumulatively the proposed changes would not introduce material visual or amenity impacts when considered in the context of the original development.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

8.3 There are no known equality implications arising directly from this NMA of the 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 In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to change the height of the roof for building 1 permitted under planning reference 23/00954/CONDIT, are non-material in the context of the overall scheme.

10. Recommendation

10.1 **Grant Non-Material Amendment** subject to:

- Previously imposed conditions on planning permission 24/00171/NMA

- Changes in roof height and eaves to House 1

11 Conditions and Reasons

1. This non-material development is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:

- Application Form (received on 27/08/2024)
- Elevations and Floor Plans Drg No. 24.4443.05 (received on 27/08/2024)

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).