

Delegated Report

Planning Ref: 24/00624/FUL

Applicant: Mr and Mrs Michael Burgess

Ward: Ambien

Site: Lodge Farm, Market Bosworth Road, Dadlington

Proposal: Conversion of existing barn (currently in use for light industrial/storage) to Class C3 dwelling (Self-Build)



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. This application proposes the conversion of an existing barn (currently in use for light industrial/storage) to a dwelling. The proposal is for a three bedroom single storey dwelling with associated living and dining facilities.

3. Description of the site and surrounding area

- 3.1. The application site relates to an existing building located at Lodge Farm, currently in use for light industrial/storage purposes. The building is part of what was originally a farmstead comprising a main farmhouse and a series of former agricultural buildings since converted to residential use. The site is accessed from Shenton Lane and is approximately 0.5 miles north of the village of Dadlington. The site is located within the Countryside and is located within the boundary of Bosworth Battlefield.

4. Relevant planning history

23/00617/CLE

Lawful Development Certificate for existing use of barn as light industrial/storage (Class Class Eg(iii) and B8)

Certificate granted

01.08.2023

5. Publicity

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

6. Consultation

- 6.1. HBBC Pollution: No objections due to no additional landscaping.
- 6.2. HBBC Drainage: No objections, note to applicant.
- 6.3. HBBC Waste Management: Notes and condition recommended.
- 6.4. LCC Highways: No objections.
- 6.5. LCC Archaeology: No objections subject to condition.
- 6.6. Historic England: No comments to make.
- 6.7. LCC Ecology: No objections, note to applicant recommended.
- 6.8. Sutton Cheney Parish Council: No comments received.
- 6.9. Cadent Gas; No comments received.

6.10. Severn Trent Water: No comments received.

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. 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 neighbouring residential amenity
- Impact upon highway safety
- Self-build
- Archaeology
- Biodiversity Net Gain
- Permitted Development
- Planning Balance

Assessment against strategic planning policies

8.2. The 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), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from

unsustainable development. Development in the countryside is considered sustainable where;

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

and:

i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

- 8.5. The proposal can be considered under Policy DM4 (b) whereby the proposal involves the conversion of existing buildings, however, the proposal is required to be assessed to determine if the proposal would lead to an enhancement of the immediate setting.
- 8.6. In addition to Policy DM4, Policy DM15 of the SADMP confirms that the re-use and/or adaption of redundant or disused rural buildings will be supported whereby the applicant can demonstrate that the building is no longer viable, the applicant has demonstrated that the building is structurally sound and any extensions or alterations are proportionate to the scale, size, mass and footprint of the original building. This application does not state that the development site is a redundant or disused rural buildings, however it is acknowledged that the structure is structurally sound and is proportionate to the size, scale, mass and footprint of the original building.
- 8.7. The proposal is for the conversion of an existing barn to a dwelling. It is acknowledged that the Council can currently evidence a 5 year housing land supply and therefore consideration of this will be addressed within the planning balance section of this report, comparing any identified harm against housing need.

Design and impact upon the character of the area

- 8.8. 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.
- 8.9. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.10. The proposal site is currently a single storey barn structure, and is proposed to be converted to a single storey 3 bedroom dwelling. The unit is not highly visible from the streetscene but is partially visible from Shenton Lane when approaching the site from the South, facing North West. The site benefits from existing mature hedgerow creating a natural barrier, and is sited behind the existing residential dwellings currently on the site.
- 8.11. The design of the proposal is considered acceptable, including horizontal wood cladding and corrugated metal roofing, which appears rural in nature, and is therefore synonymous with the site's rural setting. The proposed windows and door openings on the proposal are considered acceptable in design alongside the proposed log burner flue and would not cause detrimental impacts to the visual amenity of the area or the intrinsic beauty of the open countryside.
- 8.12. As such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.14. The development site is located within close proximity to neighbouring residential properties, including the host dwelling on the site. The development, is not considered to cause detrimental impacts to the existing residential units at the site by way of its single storey nature and the orientation of windows and door openings, in relation to the neighbouring windows at two storey height. The proposal is not considered to cause detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overshadowing or overbearing impacts, similarly, the unit itself is not considered to be detrimentally impacts by the existing dwellings for the use of future occupiers.
- 8.15. It is therefore considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.16. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.17. Leicestershire County Council were consulted as part of this application and have confirmed that they have no objections to the proposal. The site is not considered to cause detrimental impacts to highway safety and sufficient car parking and turning facilities are afforded to the proposed three bedroom dwelling, located on the existing land at the site. No hardstanding or further works have been proposed under this proposal and as such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the adopted SADMP.

Self-build

- 8.18. The proposal description details the proposed conversion as a self-build. Whilst this remains in the description, it has been considered as part of this proposal that a condition to secure the development as self-build would not meet the condition tests to satisfaction. It was proposed to the applicant that a unilateral undertaking could be included to secure the self-build element of the proposal, however this was declined. As such, the council will not be securing the proposed conversion as a self-build.

9. Archaeology

- 9.1 Policy DM13 of the SADMP confirms that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application and appropriate desk-based assessment, and, where applicable, the result of a field evaluation detailing the significance of any affected asset.
- 9.2 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 9.3 The development site is located within Bosworth Battlefield and as such LCC Archaeology were consulted as part of the application process. The County Authority confirmed that whilst they do not object to the proposal, a condition shall be attached

to the decision to ensure that any works are to a satisfactory archaeological standard and is conducted in accordance with Policy DM13 of the SADMP. In addition, no harm to the heritage asset has been observed given the nature of the development being a conversion of an existing building, and the design of the proposal being in keeping with the rural character of the area, and such it is considered in accordance with Policy DM11 and DM12 of the SADMP.

10. Biodiversity Net Gain

- 10.1 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.
- 10.2 The application relates to the conversion of an existing building. The proposal is contained within the footprint of the existing building, with the exception of the proposed plant room extension (6.73m²). The site already consists primarily of hardstanding. The plant room section of the proposal is located on an area of land which is currently used as garden land and is not considered to be a priority habitat. Garden land is not counted towards BNG. The development does not impact a priority habitat and impacts less than 25m² and as such it is exempt from BNG requirements.

11. Permitted Development

- 11.1 The Council have removed permitted development rights, via condition, as seen at the end of this report, relating to Schedule 2, Part 1, Class A-E of the General Permitted Development Order (2015). The justification behind this removal relates to ensuring that any future extensions, boundary treatments or alterations safeguard the character and appearance of the heritage asset of Bosworth Battlefield.

12. Planning Balance

- 12.1 Currently the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 12.2 No detrimental impacts have been identified as a result of the proposal and as such the proposal is considered acceptable and is granted planning permission.

13. Equality implications

- 13.1 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.

13.2 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.

13.3 There are no known equality implications arising directly from this development.

13.4 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).

14. **Conclusion**

10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM13, DM17 and DM18 of the adopted SADMP.

15. **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:

Location plan and Block plan Drg No. PL-01A
Proposed Plans and Elevations Drg No. PI-03B
Planning Statement

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 development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure safe waste collection and 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).

4. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes A - E and Schedule 2, Part 2, Class A inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, or means of enclosure shall be carried out unless planning permission for such development has been granted by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties, the character and appearance of the building and the surrounding countryside and to protect heritage assets in accordance with Policy DM4, DM10, DM11, DM12 and DM15 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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. 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).

3. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained.
4. The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please refer to the following downloads on the website.
http://www.hinckleybosworth.gov.uk/downloads/file/2952/wheeled_bin_information_for_developers_and_planning_officers &
https://www.hinckleybosworth.gov.uk/downloads/file/4647/wheeled_bin_and_container_policy_updated_march_2018 . Please note that our policy states that all recycling and refuse services take place from the boundary with the public highway. If all or part of the new road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.