

Delegated Report

Planning Ref: 23/00791/OUT

Applicant: Mrs D Vann

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Red House Farm, 39 Main Road, Ratcliffe Culey, Atherstone

Proposal: Outline planning permission for replacement farmhouse (all matters reserved)

1. Recommendations

1.1. Grant outline planning permission subject to

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks outline planning permission for a replacement farmhouse with all matters reserved at Red House Farm, 39 Main Road, Ratcliffe Culey.
- 2.2. The application is a renewal of a previous outline application for a similar proposal (20/00603/OUT).
- 2.3. The original farmhouse building has been demolished with only the rear wall remaining.

3. Description of the site and surrounding area

- 3.1. The application site is located on the northeastern edge of Ratcliffe Culey with the proposed indicative location of the farmhouse situated within the settlement boundary of Ratcliffe Culey. The majority of Red House Farm is not within the settlement boundary with several agricultural buildings located to the north of the site, one of which has recently had prior approval granted for conversion to a dwellinghouse (20/01292/P3CQ).
- 3.2. There are a pair of semi-detached properties located to the south west of the application site with a public house located opposite. There is a public footpath between the farmhouse and adjacent semi-detached properties. The original dwelling on the site has been demolished.

4. Relevant planning history

15/00789/GDOD

- Demolition of dwelling
- PRIOR APPROVAL
- 12.08.2015

16/00795/OUT

- Replacement farmhouse (outline - all matters reserved)
- OUTLINE
- 29.11.2016

16/00796/FUL

- Temporary agricultural dwelling
- PERMIT
- 01.12.2016

20/00603/OUT

- Replacement farmhouse (outline - all matters reserved)
- PERMIT
- 13.08.2020

20/00774/P3CQ

- Prior notification for change of use of agricultural buildings to two larger dwellinghouses
- Prior Approval Refused
- 21.10.2020

20/01287/P3CQ

- Conversion of agricultural building in C3 larger dwellinghouse and associated building operations
- Prior Approval Refused
- 12.02.2021

20/01311/P3CQ

- Conversion of agricultural building in C3 larger dwellinghouse and associated building operations
- Prior Approval Refused
- 16.02.2021

20/01292/P3CQ

- Conversion of agricultural building in C3 larger dwellinghouse and associated building operations
- Prior Approval Granted
- 15.02.2021

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and a site notice was also posted within the vicinity of the site.
- 5.2. No representations have been received.

6. Consultation

- 6.1. There are no objections from the following consultees:
LCC Highways
LCC Ecology
HBBC Environmental Services (Drainage)
HBBC Environmental Services (Pollution)
- 6.2. Witherley PC have not commented on the application.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Prevention of Flooding and Pollution
- 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) (2018)
- Planning Practice Guidance (PPG)

7.4. 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
- Drainage

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, development permission should not usually be granted unless other material considerations indicate otherwise.

8.3 The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

8.4 Using the standard method as outlined by MHCLG, HBBC is unable to demonstrate five years of deliverable housing, and paragraph 11 of the NPPF is therefore triggered. Paragraph 11 of the National Planning Policy Framework (NPPF) and

Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. 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.

- 8.5 The proposed indicative location of the dwelling is situated within the settlement boundary of Ratcliffe Culey. Ratcliffe Culey is designated as a Rural Hamlet in the Core Strategy. Policy 13 of the Core Strategy seeks to support Rural Hamlets by supporting housing development within settlement boundaries. Given the location of the dwelling within the settlement boundary, the proposal would be in accordance with Policy DM1 of the SADMP and Policy 13 of the Core Strategy.
- 8.6 The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered Strategy which are attributed significant positive weight as they are consistent with the Framework.

Design and impact upon the character of the area

- 8.7 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. This is supported by the Good Design Guide SPD (SPD) which seeks to ensure a high quality of design.
- 8.8 Whilst this is an outline application with all matters reserved, the site location plan indicates that the dwelling would be sited in broadly the same location as the previous dwelling. The previous dwelling sat generally in line with neighbouring 27-37 Main Road to the southwest, which consist of a row of six semi-detached properties in a broadly linear pattern of development. There are a number of roads off Main Road with residential properties located to the west and south of the site. Whilst there is no defined pattern of development in the area in general, the immediate context and urban grain would lend itself to a replication of the linear form.
- 8.9 The submitted plans do not indicate the indicative location of the proposed dwelling, however this would be determined through a subsequent reserved matters application. Through this process, it would be important to ensure that the new dwelling results in a harmonious relationship with the existing street scene and pattern of development in terms of its design, siting, layout and landscaping. Therefore, the proposal would have limited impact upon the street scene fronting Main Road.
- 8.10 The street scene comprises varying materials and styles of dwellings, however traditional red facing brickwork is prominent in the area and within the wider Red House Farm site. Alternative high-quality materials may be acceptable, and this will be assessed at reserved matters stage where representative samples will be required to be submitted for approval.
- 8.11 It is considered that a replacement dwelling could be provided on the site that would complement the character and appearance of the area in accordance with Policy DM10 of the SADMP and the design principles of the SPD.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. This is supported by the Good Design Guide SPD.

Although layout, scale and design are reserved matters, it is considered that by virtue of the size of the application site that a dwelling could be erected that would not have an adverse impact on neighbouring or occupier amenity. It is also noted that there is permission for a new dwelling (20/01292/P3CQ) and it is considered that both dwellings could be sited and designed in a manner which would protect the amenity of each dwelling, considering the separation distance between the original dwelling and the farm outbuilding (c. 21m). The proposal is therefore in accordance with Policy DM10 of the SADMP and the principles of the SPD.

Impact upon highway safety

- 8.13 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.14 Access is a reserved matter; however, the indicative plan demonstrates that the dwelling would be sited in the south west corner of the site with via the existing access. The application site is of a size that could accommodate a dwelling and provide sufficient turning space and car parking facilities.
- 8.15 There is an existing hedgerow that bounds the front and side of the site alongside a public footpath. To ensure that the proposal does not affect public use and enjoyment of the right of way, appropriate landscaping will be ensured at a reserved matters stage to protect the safety and amenity of the users of the public footpath.
- 8.16 The proposal would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

Drainage

- 8.17 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. The site is located within Flood Zone 1 being at low risk of Main River flooding. The risk of surface water flooding to the site is very low.
- 8.18 The proposed dwelling is to be built on the footprint of the original dwelling where the necessary foul water drainage connections would remain in situ.
- 8.19 Surface water drainage would be subject to additional information provided in relation to Reserved Matters and secured by condition.
- 8.20 The proposal would be in accordance with Policy DM7 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. 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.

10.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.3. The application site is in a sustainable location within the settlement boundary of Ratcliffe Culey where a replacement dwelling is acceptable in principle. By virtue of the location and size of the site, subject to further details as part of a subsequent reserved matters application, it is considered that a dwelling could be provided that would complement the visual appearance and character of the area, not give rise to highway safety concerns, and not cause harm to the amenity of the occupiers of neighbouring dwellings. It is considered that the proposed dwelling would be in accordance with Policy 13 of the Core Strategy and Policies DM1, DM7, DM10, DM17 and DM18 of the SADMP (2016) and the general design principles within the Good Design Guide SPD (2020).

10.4. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. Given that no harm has been identified, the proposal is found to be sustainable development and is therefore recommended for full planning permission subject to conditions.

11. Recommendation

11.1 **Grant outline planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) Appearance of the development;
 - b) Means of access;
 - c) Landscaping of the site;
 - d) Layout of the site including the location of electric vehicle charging points; and
 - e) Scale of each building proposed in relation to its surroundings
- have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site Location Plan – Dwg. 2305/01B, received by the Local Planning Authority on 5th October 2023.

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).

4. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

5. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted

Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

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. Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath adjacent to the land to which this application relates. If it is intended to divert or stop the footpath the appropriate legal steps must be taken before development commences.
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.