

Delegated Report

Planning Ref: 24/00702/FUL
Applicant: Mr Wayne Aris
Ward: Barlestone Nailstone And Osbaston

Site: Woodville Lount Road Osbaston

Proposal: Single storey stable and tack room



Hinckley & Bosworth
Borough Council

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for a structure for a stable and tack room at Woodville, Lount Road, Osbaston. The stable and tack room building is located to the east of the application site within a paddock to the rear and southeast of the associated dwellinghouse, Woodville, which is not within the red line boundary of the site.
- 2.2. The building externally measures 6.8m in depth by 3.7m in depth. The structure utilises a pitched roof that has a ridge height of 3.3m and an eaves height of 2.2m. The Application Form confirms that the structure is constructed with timber walls and metal roofing sheets.
- 2.3. The development impacts less than 25sqm of non-priority habitat and therefore it below the de minimis exemption threshold for statutory biodiversity net gain.

3. Description of the Site and the Surrounding Area

- 3.1. The application site consists of a 2,827sqm paddock field that is to the rear of the residential dwelling, Woodville, which is outside of the application site but within the ownership of the Applicant. The dwelling is accompanied by an existing single storey outbuilding that was approved as a brick-built double garage and stable and tack room via 18/00427/HOU, which was then converted into a holiday let via 22/00970/FUL.
- 3.2. Woodville benefits from two existing vehicular accesses onto Lount Road, and the eastern-most access is utilised to access the application site. Lount Road is an unclassified but adopted public highway that is subject to the National Speed Limit. Lount Road features sporadic development on either side of the road including several farmsteads and other isolated detached dwellings.

3.3. The application site is located outside of any identified settlement boundary in the designated countryside and is bounded by agricultural land to the west, south, and to the north beyond Lount Road.

3.4. The site is also located within a Mineral Safeguarding Area (MSA) for sand and gravel, the Development Low Risk area for coal, and the Impact Risk Zone for a Site of Scientific Special Interest (SSSI).

4. Relevant Planning History

4.1 22/00970/FUL

- Change of use of existing garage and stable to holiday let
- Permitted
- 10.07.2023

4.2 18/00427/HOU

- Detached garage/stables to the front elevation
- Permitted
- 29.06.2018

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.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA) (subject to conditions)
- Minerals and Waste Planning Authority (MWPA)

6.2 A Parish Councillor suggested they were agreeable to the scheme providing it was not changed to a holiday let.

6.3 The Coal Authority did not comment on the planning application and Osbaston Parish Council did not formally respond to the planning application.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1 The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

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. The NPPF is a material planning consideration in planning decisions.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

- 8.4 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.5 To support this, Policy DM4 of the SADMP only considers development in the countryside 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”.
- 8.6 The principal use of stables is regarded as an equestrian use for the accommodation of horses, and not an outdoor sport or recreational use or an ancillary building relating to such a use. Therefore, the proposed development does not relate to, or comply with, any of the criteria within Policy DM4 of the SADMP.
- 8.7 However, this does not mean that the development is not sustainable. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.8 Nevertheless, the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.9 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.10 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.11 The structure is single storey in massing and constructed with timber. By virtue of its modest size, scale, volume, massing, and use of materials, the proposal is considered to preserve the rural character of the site.

- 8.12 The development is also 24.5m south of the public highway, which reduces its visual prominence from public views.
- 8.13 As a result, the development is not considered to have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policy DM4(i) and Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.14 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 within the vicinity of the site.
- 8.15 The development is over 22.5m from the nearest neighbouring property, The Barn. By virtue of its size, scale, volume, massing, and use, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity. Therefore, the scheme is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.16 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.17 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.18 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.19 The application site is served by two existing accesses that lead onto Lount Road and the proposal has made no amendments to these accesses, nor the host dwelling's provision of off-street parking.
- 8.20 There have been no recorded Personal Injury Collisions (PICs) on Lount Road in the previous five years. Therefore, the Local Highway Authority (LHA) do not have any pre-existing safety concerns at this location. Given the site access arrangements are existing, and the good safety record of the site location, the Local Highway Authority have no objection to the site access proposals providing that the stables are utilised for the private use of the Applicant. This can be secured via planning condition.

- 8.21 Therefore, the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG, subject to conditions.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions detailed 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 received by the Local Planning Authority as follows:

- Block Plan (submitted: 18.07.2024)
- Proposed Floor Plan and Elevation (submitted: 29.07.2024)
- Stables (submitted: 29.07.2024)

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 development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Stable and Track Room Drawing 24/08/02. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

4. The site and building shall only be used for the Applicant's own horses and for ancillary storage. The site shall not be used for any events or any commercial or industrial purposes, including the use of the site for livery stables. Should the stables become redundant, the building shall be demolished, and the site restored to grassland.

Reason: Permission has been granted on the basis that the building is required for the private use of the Applicant to provide accommodation for their horses. Should this use no longer be required then alternative uses are unacceptable and/or are unlikely to be supported in the interests of the amenity and character of the area, and in the interests of general highway safety in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

5. The materials to be used on the external elevations of the proposed extension and alteration shall consist of timber and metal roofing tiles in accordance with the Application Form (submitted: 26.07.2024).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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 soakaways will be subject to the approval of the Building Control Surveyor.
3. Any 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).