

Delegated Report

Planning Ref: 24/00741/FUL
Applicant: David Lock
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Lychgate House Farm Lychgate Lane
Burbage

Proposal: Proposed partial change of use of dwellinghouse (Use Class C3) to mixed use as guest house (Use Class C1) and office facilities/ visitor meeting space (Use Class E(g)(i)).

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 the partial change of use of an existing dwellinghouse (Use Class C3) to a mixed use comprising a guest house (Use Class C1) at the southern end of the property, and office facilities/ visitor meeting space (Use Class E(g)(i)) at the northern end of the property at Lychgate House Farm, Lychgate Lane Burbage.
- 2.2. The proposal is in association with an existing charity to provide overnight accommodation for the families accessing their facilities and to further financially support the charity.
- 2.3. The proposal is below the de minimis exemption threshold and therefore is not required to provide statutory biodiversity net gain.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to the east of, and outside of the identified settlement boundary of, Burbage in the designated open countryside and an area of landscape sensitivity as identified by the Burbage Neighbourhood Plan (BNP) (2021). The residential development of Burbage is separated from the application site by 380m of open agricultural fields.
- 3.2. The application site is on the northern side of Lychgate Lane, which is an adopted, but unclassified road that is subject to a 40mph speed limit. Lychgate Lane is identified by the BNP as a wildlife and green corridor within the vicinity of the application site.

- 3.3. To the north of the application site is open agricultural fields, and to the east of the application site is Burbage Cemetery. To the south of the site is a couple of existing residential dwellings and an existing riding school. Beyond Burbage Cemetery and the dwellings to the south of the site is further open agricultural fields.
- 3.4. Lychgate House Farm currently features an existing residential dwelling, a manège, and an agricultural building. Lychgate House Farm was granted planning permission for a change of use from an agricultural use to a livery yard via planning permission 04/00379/COU. Condition 02 stated that permission the use of the premises was a livery yard only and did not grant approval for a riding school in the interests of road safety.
- 3.5. The site is utilised by a registered charity, The Dave Lock Horsepool Foundation. The Charity supports neurodivergent children and their families and helps them to engage with, and look after, animals. The dwellinghouse is currently occupied by the Farm Manager.

4. Relevant Planning History

4.1 24/00472/CLP

- Certificate of Lawful Development for partial change of use of a section of the dwelling to short term holiday let
- Withdrawn
- 15.07.2024

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:

- Burbage Parish Council
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA)

- 6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 4: Development in Burbage

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 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):

- Policy 09: Wildlife and Green Corridors
- Policy 10: Landscape Character
- Policy 11: Area of Landscape Sensitivity

7.4 National Planning Policies and Guidance:

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

7.5 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, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Burbage Neighbourhood Plan (BNP). 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, which 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 proposal involves the partial change of use of an existing building, but the development makes no amendments to the external appearance of the property. Therefore, the proposal does not lead to the enhancement of the immediate setting. As a result, the scheme does not relate to, or comply with, any of the criteria within Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.7 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 Given the above, the Council considers that 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 property is 36.5m from its access onto Lychgate Lane and the proposal does not involve any external alterations or extensions to this existing property. There is already an existing commercial use of the livery within the site, and therefore additional commercial uses associated with the use of the site is not considered to result in any adverse impacts to the character of the area. Given the size and scale of the proposed change of use to a short-term holiday let, the proposal is not considered to result in any significant adverse impacts to the character of the property, the site, or the surrounding area.
- 8.12 In summary, the proposal respects the character of the existing dwelling and the surrounding area in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.13 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.
- 8.14 The proposal does not involve any external alterations or extensions to the existing property. In addition, there are no neighbouring properties in the immediate vicinity of the site and the existing occupant of the property is the site manager for Lychgate House Farm. Therefore, the development is not considered to result in any adverse impacts to residential amenity.
- 8.15 The proposed short-term holiday let, and commercial office space and visitor meeting space are modest in size and are not considered to result in any noise pollution that are likely to adversely impact the existing occupants of the property.
- 8.16 By virtue of these factors, the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring properties or the occupants of the existing property, subject to conditions, in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.17 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. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

- 8.18 The scheme makes no amendments to the existing vehicular access to the site from Lychgate Lane, nor any revisions to the site's off-street parking provision. The Local Highway Authority have reviewed the scheme and do not consider the development to have a material impact on the public highway. 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.

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 0337-A-GA-002 (submitted: 30.07.2024)
- Existing East and North Elevation 0337-L-GA-007 (submitted: 30.07.2024)
- Existing First Floor Plan 0337-A-GA-005 (submitted: 30.07.2024)
- Existing Ground Floor Plan 0337-A-GA-004 (submitted: 30.07.2024)
- Existing Roof Plan 0337-A-GA-006 (submitted: 30.07.2024)
- Existing West and South Elevation 0337-L-GA-008 (submitted: 30.07.2024)
- Proposed East and North Elevation 0337-L-GA-012 (submitted: 30.07.2024)
- Proposed First Floor Plan 0337-A-GA-010 (submitted: 30.07.2024)
- Proposed Ground Floor Plan 0337-A-GA-009 (submitted: 30.07.2024)
- Proposed Roof Plan 0337-A-GA-011 (submitted: 30.07.2024)
- Proposed West and South Elevation 0337-L-GA-013 (submitted: 30.07.2024)
- Site Location Plan 0337-A-GA-001 (submitted: 30.07.2024)
- Site Plan 0337-A-GA-003 (submitted: 30.07.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant:

1. All businesses have a duty of care to ensure that any waste is handled safely and within the law. Please ensure that there is adequate space on the property to store the waste containers for the business.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/ waste is commercial waste. For this reason, it has to be legally discarded in a certain way via a trade waste service or transfer service and cannot be disposed of through the residential service. Bins should be maintained and stored so that they don't

cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.

Businesses should arrange their own business/ trade waste collection service. If you give your waste to someone else, you must be sure that they are authorised to take it, transport it, and recycle or dispose of it safely.