

Delegated Report

Planning Ref: 26/00315/FUL

Applicant: Brenda and Clifton Lampard Partnership

Ward: Cadeby, Carlton, M Bosworth and Shackerstone

Site: Land Off Hall Lane, Hall Lane, Odstone



Hinckley & Bosworth
Borough Council

Proposal: Full application for alterations to the previously approved scheme (23/01048/FUL) for the change of use and extension of an agricultural building to a self-build residential dwelling (class C3 use).

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. The proposal is for the conversion and extension of an agricultural building to form a self-build residential dwelling. The application is a revised scheme to the previously approved 23/01048/FUL, with the key alterations relating to the overall design.
- 2.2. The application has been accompanied by a signed legal agreement securing the self-build element.

3. Description of the site and surrounding area

- 3.1. The building is located around 300m south-west of the settlement of Odstone, and off the track that links the settlement from Hall Lane to Tivey's Farm which is c.1.25km to the west. The building forms part of the wider landholding of Tivey's Farm and has most recently been used for housing cattle.
- 3.2. The building has a rectangular plan form and consists of a red brick walls and dual pitched slate tile roof. There are two small openings to the north-western elevation and the south-eastern elevation is open to a small square plan courtyard which is defined by red brick walls, sections of which have collapsed and open out into a large field that extends to the south and east. The general footprint of the building and the defined courtyard are evident on the first edition Ordnance Survey map of 1885 which indicates that this arrangement of built form, and the building itself can be dated back to at least the 19th century. The lower sections of the walls of the building consist of historic brickwork of various phases, with the upper section of the building consisting of a replacement roof added within the last decade. Some sections of the courtyard walls are also a modern rebuild.

4. Relevant planning history

23/01048/FUL

Change of use of a building from agricultural to residential and associated works
Planning permission
02.08.2024

5. Publicity

- 5.1. Neighbours were notified of the application via letter, and a site notice was placed within the vicinity of the site.
- 5.2. One letter of objection was received with the following concerns raised:
- Highways concerns relating to trips to and from the site

- Access issues relating to bridleway and public footpath
- Visual impact of parking provision
- No turning head shown on plans
- Landscaping not confirmed
- Access materials not acceptable or safe for horse riders or walkers

6. Consultation

6.1. Shackerstone Parish Council

6.2. No comments were received.

6.3. Leicestershire County Council (LCC) Highways

6.4. No objections, subject to conditions and notes to applicant included at the end of this report.

6.5. Leicestershire County Council (LCC) Ecology:

6.6. No objections subject to conditions included at the end of this report.

6.7. Hinckley & Bosworth Borough Council (HBBC) Environmental Health

6.8. No objections subject to a condition relating to land contamination, which has been included at the end of this report.

6.9. Hinckley & Bosworth Borough Council (HBBC) Drainage

6.10. Notes to applicant have been recommended by HBBC Drainage, and have been included at the end of this report.

6.11. Hinckley & Bosworth Borough Council (HBBC) Waste

6.12. No comments received.

6.13. Hinckley & Bosworth Borough Council (HBBC) Conservation

6.14. No objections to the proposal.

6.15. Leicestershire County Council (LCC) Historic & Natural Environment

6.16. No objections to the proposal.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment

- Policy DM12: Heritage Assets
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (GDG) (2019)
- National Design Guide (2019)

8. Appraisal

8.1. The application site is located within the countryside outside of any defined settlement boundary, however an extant permission for the conversion of the existing building exists, and as such the principle of development is secured. The key issues in respect of this application therefore are:

- Design and impact upon the character of the area and the setting of a listed building
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage and flood risk
- Ecology and biodiversity net gain
- Self Build

Design and impact upon the character of the area and the setting of a listed building

8.2. Policy DM4 of the SADMP confirms that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.

8.3. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.

8.4. Policies DM11 and DM12 of the SADMP DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

- 8.5. Policy DP3 of the NPPF (2026) states that development proposals should respond to their context, so that they integrate with and enhance their surroundings. Policy DP3 (a-g) outlines the principles of which should be adhered to within development proposals.
- 8.6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.7. The proposal seeks to convert the agricultural building into a single dwelling, and consists of utilising the existing limited number of openings to the north-eastern elevation for fenestration, the additional of a single window in each of the side (north-east and south-west) elevations, and the addition of a single storey timber clad flat roofed extension sited against the north-eastern courtyard wall. The courtyard walls are to be repaired and reinstated where required, other than retaining a small open section of the courtyard walls out into the wider field. Two linear parking spaces are proposed off the north-eastern courtyard elevation, accessed from the track where it ends at the application site.
- 8.8. There are two grade II listed buildings within the vicinity of the site; Ivy House Farm which is a early to mid-18th century farmhouse c.360m north-east of the application building, and Odstone Hall which is a large 17th century house that was remodelled in the 18th century.
- 8.9. Historic England provide advice on the setting of heritage assets in their Good Practice Advice in Planning Note 3 (GPA3) (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.10. Due to the presence of the modern agricultural buildings and intervening distance there is no clear intervisibility between the application site and Ivy House Farmhouse and there is an absence of key historic or functional relationships between them. The existing arrangement is regards of access to the proposed dwelling, via a field gate to the track at the end of Hall Lane and slightly to the west of Ivy House Farmhouse would be unaltered. The listed building Ivy House Farmhouse is therefore not considered to be potentially sensitive to adverse impacts as a result of the development proposal.
- 8.11. There is some limited intervisibility between Odstone Hall and the application building through existing field boundary vegetation, particularly during the season of limited leaf cover. The application building and Hall can also be glimpsed together in long distance views looking north-west from the public right of way which approaches Odstone from the south, in the large field adjacent to the application site. Whilst there are no key historic or functional relationships between the application site and the Hall, a minor appreciation of the special historic and architectural interest of the Hall can be obtained when positioned within the surrounds of the application site, and

where the application building falls part of the surrounding rural context and is a neutral presence within the wider setting of the Hall.

- 8.12. With repairs and reinstatement of the courtyard walls the historic curtilage of the building would remain clearly defined. Despite the increased footprint and relocation of the proposed extension compared to the existing permission, the extension whilst large in footprint within the context would be sited below the highest level of the courtyard wall so would be visually contained within the courtyard. For these reasons there will be a very limited visual change within the wider setting of the grade II listed building Odstone Hall, with the application building and proposed development, if implemented, continuing to be a neutral presence within its wider setting and not reducing or adversely affecting the ability to appreciate the significance of the Hall from its setting. Furthermore the extension, by virtue of its siting retains an agrarian layout, whilst the scale of the extension and its modern design is at odds with the original building, the retention of the courtyard walls and limited visibility of the extension as a result retains the character of the building in compliance with the Good Design Guide. The proposal would therefore be compatible with the significance of the listed building Odstone Hall and its setting and consequently the proposal complies with Policies DM4, DM10, DM11 and DM12 the SADMP, section 20 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP confirms the requirements of which permitted developments must achieve. DM10 (a) and (b) confirm that any development must not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.14. HBBC Environmental Health were consulted as part of this proposal and have confirmed that they have no objection to the application, subject to relevant conditions relating to land contamination, to safeguard future occupiers.
- 8.15. There are no immediate neighbouring residential uses that abut or surround the site and the proposal provides adequate outdoor amenity space for the dwelling. Therefore there are no concerns regarding residential amenity.
- 8.16. Overall, it is considered that the proposal would have no impact on residential amenity, causing no detrimental impacts on loss of light, loss of privacy, overbearing or noise impacts. As such, the proposal is considered in accordance with Policy DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 8.17. Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.
- 8.18. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.

- 8.19. Policy TR3 of the NPPF (2026) confirms that development should be located in sustainable locations, and stipulations are set out within section a-e of what needs to be included and mitigated as part of proposals.
- 8.20. LCC Highways have confirmed as part of the consultation response that the impacts of the development on highway safety would not be unacceptable. The LHA confirmed that there was no concern regarding the highway access, however due consideration must be given to waste collection, this has been addressed through a planning condition located at the end of this report.
- 8.21. It has been acknowledged by the LHA that the development, similarly to the previously approved scheme would have limited impacts on footpath S69, and that through the attached notes to applicant any potential harm shall be overcome.
- 8.22. The LHA are satisfied with the level of parking provision provided under this scheme.
- 8.23. The proposal therefore complies with Policies DM17 and DM18 of the SADMP, and Policy TR3 of the NPPF (2026).

Drainage and flood risk

- 8.24. Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.25. The development site is located with Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.
- 8.26. HBBC Drainage have provided a note to applicant which is included within this report. The proposal is considered to be in general accordance with Policy DM7 of the adopted SADMP.

Ecology and biodiversity net gain

- 8.27. Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 8.28. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.29. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a. The need and benefits of the development in that location clearly
 - b. It has been adequately demonstrated that the irreplaceable habitat
 - c. Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.30. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.31. LCC Ecology have been consulted as part of this application and have confirmed that they have no objections to the proposal, subject to a planning condition requesting details of a biodiversity enhancement plan, which can be secured as a post permission matter. There are no other concerns raised by LCC Ecology and the scheme is exempt from mandatory BNG.
- 8.32. The proposal is therefore considered to be in accordance with Policy DM6 of the SADMP.

Self build

- 8.33. The application has been submitted as a self-build home, under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
- 8.34. Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.
- 8.35. The application has been submitted with an accompanying self and custom house build evidence form, and has been accompanied by a signed and sealed Unilateral Undertaking, which is considered a suitable mechanism to secure the self-build status of the proposal.
- 8.36. The inclusion of the dwelling as a self-build contributes positively to the Councils shortfall in self-build and custom housebuilding provision, and is welcomed.

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.

10. Conclusion

- 10.1 By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD, and policies S5 and DP3 of the NPPF (2026). The proposal can therefore be supported.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / 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:

- Site Location Plan, Drg No.ALS 087 - LP01A
- Proposed Floor Plans, Elevations, Drg No.ALS 087 - PP01
- Existing, Proposed Site Plans, Drg No.ALS 087 - SP01

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 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.

Additionally, prior to the commencement of development above foundation level, details outlining:

- The window and door header and cill treatments
- The style, colour and manufacturer of windows and doors

Shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with these approved details.

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).

4. No development shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the LPA.

Enhancements shall include (but not be limited to) at least two woodcrete/integrated house martin nest cups and two swallow nest cups and two bee bricks with the makes/models and their locations. The biodiversity enhancement scheme shall include planting of hedgerows and trees of native

species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (*Crataegus monogyna*), plus any one or more of the following: field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), dog rose (*Rosa canina*) and holly (*Ilex aquifolium*). Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure that the development is in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with the Proposed Site Plan drawing number ALS087 - SP01. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 (2026).

8. No development above foundation level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or are seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified by the Local Planning Authority.

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 DPD (2016).

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A – E 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 shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To ensure that the design quality of the barn conversion is not diminished by unacceptable extensions and alterations and to safeguard the rural character of the countryside in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the Good Design Guide (2020).

10. 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 the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e. soakaways, previous paving, filter drains, swales, etc, and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems. Any proposed access drives, parking and turning area, 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 Environmental Agency guidance on the permeable surfacing of front gardens).
3. In relation to conditions 5 and 6 advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
4. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
5. If Planning Permission is granted, the following notes should be drawn to the applicant's attention:
 - a) 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.
 - b) A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
 - c) A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.
 - d) If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
 - e) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
 - f) Any damage caused to the surface of a public access routes, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
 - g) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority

