

Delegated Report

Planning Ref: 26/00092/CONDIT
Applicant: Mr Charlie Green
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Cottage Farm Kirkby Lane Newbold Verdon

Proposal: Variation of condition 2 of planning permission 24/00733/FUL to change the design of the approved dwelling

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 24/00733/FUL granted full planning permission for the proposed replacement of residential dwelling, new fence and associated works at Cottage Farm, Kirkby Lane, Newbold Verdon.
- 2.2. Condition 2 of the planning permission required that the proposed scheme be carried out in accordance with the proposed plans. This application seeks planning permission for the variation of condition 2 (Plans). The application proposes to change the design and layout of the dwelling, including parking and fenestration.
- 2.3. The proposal would remain to be built over the existing farmhouses footprint, but an 'L' shaped pitched form would replace the approved staggered form. It would be 18.17sqm smaller than the extant scheme.
- 2.4. The proposed southern (front) elevation would have a personal door with accompanying sidelights to its centre with a window atop of at first-floor level, four symmetrical windows to each gable at ground and first-floor and two windows to the ground-floor of the single-storey element. The proposed western (side) elevation would have a set of three bi-folds with two windows atop of, with a window to the single-storey gable element and a round feature window to the apex of each gable. The proposed eastern (side) elevation would have four symmetrical windows to at ground and first-floor with an accompanying personal door. The proposed northern (rear) elevation would have two windows and a set of three bi-fold doors to the ground-floor of the two-storey element with four windows atop of, and a personal door and a window to the single-storey element.
- 2.5. The external walls are proposed to be finished in facing brick (timber to the porch), with stone to the sills and interlocking tiles to the roof. The finish to the openings has not be specified.
- 2.6. The parking provision is proposed to be re-located to the south-east of dwelling, and a double garage constructed. The proposed garage would measure 6.00 metres x 6.00 metres. It would have a forward fronting gable form with a ridge height of 5.12 metres and an eaves height of 2.15 metres.
- 2.7. Amendments have been sought throughout the application process to reduce the bulk and massing and improve the design of the proposal.

3. Description of the site and surrounding area

- 3.1. The application site is located to the south-east of Kirkby Lane, outside of the defined Newbold Verdon settlement boundary within the open countryside.
- 3.2. The site is characterised by an existing two-storey farmhouse and shop (with accompanying hardstanding) known as Cottage Farm. The existing farmhouse has a dual-pitched form with a front facing gable to the side (eastern) elevation facing the highway, comprising dual bays. Various mono-pitched/flat roof single-storey attachments are also present. The external walls are predominantly painted cream with red brick present to the chimneys and single-storey flat roof addition, with slate tiles to the roof and timber to the openings.
- 3.3. The site is considered to be agricultural in nature, with various buildings associated to the agricultural works ongoing at the site. Existing mature hedgerow boundary treatments line the highway boundary.

4. Relevant planning history

74/01145/4

- Change of use from existing store to farm shop
- Planning Permission
- 28.01.1975

91/00426/4

- Erection of agricultural dwelling outline
- Refused
- 30.07.1991

03/00875/FUL

- Erection of five dwellings
- Refused
- 16.09.2003

22/00471/AGDO

- Proposed erection of Agricultural Storage Building
- Prior Approval Not Required
- 10.10.2022

24/00733/FUL

- Proposed replacement of residential dwelling, new fence and associated works
- Planning Permission
- 31.10.2024

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. Following the publications, no representations have been received.

6. Consultation

6.1. The below consultees have raised no objections to the scheme:

- HBBC Drainage - *subject to informatives*;
- HBBC Environmental Health (Pollution);
- LCC Highways - *subject to complying with standing advice*;
- LCC Minerals.

6.2. No representations have been received from the below consultees:

- HBBC Waste;
- Newbold Verdon Parish Council.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.2. 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 DM15: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Leicestershire Minerals and Waste Local Plan

- Policy M11: Safeguarding of Mineral Resources

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. As the principle of the development, impact upon ecology, drainage, pollution, waste and mineral safeguarding have been accepted by the earlier scheme and the proposed amendment do not materially alter these matters, the main issues for consideration are therefore:

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

Design and impact upon the character of the area

8.2. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.

8.3. Policy DM10 of the adopted 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.

8.4. Policy DM14 of the SADMP states that replacement dwellings in the rural area will be supported where:

- (a) It leads to an enhancement of the immediate setting and general character of the area.
- (b) The new dwelling is proportionate to the size, scale, mass, and footprint of the original dwelling, and situated within the original curtilage.

(c) The proposed development accords with Policies DM10, DM11, and DM12 of the SADMP.

- 8.5 The footprint of the proposal would be a minor 4.13sqm larger than the overall footprint of the farmhouse to be demolished and 18.17sqm smaller than the extant scheme. Additionally, it is noted that the new development would be 1.48 metres shorter in depth, and 0.12 lower to the eaves with the main increases being the 1.76 metre increase in width and 0.31 metre increase to the ridge. As a result, it is considered that the size, scale, mass, and footprint of the development remains to be acceptable in accordance with Policy DM14(b) of the adopted SADMP.
- 8.6 The proposed garage (36m²) has not been incorporated into the above, nonetheless given its 22.17 metre set back from the highway and its positioning directly adjacent to the existing agricultural buildings this addition is not considered to result in any harm to the character of the surrounding area.
- 8.7 The proposal would significantly differ in design when compared to the extant contemporary scheme, with the proposal attempting to replicate a 'traditional farmhouse'. Whilst the scheme would not follow this brief in full, the proposed 'L' shaped form would not appear uncharacteristic within this countryside location as the form is typical of that seen to historic barn buildings, drawing a nod to the sites agrarian nature. The proposal would further attempt to replicate existing features of the farmhouse such as the existing forward fronting gable element to the western elevation fronting the highway (albeit with the removal of the existing bays and the addition of a single-storey gable afront of) and the dual-pitched form which would be extended to the northern elevation with that to the southern elevation being reduced and replicated to the west of this elevation. A chimney has further been incorporated into the scheme.
- 8.8 Brick is proposed to the external walls with architectural detailing to the gable end, string course, porthole openings and to the sills of the remaining windows to further add interest and improve the overall quality of the design. These details are to be secured by condition alongside those proposed to the roof and openings.
- 8.9 In light of the above, following extensive amendments and engagement with the applicant, on balance by virtue of the design, scale, size and massing, the development is considered to, albeit on a low level, enhance the character of the site and the surrounding area in accordance with Policies DM4, DM10, and DM14 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.11 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.
- 8.12 There are no neighbouring residential properties in close proximity to the dwelling and therefore no detrimental impact to neighbouring amenity would occur as a result of this proposal.

Amenity of future occupiers

- 8.2. To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within the Councils Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.

- 8.3. The dwelling is proposed with four double bedrooms, which could accommodate eight-persons.
- 8.4. The THS seeks to ensure that proposals for four-bedroom, eight-person two-storey accommodation should provide a minimum floor space of 124.00sqm and 3.00sqm of built-in storage.
- 8.5. The proposal would satisfy the THS with the exception of bedroom 1 which would fall short of the double bed requirement by 0.50 square metres. Nonetheless, due to the minor nature of the breach and as the further three bedrooms all exceed 11.50 square metres in these site specific circumstances the Local Planning Authority are satisfied that the proposed dwelling would provide an adequate level of residential amenity for the future occupants of the scheme.
- 8.6. The Councils Good Design Guide (GDG) states that 'Gardens are an important part of the quality of life afforded by a house. Over-development leaving a significantly reduced garden area can affect its appeal in the longer term. Homeowners should ensure that a single extension or cumulative smaller extensions do not result in a significant loss of total garden space as this can render the plot out of keeping with its context. A general guideline for garden sizes is:
- A minimum garden length of 7.00 metres;
 - 80.00 square metres: three bedroom house;
 - 60.00 square metres: two bedroom house.
- 8.7. Whilst the GDG does not specifically provide guidelines for a four-bedroomed house, the proposal would provide a more than adequate rear amenity space which would exceed 7.00m in width and 80.00 square metres.
- 8.8. By virtue of the above factors the proposal would satisfy Policy DM10 of the SADMP and the GDG.

Impact upon highway safety

- 8.13 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.14 Ultimately, development should not be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 116 of the NPPF.
- 8.15 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.
- 8.16 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) (2024).
- 8.17 The LHDG requires that four bedroom dwellings host a parking provision for a minimum of three vehicles and requires that parking spaces have minimum dimensions of 2.40m in width by 5.50m in depth, and an additional 0.50 metres in width is required if the parking space is bounded by a wall, fence, hedge, line of trees

or other similar obstruction on one side and an additional 1.00m in width where the space is bounded on both sides.

- 8.18 The proposed scheme would remain to host four bedrooms, and would provide a more than adequate parking provision for three vehicles all of the spaces which would comply with the minimum parking dimensions set out within the LHDG
- 8.19 Further to the above, a detached garage is proposed measuring 5.58 metres x 5.58 metres with a 4.00 metre opening. The LHDG seeks to ensure that garages have the following minimum internal dimensions.
- Standard single = 6.00 metres x 3.00 metres, with minimum door width of 2.30 metres;
 - Additional accessibility requirements = 6.00 metres x 3.30 metres with minimum door width of 2.80 metres;
 - Double = 6.00 metres x 6.00 metres, with minimum door width of 4.20 metres.
- 8.20 Whilst the detached double garage would fall short of the minimum internal dimensions set out in the LHDG, as the site would accommodate a more than sufficient parking provision the scheme would not be refusable on these grounds alone.
- 8.21 The access to the site would remain unaltered.
- 8.22 By virtue of the above, the proposal would remain in accordance with Policies DM17 and DM18 of the adopted SADMP and the LHDG.

Conditions

- 8.23 The previously approved planning permission 24/00733/FUL was subject to 4 conditions. The development has not been implemented and therefore Condition 1 (Time) remains necessary, however, the applicant would need to refer to the original 3 year time scale for implementation of the development, implementing the permission on or before 31st October 2027. Condition 2 (Plans) would need to be amended to refer to the plans submitted and approved under this application to define the new permission. Condition 3 (Materials) would need to be amended to refer to the materials submitted and approved under this application to define the new permission. Condition 4 (Access, Parking and Turning) would need to be amended to refer to the block plan submitted and approved under this application to define the new permission.
- 8.24 Finally, as the scale of the dwelling and its design has been significantly altered by the S73 application it is now considered necessary to removed permitted development rights allowing extensions/roof alternations and outbuildings to the proposed dwelling. Following extensive negotiations with the applicant the proposed dwelling is considered to be acceptable on design grounds, however, this judgement especially regarding the scale and massing of the dwelling is finely balanced. Removing permitted development rights will ensure that the LPA can fully assess further extension/alterations against the relevant policies of the development plan to ensure that unsympathetic additions which could harm the character and appearance of the dwelling can be avoided.

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. The variations to the previously approved scheme are considered to continue to be proportionate to the size, scale, mass, and footprint of the original dwelling and lead to an enhancement of the immediate setting and general character of the area. It would further respect the residential amenity of any neighbouring properties and the highway safety or parking provision at the site. The proposal would therefore adhere to Policies DM1, DM4, DM10, DM14, DM17 and DM18 of the adopted SADMP, the LHDG, the GDG and the overarching principles of the NPPF.

11. 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 planning permission 24/00733/FUL (31.10.2024).

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:

- Proposed Ground Floor Plan, Drg No. 2601/03
- Proposed First Floor Plan, Drg No. 2601/04
- Proposed Elevations, Drg No. 2601/05
- Proposed Roof Plan, Drg No. 2601/06
- Proposed Double Garage, Drg No. 2601/07 as received on the 28th April 2026.
- Proposed Block Plan, Drg No. 2601/02 as received on the 8th May 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10, DM14, DM17 and DM18 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 sample of the types and colours of materials to be used on the external elevations of the structures hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority.

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

- Brick details (including material, colour and bond).
- Roof tile (including material and colour)
- Windows and doors (including style, specification, frame material, finish, colour, reveal, and cill treatments)
- Rainwater goods (including style, specification, frame and colour)

These details 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 a satisfactory form of development in accordance with Policies DM1, DM4, DM10 and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning as shown on Proposed Block Plan Drg No. 2601/02 have been implemented in full. Once provided, they shall be maintained and made available for use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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 general highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no enlargement or other alteration to the dwelling hereby approved, nor the erection/alteration of outbuildings shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the design of the dwelling and character and appearance of the countryside in accordance with policies DM4, DM10 and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533
- b) Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious 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.

- c) 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).
- d) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://MiningRemediationAuthority.gov.uk).