

Delegated Report

Planning Reference 25/00299/FUL
Applicant(s) Mr Wayne Aris
Ward Barlestone, Nailstone, and Osbaston



Hinckley & Bosworth
Borough Council

Application Site Woodville, Lount Road, Osbaston

Proposal Change of use from holiday let to residential dwelling

Case Officer Sullivan Archer (Senior Planning Officer)

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 change of use of a holiday let into an independent two-bedroom dwelling at Woodville, Lount Road, Osbaston. No amendments or alterations are proposed to the existing structure beyond what was approved within planning application 22/00970/FUL, which was for the change of use of an existing garage and stable into a holiday let.

2.2. The Applicant has stated that due to a change of circumstances, planning permission 22/00970/FUL was never implemented, and the property has never used as a holiday let.

2.3. The statutory biodiversity net gain requirement does not apply in these site-specific circumstances as the development does not impact 25sqm of priority habitat, nor an on-site habitat, or 5m of on-site linear habitats such as hedgerow.

3. Description of the Site and the Surrounding Area

3.1. The application site consists of an existing brick-built building that was approved via planning application 18/00427/HOU as garage and stables with additional accommodation in the roof space. The garage and stables have planning permission for their conversion into a holiday let via planning application 22/00970/FUL.

3.2. The structure is located behind a large existing hedgerow to the northwest of, and is currently used as structure ancillary to, an existing dwelling, Woodville, which is within the wider blue line boundary of the site. Woodville is a two-storey, detached, brick-built dwelling that is set within a large plot of land.

3.3. The site benefits from an existing vehicular access onto Lount Road. 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.

3.4. The application site is located outside of any identified settlement boundary in the designated countryside and is bounded by residential properties to the east and west and agricultural land to the north and west

4. Relevant Planning History

4.1 24/00702/FUL

- Single storey stable and tack room
- Permitted
- 20.09.2024

4.2 22/00970/FUL

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

4.3 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, and a site notice was also posted within the vicinity of the site. A second round of public consultation was undertaken following amendments to the red line boundary of the application site.

5.2 No responses have been received.

6. Consultation

6.1 Hinckley & Bosworth Borough Council (HBBC)'s Pollution Officer and Osbaston Parish Council had no objections to the development.

6.2 Leicestershire County Council as the Local Highway Authority referred to standing advice.

6.3 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 DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

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

- Principle of development
- Housing land supply
- 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. Paragraph 3 of the NPPF confirms that it should be read as a whole.

- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms 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.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.
- 8.6 Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.7 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.8 As a result, outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.9 This is supported by 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. To ensure 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.
- 8.10 The proposal involves the change of use and re-use of an existing building. Therefore, the proposal is likely to comply with Policy DM4(b) of the SADMP, subject to ensuring that the scheme leads to an enhancement of the immediate setting.
- 8.11 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.
- 8.12 Paragraph 13.6 of the SADMP confirms that any proposal which relates to the reuse of a redundant building in the countryside must have specific regard to Policy DM15 of the SADMP.
- 8.13 Policy DM15(a) and (b) of the SADMP confirms that proposed developments outside the settlement boundary for the re-use and/or adaptation of redundant or disused buildings can be supported where:
- (a) The applicant demonstrates the building is no longer viable in its current use; and
 - (b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
- 8.14 Although the Applicant has failed to demonstrate that the scheme complies with Policy DM15(b) of the SADMP, given the age of the structure, it is considered that the existing structure is in a structurally sound condition that is capable of conversion without significant rebuild or alteration.
- 8.15 The existing structure was approved in 2018 for the purposes of a garage and stables, with additional accommodation in the roof space. The Applicant has not sought to justify why the building is no longer viable in its current use. Therefore, the scheme does not represent a redundant or disused building and is not supported by Policy DM15 of the SADMP or subsequently Policy DM4 of the SADMP.
- 8.16 However, it is appreciated that the existing property received planning permission for its change of use into a holiday let via 22/00970/FUL. Although the Applicant has

suggested that this permission has not been implemented, the approved development is still extant until 10 July 2026 and is therefore still a significant material consideration within the determination of this current planning application.

- 8.17 Notwithstanding this, Condition 04 of this extant planning permission 22/00970/FUL states:

“The change of use hereby permitted shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection within 7 days of any request in writing from the Local Planning Authority.”

The reason for this planning condition was that:

“The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a dwelling for holiday purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 23 of the Core Strategy (2009).”

- 8.18 Given the above, the Council considers that the proposal is offered no support by Policies DM4 or DM15 of the SADMP and represents new and unjustified residential development in the designated open countryside. 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.

Housing Land Supply

- 8.19 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.
- 8.20 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government’s objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including an appropriate mix of housing types for the local community.
- 8.21 Paragraph 73 of the NPPF states that small and medium-sized sites, such as windfall sites, can make an important contribution to meeting the housing

- requirements of an area and are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.22 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.23 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.24 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.25 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.26 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.27 In this instance, Key Policy Paragraphs 115, 129, 135, and 139 are applicable to the proposed scheme.

- 8.28 The development is for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.29 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.30 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.31 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.
- 8.32 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.
- 8.33 Policy DM15 of the SADMP confirms that proposed developments outside the settlement boundary for the re-use and/or adaptation of redundant or disused buildings can be supported where:
- (c) The applicant demonstrates the building is no longer viable in its current use; and
 - (d) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
 - (e) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
 - (f) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.

All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.

- 8.34 The development represents new and unjustified residential development in the designated open countryside, which is considered to result in harm to the character of the surrounding area and the character of the open countryside in principle.
- 8.35 However, no amendments or alterations are proposed to the existing structure beyond what was approved within planning application 22/00970/FUL, which was for the change of use of an existing garage and stable into a holiday let. Therefore, the scheme is considered to be proportionate to the size, scale, mass, and footprint of the original building in accordance with Policy DM15(c) of SADMP.
- 8.36 Whilst it is appreciated that Condition 04 of 22/00970/FUL restricted the site from being utilised as an independent residential property, the structure represents infill development in between two existing dwellings in an area with an established ribbon of residential development. Furthermore, the structure was originally approved as a residential outbuilding and benefits from an extant planning permission for Use Class C use. Therefore, the proposal is not considered to significantly harm the character of the countryside in these site-specific circumstances.
- 8.37 In summary, represents new and unjustified residential development in the designated open countryside, which is considered to result in harm to the character of the surrounding area in principle. However, no amendments are proposed the existing structure beyond what was previously approved, which is a material consideration with the determination of this application. In addition, the development represents infill development within a site that is approved for residential uses, including Use Class C use, which is located within an established line of ribbon development.
- 8.38 By virtue of these factors, whilst the scheme is likely to result in some harm to the character of the area, this is not considered to result in any significant adverse impacts to the character of the surrounding area, nor the intrinsic value, beauty, open character, and landscape character of the countryside. As a result, the scheme is considered to comply with Policies DM4, DM10, and DM15 of the SADMP.

Impact upon Residential Amenity

- 8.39 Key Policy 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.
- 8.40 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.

- 8.41 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.42 No amendments are proposed to the scheme in comparison to the previously approved development within 22/00970/FUL. Therefore, the development is not considered to result in any significant adverse impacts to neighbouring residential amenity as a result of loss of light or any overlooking impacts.
- 8.43 Whilst there is a window proposed on the first floor each side elevation to support the two proposed bedrooms, these were also approved within extant planning permission 22/00970/FUL. In addition, the proposal is sited in front of Woodville to the west, and approximately 30m from the neighbouring property to the east. In light of the above, the development is not considered to result in any significant adverse impacts to neighbouring residential amenity.
- 8.44 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within the Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.45 Proposals for two-bedroom, two-storey dwellings should provide a minimum of 79sqm of floor space and 2sqm of built-in storage in accordance with the NDSS.
- 8.46 The scheme provides 109.6sqm of floor space, which complies with the minimum floor space requirements of the NDSS. Whilst the development does not provide any in-built storage, it is considered that there is sufficient space within the property to provide a minimum of 2sqm of in-built storage in accordance with the NDSS.
- 8.47 In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.48 Both bedrooms comply with the NDSS' minimum requirements of double bedrooms.
- 8.49 To comply with the Good Design Guide, two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.50 The development provides a private outdoor amenity space that has a length of 10.5m and an area that considerably exceeds the minimum 60sqm required by the Good Design Guide.

- 8.51 By virtue of these factors, the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.52 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.
- 8.53 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).
- 8.54 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.55 The development utilises an existing access onto Lount Road that has been used in association with Woodville and has received planning permission in association with the holiday let use of the structure. In light of the material considerations of the application site, the change of use of the structure from an existing garage and stable to an independent dwelling is not considered to significantly intensify the use of the existing access onto Lount Road. Given the above, the proposal is not considered to create an unacceptable impact on highway safety or the road network.
- 8.56 Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms. Any reduction below minimum standards will require robust justification
- 8.57 The development is provided with two off-street parking spaces in accordance with Table 28 of the LHDG to dimensions that accord with Figure 44 of the LHDG. Therefore, the scheme is provided with suitable off-street provision for the proposed use.
- 8.58 In summary, the proposal is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as 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:

- Existing & Proposed Elevations (22 012 02) (submitted: 21.03.2025)
- Existing & Proposed Floor Plans (22 012 01) (submitted: 21.03.2025)
- Proposed Block and Site Plan (24 05 05A) (submitted: 28.05.2025)
- Proposed Section (24 05 06) (submitted: 23.05.2025)

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).

3. 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 Block and Site Plan (24 05 05A) (submitted: 23.05.2025). 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 (2024).

4. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Part 1 of Schedule 2 of Article 3 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 protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be

erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).

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 building.control@blaby.gov.uk or call 0116 272 7533.