

Delegated Report

Planning Ref: 24/00302/FUL

Applicant: Handley

Ward: Markfield, Stanton and Fieldhead



Hinchley & Bosworth
Borough Council

Site: East Brook Farm, Broad Lane, Stanton Under Bardon

Proposal: Demolition of existing farm building, relocation and construction of replacement farm building

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The planning application seeks to demolition of an existing farm building and the construction of a replacement farm building in an alternate location.

3. Description of the site and surrounding area

3.1. The application site is located on Broad Lane, outside of the settlement boundary of Stanton Under Bardon and located within the countryside. The site consists of a residential dwelling, agricultural land and agricultural buildings used for the farming of goats. The site has existing fencing and hedging to the boundaries and is well screened with mature trees and hedgerows. The site has an existing access which remains unchanged by this application.

4. Relevant planning history

None

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 HBBC Pollution: No objections.

6.2 LCC Ecology: No objections, note the applicant included.

6.3 LCC Minerals and Waste: No objections.

6.4 Markfield Parish Council: No comments received.

7. Policy

7.1 Core Strategy (2009)

- N/A

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4 Leicestershire Minerals and Waste Local Plan
- M11: Safeguarding of Mineral Resources
- 7.5 Markfield Neighbourhood Plan (2021)
- Policy M1: Countryside
 - Policy M10: Design
- 7.6 Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG)
 - National Design Guide (2019)

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 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6 Section 8(c) of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. To protect its intrinsic value, beauty,

open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development,” by the Council via Policy DM4 of the SADMP.

- 8.7 Policy DM4 of the SADMP considers development in the countryside sustainable where:
- (a) it is for outdoor sport or recreation purposes when it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries
 - (b) the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting
 - (c) it significantly contributes to economic growth, job creation and/or diversification of rural businesses
 - (d) it relates to the provision of stand-alone renewable energy developments in line with Policy DM2 (Renewable Energy and Low Carbon Development)
 - (e) it relates to the provision of accommodation for a rural worker in line with Policy DM5 (Enabling Rural Worker Accommodation)
- 8.8 Policy M1 of the MNP confirms that development otherwise in accordance with the wider NP plan policies would be acceptable within the Countryside.
- 8.9 The development is outside of any identified settlement boundary in the open countryside. The application does not comply with any of the requirements of Policy DM4, and as a result the principle of the development is unacceptable, which is contrary to Policy DM1 of the SADMP and Policy S1 of the SNP. However, when considering the existing farm/agricultural buildings on site, the demolition and replacement of this agricultural building the impact on the countryside is considered to be minimal and would not be wholly unacceptable.

Design and Impact upon the Character of the Area

- 8.10 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. The policy seeks to ensure that the countryside is safeguarded and that development does not have a significant adverse effect on the countryside.
- 8.11 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.12 Policy M10 on the MNP states that development must be designed to be sympathetic to local character and history, it goes on to confirm that development must be in keeping with the scale and form of the area.
- 8.13 Whilst the application does not accord with Policy DM4 of the SADMP, Paragraph 180(a) of the NPPF states that planning policies and decisions should protect and enhance valued landscapes, sites of biodiversity, or geological value and soils in a manner commensurate with their statutory status or identified quality in the Development Plan. Paragraph 180 of the NPPF states that, “The scale and extent of development within... designated areas should be limited, while development

within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

- 8.14 The application site is not within a designated area such as a National Park, the Broads, or any Areas of Outstanding Natural Beauty, and the application site is not within and does not have any of the features of Paragraphs 182 or 183 of the NPPF. Therefore, in line with Paragraph 180(a), this demonstrates that development may be acceptable within the application site if it avoids or minimises its impact to natural environment.
- 8.15 The proposed development is well screen from the highway, it will be visible from the streetscene however its design is considered to be agricultural in nature and would not look out of character within the countryside and rural setting. The proposal includes the demolition of an existing structure which is not considered to add significant value to the countryside and the replacement structure is considered to be an improvement. The scale and design of the proposed agricultural building is acceptable when considering the existing dwelling and structures on the site.
- 8.16 To summarise, although the application does not comply with any of the criteria of Policy DM4(a, b, c, d, and e) of the SADMP, the proposal erects an agricultural building, which is of a standard appearance for agricultural buildings within a rural setting. The development is well screened, and the scheme is not considered to contribute to unacceptable levels of soil, air, water or noise pollution or land instability in accordance with Paragraph 180(e) of the NPPF. By virtue of these factors and the proposal's use of materials, the development is considered sensitive to its setting, which complies with Paragraph 13.11 of the SADMP and therefore the Policy DM4(i, ii, iii, iv, and v) of the SADMP. Therefore, it is considered that, on balance, the application does not result in unacceptable harm to the character of countryside, subject to conditions, in accordance with Section 15 of the NPPF, and Policies DM1, DM4, and DM10 of the SADMP, and policy M10 of the NP.

Impact upon Residential Amenity

- 8.17 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. Policy M10 of the MNP confirms that the amenities of nearby residents should not be adversely impact by development.
- 8.18 The proposed replacement building is not located within close proximity to neighboring residential development and is located further away from the host dwelling on site than the existing farm building which is to be demolished. The proposal is not considered to have detrimental impacts to the applicants dwelling in terms of overbearing impact, loss of light or overshadowing, and the activities within the building are not considered to impact the residents of the host dwelling in terms of noise.
- 8.19 As such it is considered to be in accordance with Policy DM10 of the SADMP and Policy M10 of the MNP.

Impact upon Parking Provision and Highway Safety

- 8.20 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.21 The proposal seeks to demolish and erect a replacement farm building within the site. The existing access will remain in use and will not be altered as part of this proposal. From the proposed site plan additional hardstanding will be included and will be conditioned to ensure that there are no detrimental impacts to the highway. The existing proposed parking relating to the host dwelling on site will not be impacted by the development. Amended field access within the site is proposed and it is not considered to cause detrimental impacts to highway safety.
- 8.22 Given the above, 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.

Other Issues

- 8.23 The Leicestershire Minerals and Waste Local Plan (LMWLP) 2019-2031 (2022), Policy M11 seeks to prevent unnecessary sterilisation of certain mineral resources from non-mineral development (to which the Plan refers as 'incompatible' development).
- 8.24 LCC Minerals were consulted as part of the application and confirmed that the application proposal is considered to be acceptable and offered no objections. It is therefore considered that the proposal is in accordance with Policy M11 of the LMWLP 2022.

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 The proposed development is considered to be compliant with Policies DM4, DM10, DM17 and DM18 of the SADMP, and will not cause detrimental impacts to the character of the area, residential amenity or highway safety.

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 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:

Site Location Plan

Proposed Site Plan Drg No. 002 Rev A

Proposed Elevations and Floor Plans Drg No. 003

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

3. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

4. The previous agricultural buildings shall be demolished within 3 months of the first occupation of the hereby approved replacement building.

Reason: To safeguard the intrinsic value, beauty and open character of the countryside in accordance with Policies DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.