

Delegated Report

Planning Ref: 25/00993/FUL

Applicant: Mr Mike Watts

Ward: Ratby Bagworth And Thornton

Site: Holywell Farm Desford Lane Ratby



Hinckley & Bosworth
Borough Council

Proposal: Works to outbuilding to form dwelling

1. Recommendations

- 1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for the conversion of an existing outbuilding to form a new dwelling at Holywell Farm, Desford Lane, Ratby.
- 2.2. The proposed dwelling would have a width of 19.97 metres and a depth of 6.12 – 7.30 metres. It would have dual-pitched form with an eaves height of 3.10 metres and a ridge height of 6.25 – 6.81 metres. Three arched openings would be situated to the front elevation alongside two dual-pane windows, a personal door and seven rooflights. Two sets of French doors (one with sidelights), a single-pane, a dual-pane window and six rooflights would be situated to the rear elevation. It would compromise facing brickwork and stonework to the walls, and slate tiles to the roof.
- 2.3. The parking provision would be situated immediately to the west of the access alongside the front elevation and a residential amenity space to the rear.

3. Description of the site and surrounding area

- 3.1. The application site is located within the designated open countryside to the west of the settlement boundary of Ratby, within the National Forest and Charnwood Forest. Ratby is a Key Rural Centre located on the periphery of Leicester.
- 3.2. The application site consists of the existing Holywell Farm farmhouse alongside a number of outbuildings and a number of agricultural fields. The outbuilding subject to the application is situated immediately to the north-west of the access track.
- 3.3. The Holywell Farm site contains the Scheduled Monument, Bury Camp, an Iron Age hillfort which is located approximately 160 metres north-west of the application site. The historic farm complex is likewise a non-designated heritage asset in its own right.
- 3.4. The existing access from Desford Lane, an adopted and classified 'C' road subject to a 60mph speed limit is hard surfaced at the point of entrance with passing room for vehicles traveling in either direction. The remainder of the access is via a long and narrow farm track. A public bridleway (R42) follows most of the access drive and passes to the south of the application building. To the east of the application site public footpath (R43) crosses the access drive and meets with the public bridleway.
- 3.5. The application site is immediately surrounded by land within the designated open countryside. To the east of the site (approximately 821.00 metres away) beyond other farms is Ratby Medical Centre and the Ratby Sports Club, which mark the western entry to Ratby along Desford Lane.

4. Relevant planning history

04/00926/GDO

- Erection of grain silo
- General Development Order
- 18.08.2004

05/00117/CLU

- Certificate of lawfulness for an existing use as a residential dwelling house and its curtilage within class 3 of the schedule of the town and country planning (use classes) order 1987
- Certificate of Existing Use
- 26.05.2005

06/00477/GDO

- Erection of barn
- General Development Order
- 06.06.2006

06/00892/FUL

- Proposed new access drive and works to divert watercourse
- Planning Permission
- 05.10.2006

07/00302/FUL

- Rebuilding rear elevation, partial rebuilding of south elevation, rebuilding and extension to north elevation and new roof with alterations
- Refused
- 03.05.2007

07/00868/FUL

- Rebuilding rear elevation, partial rebuilding of south elevation, north elevation and new roof with alterations (re-submitted scheme)
- Planning Permission
- 03.09.2007

09/00102/FUL

- Extensions and alterations to dwelling
- Planning Permission
- 14.04.2009

13/00719/FUL

- Subdivision of existing dwelling into two dwellings
- Planning Permission
- 11.12.2013

14/00206/FUL

- Conversion of existing outbuilding to form dwelling together with works to outbuilding to form ancillary accommodation
- Planning Permission
- 08.09.2015

16/00220/FUL

- Temporary siting of mobile home unit to be removed upon first occupation of previously approved barn conversion
- Planning Permission
- 27.05.2016

19/00555/CQGDO

- Prior notification for the change of use from agricultural buildings into two dwellings (C3)
- Prior Approval Refused
- 11.07.2019

19/01059/GDO

- Agricultural Machinery Storage Building
- General Development Order
- 17.10.2019

19/01239/FUL

- Conversion of two traditional barns into two dwellings
- Planning Permission
- 20.03.2020

22/01168/AGDO

- General agricultural storage building, steel framed, single span. Clad in dark green panel sheeting with concrete panel sides. Enclosed on 3 sides
- General Development Order
- 15.12.2022

24/00485/FUL

- Change of use of agricultural building and yard to the storage of drainage materials and associated trade counter (Class B8)
- Planning Permission
- 01.10.2024

25/00438/FUL

- Subdivision of the existing dwelling into two dwellings
- Planning Permission
- 18.08.2025

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, one objection has been received which is summarised below;
- The application adversely affects neighbouring land and encroaches on its boundary.

6. Consultation

6.1. HBBC Conservation Officer (Informal comments):

'I note that proposals for the repair and substantial rebuild of this barn was approved under 14/00206/FUL so the building could be used as a garage/office, but this was not implemented.

The proposed works required to use the barn as a dwelling would be substantial, altering it considerably from its current appearance. Its height would be increased slightly with a greater pitch angle of the roof and higher eaves to get accommodation in at the first floor. But overall, it does overall retain its linear form and footprint and some of its original materiality would remain (the stone walls and re-use of other materials). Given this and that it is similar to the previous approval, in my opinion the current proposal would largely retain the local vernacular character of the barn and preserve the character of the historic farmstead.

6.2. HBBC Drainage

'Notes to applicant:

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.

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).'

6.3. HBBC Environmental Services (Pollution):

'No objections.'

6.4. HBBC Waste:

- No comments have been received.

6.5. LCC Archaeology:

'Archaeological considerations

Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements, for a historic building survey. We would also request that further development details are submitted so we

can better understand the potential impacts of the proposals on any archaeological buried remains that may be present within the site.

We would recommend that the advice of your Conservation Officer should be sought with regards to the domestication of the appearance of the building and the appropriate use of materials, both in terms of the retention of the agricultural feel of the historic farm complex, which is a heritage asset in its own right, and in relation to the setting of the nearby designated heritage asset (Bury Camp) and other non-designated heritage assets.

The proposal involves various works to an outbuilding composing part of Holywell Farm, a mid-18th century post-enclosure courtyard farm complex (HER ref: MLE20922). Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is or has the potential to constitute a heritage asset (or assets) with an archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 207 and Annex 2). We therefore recommend that the planning authority require the applicant to complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 218). This should be secured by condition on any approved planning application, although you may feel that this would be useful in advance of determination of this application.

In addition, the Leicestershire and Rutland Historic Environment Record (HER) shows that there is also a likelihood that below-ground archaeological remains are present within the application site. The name Holywell refers to a spring and small pond in the garden, where a medieval papal bull (religious seal) and pin have been recovered (MLE3118). Slightly further west, Roman pottery and building material have been identified, indicating Roman settlement in the vicinity (MLE3107), which may extend into the application area. The Scheduled Monument of Bury Camp, which is an Iron Age hillfort, lies c. 180m to the north-west of the application site (NHLE Ref: 1005079) and finds of Neolithic, Bronze Age and Roman date have also been recorded there (MLE7245, MLE6361, MLE7951).

The extent of groundworks associated with the proposal is currently unclear so we would recommend that your authority requires the applicant to submit further development details. This should include existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works, including works required to implement the proposed residential garden. We also note that, whilst the Planning Statement refers to 'conversion and extension of the existing building', the submitted plans include the annotation 'Existing building to be demolished', so further clarification on the extent of works proposed to the outbuilding would also be welcome. These details will then enable us to ascertain the appropriate form of archaeological work required to mitigate the impacts.'

6.6. LCC Ecology;

'Holding Objection - Further information required

REASON FOR RECOMMENDATION:

- A Preliminary Ecological Appraisal and Preliminary Roost Assessment & Bat Emergence Survey Report have been completed by Croft Ecology in October 2025 which is accepted and outlined below.
- **Bats** – 2019 surveys of the building identified two day roosts of common pipistrelle bats. The 2025 emergence surveys concluded no emerging or re-

entering bats. However, the building is in the same condition as 2019 survey and day roosts are common, the buildings are still considered to support two day roost of the species.

- **As such the Croft Ecology report recommends a Natural England bat licence will be required for works to proceed lawfully. Please see recommended Informatives.**
- The bat mitigation licence will require updated emergence surveys from the most recent active bat season (i.e. May-August). If works are to commence after May 2026, an ecologist should be consulted for advice.
- Mitigation will be required for the loss of the roosts. The Preliminary Roost Assessment & Bat Emergence Survey Report (October 2025) is proposing a series of mitigation measures in section 4.5 of the report which must be followed.
- The report is also proposing a pre-commencement 2F Schwegler bat box (or similar approved) to be sited on a tree northeast of the building in advance of the works (Figure 3). This is accepted.
- The report is also proposing an integrated bat box is installed within the new dwelling as a permanent compensatory roost. This needs to be clearly marked on plan including model and location.
- **There is a holding objection until this is received.**
- **Birds** – There is evidence of nesting swallows and wren. Demolition works will be required to be undertaken outside the bird nesting season which runs from March to August inclusive to avoid disturbing nesting birds. If this is not possible then a nesting bird check will be required by a suitably experienced ecologist no more than 24 hours prior to removal and active nests left in place until fledged. **Please see Informatives.**
- **GCN and Reptiles** – Two ponds and a small stream were subject to HSI assessments with the ponds later subject to GCN eDNA sampling which were returned negative. The derelict buildings offered some potential for sheltering and hibernating reptiles therefore it is recommended works proceed outside of the hibernation period (December to February in weather under 6 degrees) in accordance with section 4.5 of the Preliminary Ecological Appraisal.
- **Biodiversity Enhancements** – There will be a loss of swallow and wren nesting habitat as part of the works. Therefore, 2 swallow nest cups will be required to compensate and 1 open fronted nest box to provide a biodiversity net gain, as per the NPPF and NERC Act 2006. It is also recommended that landscaping includes native species of local provenance that will provide a range of plants to support pollinating insects as identified in the RHS plants for pollinators. Please see recommended Conditions.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- **Landscape Enhancement Plan** - 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 is not limited to) at least two swallow nest cups, and one open fronted bird box 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.

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- **Bat Licence** – As per the Preliminary Roost Assessment & Bat Emergence Survey Report (Croft Ecology, October 2025). This development will require a bat licence from Natural England to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.
- **Nesting Birds** - 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.'

6.7. LCC Highways:

'The Local Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the Local Highway Authority dated September 2011.

Public Right of Way (PRoW)

Access to the application site is a long narrow unmade farm track, much of which is also public right of way Bridleway R42. As the proposed development is small in scale, any site traffic will be limited. Noting the proposed work, the LHA is satisfied that the use and enjoyment of Public Bridleway R42 should not be significantly affected.

Informatives

Where activity is on or near public rights of way, the applicant needs to aware that:

- a) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- b) The Public Right(s) 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) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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) 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 Highway Authority.
- f) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised,

it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.'

6.8. National Forest Company;

'The site area is below the threshold requiring National Forest planting.'

6.9. Ratby Parish Council;

- No comments have been received.

6.10. The Friends of Charnwood Forest;

- No comments have been received.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- 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)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (2024)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. Key Issues

- Principle of Development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon ecology
- Impact upon archaeology

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined

in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

- 8.3 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 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). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 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. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

Assessment of the Transport Sustainability of the Application Site

- 8.8 Paragraph 161 of the NPPF confirms that the planning should support the transition to net zero by 2050. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and association infrastructure.
- 8.9 Section 9 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. Key Policy Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure a safe and suitable access to the site can be achieved for all users. Nevertheless, it is appreciated that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Paragraph 135 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible.

- 8.10 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.
- 8.11 This is reinforced by Policy DM17(b) of the SADMP, which requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.
- 8.12 Highway Development Management (HDM) Policy 1 of the Leicestershire Highway Design Guide (LHDG) states that development must be accessible for all highway users and maximise the uptake of sustainable travel choices.
- 8.13 Guidance Point M2 of the National Design Guide (NDG) confirms that in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities
- 8.14 The application site is in an isolated location that is 887.66m outside of the rural village, Ratby, in the designated open countryside. Ratby itself is a Key Rural Centre and is judged to be a sustainable location for housing with a good level of services including schools, retail provision, a medical centre and public transport links. However, Ratby and its services can only be accessed from the site via an unlit, bridleway (R42) which brings you to Desford Lane (approximately 875m from the site). Desford Lane is a classified road subject to the National Speed Limit to the south-west and a 30mph speed limit to the north-east or via the adjoining unlit footpath (R42) at approximately 518.18m down the bridleway. The public footpath runs for approximately 505.77m and brings you out onto Burroughs Road, an unclassified road subject to the National Speed Limit.
- 8.15 Given the above, the application site is in an unsustainable and isolated location that is outside of any identified settlement boundaries and suffers from poor transport sustainability. Therefore, the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. This is considered to result in significant environmental harm in principle that is contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Key Policy Paragraph 115, and Paragraphs 83 and 161, and Chapter 9 of the NPPF, as well as Policy DM17 of the SADMP, HDM Policy 1 of the LHDG, and the National Design Guide.

Housing Land Supply

- 8.16 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.
- 8.17 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, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.18 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.

- 8.19 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 by Spring 2026 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.
- 8.20 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.
- 8.21 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.
- 8.22 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, and 135 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.23 In summary, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged whereby planning permission should be granted unless 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. Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing a dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Assessment of Residential Development in the Designated Open Countryside

- 8.24 As highlighted above, outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 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."*
- 8.25 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. 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.
- 8.26 It is important to note that Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail within the following sections.
- 8.27 Moreover, in accordance with Paragraph 13.6 of the SADMP, all proposals which relate to the re-use of redundant buildings in the countryside must comply with Policy DM15 of the SADMP.
- 8.28 Within Policy DM15, Paragraph 14.57 of the SADMP highlights that it should be recognised that not all buildings in the countryside are suitable for conversion or adaptation to new uses as they may be poorly designed or constructed. Redundant buildings proposed for re-use should be structurally sound to ensure they are able and appropriate for conversion. This should be demonstrated through an up to date structural survey submitted with any planning application. Demolition should be avoided at all costs to retain the character of the rural vernacular.
- 8.29 Within Policy DM15, Paragraph 14.60 of the SADMP highlights that where buildings are isolated or where the existing access via sustainable modes of transport is poor, proposals for their re-use which lead to a significant intensification of activities are unlikely to be supported.
- 8.30 Proposed development for the re-use and/or adaption of redundant or disused rural buildings in the countryside are supported by Policy DM15 of the SADMP when the Applicant can demonstrate that:
- (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
 - (c) 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
 - (d) 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.

- 8.31 A Building Condition Survey accompanies the application; and whilst the survey demonstrates the building is no longer viable in its current use satisfying DM15 (a), it fails to demonstrate that the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration not satisfying DM15 (b). The submitted plans further include the annotation 'Existing building to be demolished' with the accompanying Planning Statement also acknowledging that the building is not suitable for conversion. The site visit undertaken as part of the assessment confirms that the existing building is in very poor condition. The existing building is single storey and is part covered by a dilapidated slate roof and part by profiled asbestos cement sheeting. Works required to bring the building back into use would

include the rebuild of the left hand side wall, extending the wall forward of the courtyard, the replacement of the roof and its structure, the construction of new piers/butresses where cross walls are removed, the re-build of the gable to the right-hand side comprising stonework with a brickwork 'inner skin'. The gable wall will need to be tied into the return walls to the open countryside elevation and to the courtyard elevation, the re-pointing and re-building of verges and the installation of new solid ground bearing floors. These works would be significant and clearly in conflict with Policy DM15(a), they surmount to a new build dwelling as opposed to a true conversion/re-use as required by both Policy DM15 and DM4.

- 8.32 The accompanying Planning Statement states that the principle for the conversion was established under planning application 14/00206/FUL, which sought consent for the conversion of the said outbuilding into ancillary accommodation as well as the conversion of a different outbuilding into a dwelling.
- 8.33 Importantly, the application sought consent for ancillary accommodation and not for a new independent residential unit, two notably different proposals. Furthermore, the former application was assessed under different plan policies and Google Map imagery from 2014 to present, evidence that the condition of the building has undoubtedly deteriorated even further since the ancillary permission was granted. This application, unlike the 2014 permission, is for the conversion of a redundant building within the countryside to a new independent residential unit and therefore Policy DM4 and Policy DM15 of the SADMP apply in their entirety. The 2014 permission has expired and is therefore not considered to be a realistic fall-back position.

Summary

- 8.34 Given the above, the principle of a new build dwelling in this location is contrary to DM4 and DM15 of the SADMP as the submitted Building Condition Survey does not demonstrate that the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration.
- 8.35 Furthermore, the application site is physically separate and remote from any identified settlement, services and facilities within the Borough, the future occupants of the scheme would be reliant on private motorised transport to meet their day-to-day needs. This is likely to cause environmental harm in principle that is contrary to, and in conflict with, Policy DM17 of the SADMP, and the environmental aim within the definition of sustainable development within the NPPF.

Design and impact upon the character of the area, countryside and heritage assets

- 8.36 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.
- 8.37 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.38 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant

planning permission to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.

- 8.39 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.40 Policy DM4 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. It further states that development should lead to the enhancement of the immediate setting.
- 8.41 Policy DM10 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.
- 8.42 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.43 Policy DM15 of the SADMP states that proposed development outside the settlement boundary for the re-use and/or adaptation of redundant or disused rural buildings will be supported where:
- 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
 - c) 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
 - d) 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.

- 8.44 The proposed works required to use the barn as a dwelling would be substantial, altering it considerably from its current appearance. Its height would be increased slightly with a greater pitch angle of the roof and higher eaves to get accommodation in at the first floor. But overall, it does overall retain its linear form and footprint and some of its original materiality would remain (the stone walls and re-use of other materials). Given this the current proposal would largely retain the local vernacular character of the barn and preserve the character of the historic farmstead. Given the dilapidated nature of the building at present and the sympathetic design there would an enhancement to the setting of the site as required by policy DM4, albeit this would be at a low level.
- 8.45 By virtue of the above, the development would accord with Policies DM4, DM10, DM11, DM12 and DM15 of the SADMP in design terms, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.46 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.
- 8.47 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.
- 8.48 An objection has been received that the application adversely affects neighbouring land and encroaches on its boundary.
- 8.49 There is one residential dwelling situated to the north-west of the site within the historical farmstead which it is understood remains under the applicants ownership. The remainder of the site is bound by agricultural fields. Furthermore, it is understood that at the time of writing none of the surrounding former agricultural buildings are in active use, due to their dilapidated condition. As such, the amenity impacts of the proposal pertain to the original farmhouse itself.
- 8.50 The proposed development is not considered to result in additional harm upon the farmhouse (sub-divided or not) in regard to loss of light as an existing single-storey structure historically stood in the proposed dwellings place. The principle elevation openings would be situated to the north of the dwelling facing onto the existing dilapidated former agricultural buildings and courtyard, whilst being set away from the nearest habitable windows of the farmstead by 8.85 metres bearing no significant impacts upon any future occupiers.
- 8.51 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.
- 8.52 The dwelling is proposed with two bedrooms. Information on the number of occupiers has not been provided. From the dimensions of the rooms the LPA are therefore under assumption that the proposed dwelling would accommodate three-persons.
- 8.53 The THS seeks to ensure that proposals for two-bedroom, three-person two-storey accommodation should provide a minimum floor space of 70.00sqm and 2.00sqm of built-in storage.
- 8.2 Whilst the single bedroom would fall short of the guidelines by 0.50, the minimum gross internal floor area would far exceed the guidelines ensuring a high level of residential amenity for the future occupants of the scheme. Furthermore, every application is to be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.54 The Councils Good Design Guide 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 7m*
 - *80sqm: three bedroom house*
 - *60sqm: two bedroom house.*

- 8.55 The proposal would provide a more than adequate rear amenity space which would exceed 7.00m in width and 60.00sqm.
- 8.56 By virtue of the above, the development would accord with Policy DM10 of the SADMP, and the overarching principles of the NPPF.

Impact upon highway safety

- 8.57 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.
- 8.58 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.
- 8.59 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.
- 8.60 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).
- 8.61 The LHDG requires two-bedroom dwellings to provide an off-street parking provision for a minimum of one vehicle 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.
- 8.62 Three off-street parking spaces would serve the dwelling, the spaces would measure 2.40m x 5.50m and would be set away from the boundary treatments either side satisfying the LHDG.
- 8.63 The Local Highways Authority (LHA) have raised no concerns in regard to highway safety or parking provision, however, seek to ensure that the enjoyment of Public Bridleway R42 is not significantly affected by the proposed development. A set of informatives have been suggested should the application be approved.
- 8.64 By virtue of the above, subject to informatives, the development would accord with Policy DM17 and DM18 of the SADMP, the LHDG and the overarching principles of the NPPF.

Impact upon ecology

- 8.65 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.

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.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly
- f) It has been adequately demonstrated that the irreplaceable habitat
- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.66 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.
- 8.67 The application relates to the conversion of an existing building. The site already consists primarily of hardstanding. The development does not impact a priority habitat and impacts less than 25m² and as such it is exempt from BNG requirements.
- 8.68 Notwithstanding the above, the Preliminary Roost Assessment and Bat Emergence Survey Report submitted to the LPA on the 13th October 2025, identified two day roosts of common pipistrelle bats and evidence of nesting swallows and wrens. The building also offers some potential for sheltering and hibernating reptiles.
- 8.69 LCC Ecology have reviewed the PRA and have placed a holding objection on the application until additional bat box information is received.
- 8.70 Whilst the additional information has not been requested from the applicant as it would not be sufficient to satisfy the LPA's wider concerns, the LPA would not seek to resist the application on Ecology grounds as the outstanding bat box information could be dealt with by way of pre-commencement condition. The proposal would therefore be acceptable on ecology grounds in compliance with Policy DM6 of the SADMP subject to this condition.

Impact upon archaeology

- 8.71 Policy DM13 of the SADMP confirms that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application and appropriate desk-based assessment, and, where applicable, the result of a field evaluation detailing the significance of any affected asset.
- 8.72 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment.
- 8.73 The proposal involves various works to an outbuilding composing part of Holywell Farm, a mid-18th century post-enclosure courtyard farm complex (HER ref: MLE20922). Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is or has the potential to constitute a heritage asset (or assets) with an archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 207 and Annex 2).
- 8.74 The applicant is therefore required to complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the

significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 218). This should be secured by condition should the application be approved.

- 8.75 In addition, the Leicestershire and Rutland Historic Environment Record (HER) shows that there is also a likelihood that below-ground archaeological remains are present within the application site. The name Holywell refers to a spring and small pond in the garden, where a medieval papal bull (religious seal) and pin have been recovered (MLE3118). Slightly further west, Roman pottery and building material have been identified, indicating Roman settlement in the vicinity (MLE3107), which may extend into the application area. The Scheduled Monument of Bury Camp, which is an Iron Age hillfort, lies c.180m to the north-west of the application site (NHLE Ref: 1005079) and finds of Neolithic, Bronze Age and Roman date have also been recorded there (MLE7245, MLE6361, MLE7951).
- 8.76 The extent of groundworks associated with the proposal is currently unclear so further development details would be required. This should include existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works, including works required to implement the proposed residential garden.
- 8.77 Whilst the additional information has not been requested from the applicant as it would not be sufficient to satisfy the LPA's wider concerns, LCC Archaeology would have an objection until this is received. The proposal at present therefore is contrary to Policy DM11, DM12 and DM13 of the SADMP due to insufficient archaeological evidence being submitted.

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. Planning balance/Conclusion

- 10.1 The summarise, the Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.2 It is acknowledged that there are potential social benefits from the scheme such as providing an additional dwelling to the supply in the Borough. This is given very limited weight in the planning balance considering the scale of development. The scheme could also provide economic benefits associated with the change in the use of the building, and the future occupants' opportunity to act as new customers and employees for local businesses and services.
- 10.3 Nevertheless, these benefits when associated with one dwelling are very modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, the benefits of the development attract very limited weight in the planning balance.
- 10.4 Whilst the proposed development would have no impacts upon the character of the area, the agricultural feel of the historic farm complex, the nearby designated heritage asset (Bury Camp) and other non-designated heritage assets alongside neighbouring amenity, the proposed development is not considered to be compliant with the other relevant national and local policies.
- 10.5 The application site is physically separate and remote from any identified settlement, services and facilities within the Borough, and the future occupiers of the scheme are dependent on private motorised travel to meet their day-to-day needs. As a result, the application site is in an unsustainable location, and the proposed scheme represents the development of isolated homes in the countryside. This is considered to cause significant harm to the environment, contrary to, and in conflict with, the overarching sustainable ambitions of the NPPF, including Chapters 2, 11, 12, and 15, and Key Policy Paragraphs 115, Policies DM4 and DM17 of the SADMP, HDM Policy 1 of the LHDG. This is considered to attract significant weight in the planning balance.
- 10.6 The Applicant has failed to demonstrate that the building in a structurally sound condition and is capable of conversion without significant rebuild or alteration, which is contrary to Policy DM4 and DM15(b) of the SADMP.
- 10.7 Furthermore, the application has failed to demonstrate that the proposal would not impact a site of archaeological interest, contrary to Policies DM11, DM12 and DM13 of the SADMP and the overarching principles of the NPPF.
- 10.8 By virtue of these factors, the development proposal is contrary to, and in conflict with, the aforementioned Development Plan policies and NPPF. Ultimately, the significant adverse effects of the proposed development are considered to significantly and demonstrably outweigh the potential benefits associated with the provision of a single dwellinghouses in an unsustainable location in the designated open countryside in these site-specific circumstances. In accordance with Paragraph 11(d) it is therefore recommended that the proposal is refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to the reasons at the end of this report.

11.2 Reasons

- 1. The building that is the subject of this application is not in a structurally sound condition or capable of conversion without significant rebuild or alteration. The proposal therefore represents new and unjustified residential development outside of any identified settlement boundary in the designated open

countryside. Due to the location of the development, the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs, which results in significant environmental harm.

By virtue of these factors, the proposal is contrary to, and in conflict with, Policies DM4, DM15, and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Key Policy Paragraph 115 of the National Planning Policy Framework (2024), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), and the National Design Guide (2019).

2. The application has failed to demonstrate that the development would not result in any significant adverse impacts to archaeological remains within the site. Therefore, the application is contrary to, and in conflict with Policies DM11, DM12 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Chapter 16 of the National Planning Policy Framework (2024).