

Delegated Report

Planning Ref: 23/00359/HOU

Applicant: Mr William Naylor

Ward: Cadeby Carlton Market Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Wharf Farm Station Road Shackerstone Leicestershire

Proposal: Rebuilding and conversion of outbuilding to form ancillary annexe

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This householder application seeks planning permission for the demolition and rebuilding and conversion of a rectangular 1½ storey outbuilding currently used for ancillary domestic storage to form an ancillary two bedroomed self-contained residential annexe to a dwelling at Wharf Farm, Station Road, Shackerstone.

2.2. The application proposes the demolition and rebuilding of the existing outbuilding to modern standards and, other than a small addition to the rear corner to accommodate an air source heat pump installation, to the same footprint, 1½ storey scale, design and appearance as practicable. The scheme would re-use the existing red facing bricks and blue plain clay roof tiles reclaimed during the demolition process and these would be supplemented by additional matching reclaimed materials as necessary. The proposed rebuild would replicate the position and proportions of the existing openings of the existing outbuilding. The existing vertical timber planked doors and timber framed windows would be replaced with a new single vertical timber planked door, new natural timber framed windows and vertical timber cladding panels within the openings. The only additional openings proposed are three small flush fitting conservation style roof lights to the east elevation and six small flush fitting conservation style roof lights to the west elevation. There is a small hard-surfaced courtyard to the immediate east of the building that would be retained to provide off-street parking for two cars to serve the annexe.

2.3. This is a householder application and no subdivision of the planning unit or residential curtilage of the farmhouse is proposed. There is an extant planning permission (reference: 22/00432/HOU) for repair, alterations and conversion of the outbuilding to a self-contained residential annexe. A Structural Report has been submitted to justify why the extant conversion scheme could not be viably implemented and to support this application for demolition and rebuild. A Tree Report has also been submitted to support the application.

2.4. Amended plans have been submitted during the course of the application to relocate the proposed air source heat pump to the rear elevation and replace the proposed uPVC windows with natural timber frames. By virtue of the nature of the amendment and lack of any previous public consultation responses, no further re-consultations have been undertaken in this case.

3. Description of the site and surrounding area

3.1. The application site lies in the countryside to the immediate northeast of the settlement boundary of Shackerstone and within the Shackerstone Conservation Area. It is a farm and comprises a two storey brick, render and tile farmhouse with

part attached outbuildings to its south and north elevations and a number of other much larger scale steel framed agricultural buildings to the northeast and southeast. The Ashby Canal lies to the east of the farm complex and there is a complex of earthworks further to the northwest both with agricultural fields beyond.

- 3.2. The 1½ storey outbuilding that is the subject of this application is part attached to the south side gable elevation of the farmhouse and is currently used for ancillary domestic storage purposes. It has a rectangular footprint with dual pitched gabled ended roof form with blue plain clay roof tiles and is constructed of red facing bricks. The existing openings, which are located principally in the east (courtyard) elevation and one window in the north elevation facing the farmhouse are functional in appearance, consisting of grey painted planked timber doors and timber framed windows. There is an upper floor in the northern half of the building accessed from a dedicated door and staircase from the east elevation. To the immediate east of the outbuilding there is a small hard-surfaced courtyard area that provides parking space for two cars. There is a mature Horse Chestnut tree in close proximity to the west (rear) elevation of the outbuilding and raised ground level. The building, along with others on the farm is identified as an important historic building within the Conservation Area.
- 3.3. The dwelling at Wharf Farm has two residential amenity areas, one immediately to the east elevation of the farmhouse of approximately 250 square metres and a much larger one to its west elevation of approximately 900 square metres that also provides the main access and parking for the farmhouse. A separate agricultural access lies further to the south east.

4. Relevant planning history

22/00432/HOU

- Repair, alterations and conversion from outbuilding to self-contained annex
- Permitted
- 10.08.2022

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 and a notice was displayed in the local press.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No response has been received from Shackerstone Parish Council.
- 6.2. No objection subject to conditions has been received from the Borough Council's Arboricultural Officer.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 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 DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM15: Redundant Rural Buildings
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Shackerstone Conservation Area Appraisal and Map (2009)
- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Notwithstanding its countryside location outside the settlement boundary of Shackerstone, extensions and alterations to existing domestic properties within an established residential curtilage are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact on the character and appearance of the surrounding countryside
- Design and impact upon the character of the Shackerstone Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Impact on Tree
- Other issues

Design and impact upon the character and appearance of the surrounding countryside

8.2 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside. These include proposals for the change of use, re-use or extension of existing buildings which lead to an enhancement of the immediate setting and where, amongst other matters, the proposal does not have a significant adverse effect on the appearance and open character of the countryside.

8.3 The application outbuilding is located just to the northeast of but outside the settlement boundary of Shackerstone and is therefore in the countryside. Notwithstanding this, it is located within the residential curtilage of, and attached to, a two storey farmhouse and forms a small part of a much larger farm complex which includes large scale steel framed agricultural buildings. The outbuilding is located on the settlement side of the farm complex. In addition to the farmhouse to the north, there are unrelated dwellings within the settlement boundary to the south, the Village Hall to the west both on the opposite side of Station Road and larger scale farm buildings further to the east. Therefore, the proposed annexe would have no prominence within the open countryside and subject to there being no

subdivision of the existing residential curtilage and the proposed sympathetic rebuilding and conversion to closely match the existing structure in terms of its footprint, scale, design and external appearance, the proposal would not result in any significant adverse impacts on the rural appearance or open character of the surrounding countryside and would therefore be in accordance with Policy DM4 of the adopted SADMP.

Design and impact upon the character and appearance of the Shackerstone Conservation Area

- 8.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the NPPF (2021) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 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.
- 8.5 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. Whilst having limited relevance as the outbuilding in this case is neither redundant nor disused, Policy DM15 of the adopted SADMP supports the re-use and/or adaption of redundant rural buildings and does support extensions and alterations to rural buildings that are proportionate to the size, scale, mass and footprint of the original building if they are situated within the original curtilage.
- 8.6 Notwithstanding that the outbuilding is not agricultural, being used for ancillary domestic storage, Section 6 of the Council's adopted Good Design Guide provides specific and transferable guidance on residential conversions which should:
- *'Avoid domestic add-ons such as chimneys, dormer windows, conservatories, porches, visual clutter such as satellite dishes, domestic external lighting, hanging baskets, using domestic window or door styles and adding buildings such as sheds within the curtilage;*
 - *Retain features characteristic of historic working buildings such as the apertures (openings) which should not be partially or completely filled in, ventilation slots (often patterned) and any use-specific historic additions;*
 - *Retain and use existing openings in the first instance. New openings should generally be avoided and kept to an absolute minimum where necessary. Where justified they should be sited on inward facing elevations and replicate existing proportions.'*
- 8.7 The 1½ storey outbuilding that is the subject of this application is located within the Shackerstone Conservation Area and forms a small part of the much wider Wharf Farm complex. The outbuilding is located, and part attached to, the south side gable elevation of the farmhouse and continues its linear form, (although being part offset) such that the south side gable of the outbuilding fronts directly onto Station Road.

- 8.8 The outbuilding is currently used for ancillary domestic storage purposes and has a largely early to mid-19th century appearance consisting of a simple rectangular footprint with dual pitched gable ended roof form with blue clay tiled roof tiles and is constructed of red facing bricks. The existing openings, which are located principally in the east (courtyard) elevation and one window in the north elevation facing the farmhouse are functional in appearance, consisting of grey painted planked timber doors and timber framed windows. There is an upper floor in the northern half of the building accessed from a dedicated door and staircase from the east elevation. To the immediate east of the outbuilding there is a small hard-surfaced courtyard area.
- 8.9 The outbuilding, along with the attached farmhouse is considered to be of some historic and architectural interest and to make a positive contribution to the character and appearance and thus significance of the Shackerstone Conservation Area. As a result, it is identified as an important local building within the Shackerstone Conservation Area Appraisal and Map (2009).
- 8.10 There is an extant planning permission for the conversion and repair of the outbuilding to form a residential annexe (ref. 22/00432/HOU), however since this permission was issued a structural report has concluded that the outbuilding is not capable of viable conversion and repair. The outbuilding can however be rebuilt to modern standards using most materials reclaimed from the outbuilding (including facing brick for the walls and blue clay tiles for the roof) and constructed to replicate its existing form, with some minor alterations proposed to facilitate the proposed annex.
- 8.11 The submitted plans demonstrate that the position, dimensions and form of the existing openings within the front elevation of the outbuilding would be replicated upon the rebuilt building, with amendments limited to replacing the doors on the front elevation with timber framed windows and installing vertical timber cladding panels and a single vertical planked door within the replicated openings. New openings are limited to the roof only and would consist of three conservation style roof lights on the front (east) elevation and six conservation style roof lights on the rear (west) elevation, all fitted flush to the roof. By virtue of the flush fitting nature of the new roof lights, their limited size and number together with the screening of the west roof elevation by the foliage of a mature tree, the visual impact from the installation of the roof lights on the Shackerstone Conservation Area is considered to be negligible.
- 8.12 No subdivision of the existing residential curtilage is proposed and the only extension to the footprint of the existing building proposed is a small addition to incorporate an air source heat pump installation. Amended plans have been submitted during the course of the application to relocate this to the garden side/rear corner where it would have no adverse visual impact within the street scene.
- 8.13 The proposal is considered to be a sympathetic rebuild of a structurally compromised outbuilding that would secure its long term viability as an important local building within the Shackerstone Conservation Area. The proposals would replicate as near as practical the existing outbuilding in terms of its footprint, scale, design and appearance. By virtue of the proposed replication of existing openings, replacement doors and windows of sympathetic design and natural materials, only flush fitting conservation style roof lights as new openings and the proposed use of reclaimed external materials from the demolition and use of matching supplementary corresponding materials, the external rural character and appearance of the outbuilding would be largely unchanged following rebuild and conversion. The small hard-surfaced courtyard to the immediate east of the building

would also be retained. A condition to require a timetable for the demolition and rebuilding of this important local outbuilding would be reasonable and necessary to ensure that it would not be prematurely demolished without prompt rebuilding in order to protect and preserve the character and appearance and therefore the significance of the Shackerstone Conservation Area.

- 8.14 As a result, it is considered that the proposed rebuild and ancillary residential conversion would preserve the character and appearance and thus the significance of the Shackerstone Conservation Area and be in accordance with Policies DM10, DM11 and DM12 of the adopted SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.16 The nearest neighbouring dwelling lies approximately 14 metres to the south of the outbuilding on the opposite side of Station Road. By virtue of the separation distance and the retention of the blank south elevation gable of the outbuilding within the proposed rebuild and conversion scheme, the proposed formation of the ancillary residential annexe would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking

- 8.17 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.18 There is a small hard-surfaced courtyard of 6 metres in width by 10 metres in depth to provide two adequate off-street parking spaces to serve the two bedroomed residential annexe adjacent to its east elevation and with pedestrian access to the farmhouse to the north. There is also a much larger and longer driveway serving the main farmhouse to the west of the outbuilding which also provides extensive hardstanding for further parking. This level of provision would be more than adequate to serve the resulting annexe and existing farmhouse and would therefore be in accordance with Policy DM18 of the adopted SADMP.
- 8.19 Whilst visibility from the parking courtyard would be limited in a westerly direction, the area is already used for parking and Station Road is a lightly used rural lane and therefore it is considered unlikely that the proposal would result in any significant or additional adverse impact on highway safety.

Impact on Tree

- 8.20 There is a mature Horse Chestnut tree in close proximity to the rear (west) elevation of the outbuilding which is identified within the Shackerstone Conservation Area Appraisal and Map (2009) as being an important tree. It provides a positive contribution to the character and appearance of the Shackerstone Conservation Area by virtue of its prominent position adjacent to the Station Road frontage. A Tree Report has been submitted to support the application which considers that the canopy is sufficiently high to enable demolition and rebuilding works to be undertaken within its spread without pruning. However, as works would need to be undertaken below the canopy and with scaffolding and movements within the root protection area, it recommends tree protection measures in the form of ground protection between the rear of the building and the tree trunk and exclusion zone

barriers. It also recommends that the demolition works and the removal of any existing foundations would require careful excavation to avoid damage to tree roots.

- 8.21 The report has been assessed by the Borough Council's Arboricultural Officer who raises no objection to the proposals but recommends that prior to any works commencing that a demolition method statement and full details of the new foundation design and construction are provided for prior approval to protect the tree, its root system and its long term viability. These details can be secured through appropriately worded planning conditions.

Other issues

- 8.22 The provision of a new building to modern construction standards together with the proposed air source heat pump would improve the energy efficiency of the proposed annex in comparison to the existing building and result in a small contribution to the reduction of carbon emissions which is supported by Policy DM2 of the adopted SADMP.

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 application site is located in the countryside where proposals for the change of use, re-use and extension/alteration of existing rural buildings is generally considered to be sustainable, subject to all other planning matters being satisfactorily addressed, and there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.

- 10.2. By virtue of the proposed sympathetic rebuilding that would replicate its footprint, scale, design and appearance together with the proposed use of reclaimed external materials from the demolition and use of matching supplementary corresponding materials, it is considered that the rural character and appearance of the

replacement structure would respect and complement the character and appearance of the existing outbuilding and that of the wider Shackerstone Conservation Area and therefore preserve its significance. By virtue of its siting, scale sympathetic rebuild and appearance, the proposal would not result in any significant adverse impacts on the open character or rural appearance of the surrounding countryside. By virtue of separation distances and position of windows the proposal would not result in any adverse impacts on the privacy or residential amenity of any neighbouring properties and adequate shared private amenity space and off-street parking would be available to serve the ancillary residential annexe. Subject to the submission of satisfactory additional demolition and new foundation details for prior approval and subject to the implementation of appropriate tree protection measures, the proposal would protect the long term viability of the adjacent tree.

- 10.3. The proposed rebuild and ancillary residential annexe is therefore considered to be a sustainable development and in accordance with Policies DM1, DM4, DM10, DM11, DM12 and DM18 of the adopted SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the general principles of the adopted Good Design Guide and is therefore recommended for approval subject to conditions.

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, as follows: Location Plan and proposed Block Plan Drawing No. 07B received by the local planning authority on 05 June 2023 and Proposed Floor Plans, Elevations and Section Drawing No. 06C received by the local planning authority on 6 June 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed residential annexe hereby permitted shall be in accordance with the details provided within the submitted Planning Application Form and on the approved Proposed Elevations Drawing No. 06C received by the local planning authority on 6 June 2023 and shall match the corresponding materials of the existing building.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Before any development commences on the site, including site works of any description, a demolition method statement and full details of the new foundation design and construction shall have been submitted to and approved in writing by the local planning authority. The new foundation shall be of either pile or raft foundation type design and construction.

Reason: To ensure that the tree on site is to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM6, DM10, DM11, DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on site until a timetable for the scheduling of demolition and construction works for the new building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved timetable of works.

Reason: To avoid premature demolition and to preserve the special character and appearance of the Shackerstone Conservation Area in the interests of visual amenity and in accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Before any development commences on the site, including site works of any description, the tree protection measures including ground protection and tree exclusion zone barriers recommended within the submitted Tree Report by CBE Consulting reference P2802/260723 dated 27 July 2023 shall be implemented in full and in accordance with British Standard 5837:2012 Trees in relation to design. If any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed.

Reason: To ensure that the tree on site is to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM6, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The residential annexe hereby permitted shall only be used as ancillary accommodation to the dwelling currently known as Wharf Farm, Station Road, Shackerstone and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation at any time.

Reason: To ensure the residential annexe hereby permitted is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM4, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

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