

Delegated Report

Planning Ref: 23/00798/FUL

Applicant: T SINNOTT

Ward: Cadeby, Carlton, M Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Site: Ivy House Farm, Bilstone Road, Congerstone

Proposal: Change of use of an agricultural building (barn) to Class E(g)(commercial) and Class B8 (storage and distribution) and associated works

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 application proposes the change of use of an agricultural barn to Class E(g) commercial and Class B8 (storage and distribution) and associated works.

3. Description of the site and surrounding area

- 3.1. The application site is set south of Bilstone Road, Congerstone. The site comprises of a dwelling, a number of buildings relating to agriculture, various buildings used for storage and distribution and an former barn structure converted to a holiday rental. The application is distanced significantly from neighbouring properties.

4. Relevant planning history

18/00826/FUL

- Storage building for fodder and general agricultural equipment
- Planning permission granted
- 29.10.2018

20/00997/FUL

- Proposed self storage facility (Use Class B8) and access road
- Planning permission granted
- 09.07.2021

21/01433/AGDO

- Extension to existing agricultural building
- Not determined
- 18.11.2022

22/00321/HOU

- Single storey rear extension
- Planning permission granted
- 18.05.2022

22/00437/DISCON

- Application to discharge conditions 6 (Landscaping), 9 (Materials) and 10 (Construction Traffic Management Plan) attached to planning permission 20/00997/FUL
- Discharged
- 05.07.2022

22/01174/FUL

- Change of use, including partial reconstruction, and refurbishment of existing barn to Class C1 holiday let use including provision of ancillary hardstanding
- Planning permission
- 20.04.2023

23/00371/P3CR

- Change of use of agricultural building to B8 storage use
- Prior Approval Given
- 30.05.2023

23/00482/DISCON

- Application to discharge conditions 5 (Public Rights of Way) and 9 (Landscaping) of planning application 22/01174/FUL
- Discharged
- 18.08.2023

5. Publicity

5.1. The application has been publicised by posting a site notice within the vicinity of the site.

5.2. No comments have been received.

6. Consultation

6.1. LCC Highways: No objections to proposal subject to conditions and notes to applicant provided.

6.2. HBBC Waste Management: No comments or objections to make.

6.3. HBBC Drainage: No objections.

6.4. HBBC Environmental Health – Pollution: No objections.

6.5. Shackerstone Parish Council: No comments have been received.

7. Policy

7.1. 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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

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

7.3. Other relevant guidance

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

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. The application site is located outside the settlement boundary of Congerstone and is therefore sited within open countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered 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 diversification of rural businesses; or
- c) It significantly contributes to economic growth, job creation and/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.

- 8.6. Policy DM4 supports the re-use of buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses, and therefore the proposal is considered acceptable.

Design and impact upon the character of the area

- 8.7. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.8. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. The proposal seeks to convert an existing agricultural barn for the purposes of storage and distribution. The building in question is set within a cluster of buildings, which consist of agricultural barns and previously converted barns for the purpose of storage and distribution.
- 8.10. The proposal seeks to close off the open face of the existing barn, using grey cladding and materials to match the neighbouring barns on site. It is considered that the amendments to the barn would have limited impacts on the character of the area, given its distance from publicly viewable areas and its relationship with the existing buildings on the site. As such it is considered that the proposal would have limited detrimental impacts on the character of the area and is acceptable in terms of its overall design. The proposal is considered to be in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.12. The proposed development is well contained within the site and is located sufficiently away from Bilstone Road. There are no neighbouring properties within close proximity to the site and the site is surrounded by arable land. Due to the location of the proposed development, the relationship between the proposed building and the activities occurring at the other barns on site, and its siting it is considered that there will be no detriment to neighbouring amenity.
- 8.13. Overall, the proposed development would not cause detrimental impacts to neighbouring residential amenity and as such is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.19. 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/justified level of parking provision.
- 8.20. The application proposes the change of use of an existing agricultural barn to commercial, storage and distribution. The proposal includes details of sufficient parking and following the consultation with LCC Highways, it has been confirmed that subject to conditions the access and turning facilities at the site are satisfactory to not cause detrimental impacts to highway safety.
- 8.21. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 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 proposal would not have any significant adverse impacts upon residential amenity, the character of the area and subject to conditions would not have an impact on vehicular or pedestrian safety. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 of the SADMP. Therefore, the proposal is 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:

Site Location Plan Drg No. J008458-01
Proposed Plans and Elevations Drg No. J008458-12
Proposed Block Plan Drg No. J008458-11

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 materials to be used on the external elevations of the proposed dwelling shall accord with the approved Proposed Plans and Elevations Drg No. J008458-12

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. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with The Rural Planning Co drawing number J008458-11 Rev B. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

5. The development hereby approved shall be used as for purposes falling with Use Class E(g) and/or for storage or distribution (Use Class B8) and for no other purpose including any other purpose in Classes E or B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality and the countryside, to safeguard neighbouring amenity and in the interests of general highway safety in accordance with Policy DM4, DM10 and DM17 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.
2. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
3. Public Rights 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.
4. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
5. 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.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. 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.
8. 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.