

## Delegated Report

**Planning Ref: 25/01129/FUL**  
**Applicant: Mr Rory Oliver**  
**Ward: Ambien**



Hinckley & Bosworth  
Borough Council

**Site: Upton Lodge Farm, Stoke Road, Upton**

**Proposal: Conversion of one farmhouse into 3no. terraced houses**

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### **1. Recommendations**

- 1.1. **Grant planning permission** subject to:
- Conditions outlined at the end of this report.

### **2. Planning application description**

- 2.1. The application seeks full planning permission for the conversion of the existing farmhouse to create 3no. terrace dwellings. The conversion would create 1no. 3-bedroom, and 2no. 2-bedroom properties.
- 2.2. The associated works include the removal of external chimney stacks and flues, the removal of an existing rooflight, and amendments to a number of the window and door openings to serve each property with sufficient access and light. The development also proposes two off-street parking spaces for each property, alongside private garden amenity space.

### **3. Description of the site and surrounding area**

- 3.1. The site relates to Upton Lodge Farm, which is located to the north of Stoke Road, Upton. The site is accessed along a private driveway which serves the farmstead and the neighbouring property. Part of this proposal includes widening of the existing access onto Stoke Road, following amended plans.
- 3.2. The building itself is currently in a state of disrepair and was formerly a large, detached farmhouse. The site is surrounded by arable fields and remains an active agricultural holding.

### **4. Relevant planning history**

#### **02/00813/FUL**

Conversion of farm buildings to residential dwelling  
Planning permission  
05/09/2002

#### **04/01048/FUL**

Conversion of farm buildings to dwelling and erection of stables  
Planning permission  
15/11/2004

#### **06/00387/FUL**

Erection of new implement store/stable  
Planning permission  
05/06/2006

### **5. Publicity**

- 5.1. Neighbours were notified of the application via letter, and a site notice was placed within the vicinity of the site.

5.2. No neighbour comments have been received in relation to this proposal.

## **6. Consultation**

### **6.1. Sheepy Parish Council**

6.2. Comments have been received which confirm the following:

6.3. *"SUPPORT,*

6.4. *Please note, this response is based on documents available on HBBC Planning Portal as at 3<sup>rd</sup> December 2025. Sheepy Parish Council kindly request that it is notified and consulted on any later changes to this application so as to ensure full compliance with the Sheepy Parish Neighbourhood Plan made May 2022.*

6.5. *Sheepy Parish Council has reviewed the above application – 25/01129/FUL and it appears to be in line with the policies, which should be considered collectively, in the Sheepy Parish Neighbourhood Plan made May 2022.*

6.6. *Nevertheless, Sheepy Parish Council request that Hinckley & Bosworth Borough Council gives consideration to ensure the application complies with the Sheepy Parish Neighbourhood Plan, design guidance in the Design Guide".*

### **6.7. Leicestershire County Council (LCC) Highways**

6.8. Following a request for additional information the Highways authority have no objection to the proposal subject to conditions which have been included at the end of this report.

### **6.9. Hinckley & Bosworth Borough Council (HBBC) Environmental Health**

6.10. No objections.

### **6.11. Hinckley & Bosworth Borough Council (HBBC) Drainage**

6.12. Notes to applicant have been recommended by HBBC Drainage and have been included at the end of this report.

### **6.13. Hinckley & Bosworth Borough Council (HBBC) Waste**

6.14. No comments received.

## **7. Policy**

### **7.1. Site Allocations and Development Management Policies DPD (SADMP) (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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### **7.2. Sheepy Parish Neighbourhood Plan (2022)**

- Policy S1: Countryside
- Policy S5: Ecology and Biodiversity
- Policy S8: Design

### 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 (GDG) (2019)
- National Design Guide (2019)

## 8. Appraisal

8.1. The application site is located within the countryside outside of any defined settlement boundary. The key issues in respect of this application therefore are:

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage and flood risk
- Ecology and biodiversity net gain
- Planning balance

### Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and the Sheepy Parish Neighbourhood Plan (2022). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4. 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.
- 8.5. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.6. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial

development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

- 8.7. The development is located 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 174(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.”
- 8.8. 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 residential 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.
- 8.9. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.10. Policy S1 of the Sheepy Parish Neighbourhood Plan (2022) also confirms that development in the countryside will be acceptable whereby there is a re-use and adaptation of buildings.
- 8.11. The development is for the conversion of the existing farmstead, to create 3no. terraced dwellings. This in principle complies with Policy DM4(b) of the adopted SADMP, whereby the development would re-use the existing farmhouse, which has been left in a state of disrepair, and would provide 3no. family dwellings, and ultimately bring the dwelling back into a viable use. The proposal is also acceptable in principle when assessing against Policy S1 of the SPNP.
- 8.12. In this site specific circumstance it is considered that the development would be in general accordance with Policy DM4 of the adopted SADMP, Policy S1 of the SPNP, and the overarching policies of the NPPF and as such would be considered acceptable in principle.

### **Design and impact upon the character of the area**

- 8.13. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and

government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.14. Policy DM4 of the SADMP confirms that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.15. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.16. Policy S8 of the SPNP states that development proposals should be designed with evident care as to respond positively to the character of the area and demonstrably respond to the features of its setting.
- 8.17. The proposal involves the conversion of the existing farmhouse to 3no. terraced dwellings. The key external changes relate to the removal of the chimney stacks to create additional internal space, alongside minor amendments to window and door openings, which from the proposed plans, would match that of the existing.
- 8.18. The dwelling currently remains in a state of disrepair and whilst once was visually attractive has now declined in its value. The proposal is considered to improve the visual amenity of the dwelling, whilst retaining the majority of the farmhouses' character and design features.
- 8.19. Given that the justification for the change of use relies heavily on the satisfactory conversion of the existing dwellinghouse, it is considered necessary to removed permitted development rights relating to extensions/alterations to the dwellings. This will safeguard against potentially harmful additions which could alter the farmhouse form of the building and lead to design and countryside harm.
- 8.20. A condition is also included requiring details of hard and soft landscaping to be submitted to ensure that the landscaping aids with a high quality finish and that the proposed dwellings assimilate well into the surroundings.
- 8.21. The proposal is considered to include appropriate design amendments, and would not cause any harm to the character of the area, by virtue of the conversion. As such the proposal is considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and Policy S8 of the SPNP.

#### **Impact upon neighbouring residential amenity**

- 8.22. Policy DM10 of the SADMP confirms the requirements of which permitted developments must achieve. DM10 (a) and (b) confirm that any development must not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. In addition, it is confirmed that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.

- 8.23. Policy S8 of the SPNP confirms that development proposals should show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.24. The proposals do not include any extensions to the existing dwelling, nor the inclusion of any additional first or second floor windows, with the exemption of a new window added into the gable on the proposed side elevation. This window is not considered to create any concerns regarding overlooking.
- 8.25. Given the proposals do not differ significantly from the original dwellinghouse it is not considered that the development would give rise to any concerns regarding residential neighbouring amenity in terms of loss of light, loss of privacy, overbearing or pollution.
- 8.26. Furthermore the plans, through the floorplans, location of habitable windows and sufficient garden space ensure that future occupiers would have sufficient amenity. A condition is included requiring the submission of boundary treatments which providing they are of an appropriate height would prevent overlooking from the side facing windows of House 2 into the garden of House 1.
- 8.27. As such, the proposal is considered to be in accordance with Policy DM10 of the adopted SADMP and Policy S8 of the SPNP.

#### **Impact upon highway safety**

- 8.28. Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.
- 8.29. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.30. Leicestershire County Council have been consulted on this proposal and confirmed the following:
- 8.31. "Access to the site is proposed via the existing access onto Stoke Road, an unclassified single track road subject to the national speed limit. Based on the submitted information, the Applicant is not proposing any amendments to the existing site access arrangements.
- 8.32. Following a site visit, the LHA notes that the existing site access measures approximately 3.6m wide and is unsurfaced. Based on Table 13 of the Leicestershire Highway Design Guide, for an unadopted residential drive serving two to five dwellings, the access width should measure 4.25m wide for a minimum of 5.0m behind the highway boundary. For an agricultural access however, the width should be increased to 6.0m for 11.0m behind the highway. Given the Applicants blue line boundary falls immediately either side of the site access, the LHA requests that the Applicant submits a drawing which details a 6.0m wide access. This would also be beneficial for the site should application reference 25/01128/P3CQ for the conversion of an existing cattle shed to three bungalows at the same site also be granted planning permission. The LHA would also request

that hard bound surfacing is provided for a minimum of 11.0m behind the highway boundary.

- 8.33. Despite not being detailed on a drawing, following a site visit, the LHA is satisfied that adequate visibility to the bends in the road at either side of the access is available. Given the scale of the proposals, the very low level of traffic that is likely to use the road, the single track nature, along with the fact the bends will act as natural speed constraints, the LHA are satisfied no additional information is required in respect of visibility.
- 8.34. Based on available records to the LHA, no personal Injury Collisions have occurred along Stoke Road 500m either side of the site access within the last five years up to late October 2025.
- 8.35. The LHA has reviewed Hayward Architects drawing number 04 and advises that an appropriate number of car parking spaces have been provided for each dwelling. In addition, the LHA is satisfied there is sufficient turning space available within the site for vehicles to ingress and egress the site access in a forward gear.
- 8.36. Whilst not a planning consideration for the LHA, the Applicant may wish to consider how refuse would be collected from the site given the distance of the proposed dwellings from the highway. In addition, should refuse be collected from the highway boundary, an appropriate area to store bins off the highway would be required.
- 8.37. The site is in a remote, rural location and some distance from public transport provision, schools and local amenities such as a convenience store. On this basis, the LHA does not consider the site to be in a transport sustainable location and that occupiers would be heavily dependent on the use of the private car. Nevertheless, the LHA is satisfied for the LPA to include this transport context in its wider sustainability considerations for the site”.
- 8.38. Following a submission of additional information, the highways authority confirmed they have no objection to the proposal subject to conditions included at the end of this report.
- 8.39. The proposal would provide sufficient off-street parking and would not cause any detrimental impacts to highway safety, as such the proposal is considered to be in accordance with Policies DM17 and DM18 of the SADMP and the policies of the LHDG.

#### **Drainage and flood risk**

- 8.40. Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.41. The development site is located with Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.
- 8.42. HBBC Drainage have provided a note to applicant which is included within this report. The proposal is considered to be in general accordance with Policy DM7 of the adopted SADMP.

## **Ecology and biodiversity net gain**

- 8.43. 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.
- 8.44. 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.
- 8.45. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a. The need and benefits of the development in that location clearly
  - b. It has been adequately demonstrated that the irreplaceable habitat
  - c. Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.46. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.47. The proposals do not create any new built form and the existing building would be converted to provide 3no. terraced dwellings. The proposal is therefore exempt from mandatory BNG under the de minimis exemption, with no new built development exceeding 25sqm.

## **Planning Balance**

- 8.48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.49. This application is for the conversion of one dwelling, to provide 3no. terraced dwellings. In addition, the most recent housing land monitoring statement indicates, that the Council cannot demonstrate a 5-year housing land supply. This is also a key material consideration and under these circumstances, the NPPF 2024 sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed7; 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”*
- 8.50. Footnote 8 in the NPPF states that the application of this approach “includes, for applications involving the provision of housing, situations where the local planning

*authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.*

- 8.51. Therefore, currently 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.
- 8.52. It is acknowledged that there would be some degree of minor social and economic benefit of providing 3 no. terraced dwellings, associated with the occupant’s opportunity to act as new customers and employees for business and services within the general area. Given the limited number of additional dwellings and occupants this is afforded limited positive weight.
- 8.53. The proposal presents an uptake of two additional dwellings to the council’s housing need, and whilst a modest number, would contribute positively, and is therefore afforded limited weight.
- 8.54. There are no associated negative impacts to the proposal in terms of its impact on the countryside, character of the area, neighbouring amenity or highways safety, and as such the proposal is considered to be acceptable.
- 8.55. The proposal has benefits which are considered to significantly and demonstrably outweigh any harm, the proposal is therefore in compliance with Policies DM4, DM10, DM17 and DM18 of the adopted SADMP, Policies S1 and S8 of the SPNP, and the wider policies of the NPPF.

## **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. Conclusion**

- 10.1 By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD and Policy S8 of the Sheepy Parish Neighbourhood Plan. The proposal can therefore be supported.

## **11. Recommendation**

### **11.1 Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

### **11.2 Conditions and Reasons / 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:

- Proposed Access Widening Plan Drg No. 25/85 09
- Site Location, Block Plan, Drg No. 25/85 08
- Proposed Site Plan, Drg No. 25/85 04
- Proposed Elevations, Floor Plans, Drg No. 25/85 01b

**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 alterations shall match the corresponding materials of the existing dwelling.

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

4. Prior to first occupation of the hereby approved development, a detailed landscaping plan shall be provided to and approved in writing by the local planning authority. The plan shall include details of all hard and soft landscaping and boundary treatments. Thereafter the hard landscaping shall be implemented in accordance with the approved details prior to first occupation of the dwelling to which it relates. The soft landscaping shall be implemented no later than the first planting season following first occupation of the dwelling to which it relates. Thereafter the soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any plants which die, are removed or become seriously damaged or diseased shall be replaced by plants of a similar size and species to those originally planted in the next planting season.

**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).

5. Prior to first occupation of the hereby approved development, a waste management and refuse collection plan shall be submitted to and approved in writing by the local planning authority.

**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).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Access Widening Plan Drg No. 25/85 09 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan, Drg No. 25/85 04. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order with or without modification, no development falling within Classes A, B, C, D, E and F of Part 1 of Schedule 2 shall be carried out without the prior written permission of the Local Planning Authority.

**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).

### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e. soakaways, previous 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 area, 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 Environmental Agency guidance on the permeable surfacing of front gardens).

