

Delegated Report

Planning Ref: 24/00171/NMA
Applicant: MT Baines and sons
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Wood Farm Stanton Lane Ellistown

Proposal: Non-Material Amendment to Planning Permission ref: 23/00954/CONDIT.
Alteration of roof pitches and minor alteration to stanchion heights

Recommendations

- 1.1. **Grant planning permission** subject to:
- Previously imposed conditions on planning permission 23/00954/CONDIT

Planning application description

- 2.1. This application proposes a non-material amendment to planning permission 23/00954/CONDIT, which was for the Variation of Condition 16 (BREEAM New Construction 2018 Design Stage certificate) of planning permission 21/00531/HYB (Appeal B: APP/K2420/W/21/3279939).
- 2.2. 21/00531/HYB was a hybrid application for the relocation of the farm, including the construction of 2 new farm managers' dwellings off Ellistown Lane.
- 2.3. For clarification, this NMA application relates to the second section of the following hybrid application:
- 21/00531/HYB: Hybrid application comprising of Outline permission for the erection of buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved except for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme) Wood Farm Stanton Lane, Ellistown, Coalville, Leicestershire, LE67 1FF.
- 2.4. The hybrid application was originally refused on 21st July 2021. This NMA application relates to the Conditions attached to the full planning permission decision notice that was granted following an appeal on 21st November 2021.
- 2.5. This non-material amendment application is accompanied by the following plans pursuant to the relevant conditions:
- Revised building 3 drawing with amended roof angle
 - Revised building 4 drawing with amended roof angle and stanchion height
- 2.6 Reasons for changes: Grain Store
- The farm assurance red tractor scheme will not allow for loading of lorries of grain outside if the weather conditions are inclement which will contaminate the grain and will lead to rejection of products on human/animal consumption grounds.
- 2.7 If the building heights were maintained as submitted then the applicants would be unable to load lorries inside due to height restrictions and safety grounds.

2.8 Due to the evolution of larger machinery, it is important that the buildings are constructed to meet the ongoing standards and to avoid conflict with tipping trailers and building roof to avoid damage and falling debris.

2.9 The roofing suppliers advise that they do not give warranty to roofing products if laid at less than 12.5 degree slopes so the applicant has had to revise the submitted drawings to ensure the compliance of the buildings.

2.10 For the Cattle shed the roof slope amendment as required by the sheeting material suppliers will give additional benefit for the cattle as the additional air flow area will give higher rate of air changes within the building.

Description of the site and surrounding area

- 3.1. The application site is situated to the south west of West Lane (B585) and to the north of Stanton Lane. Situated to the East of Stanton Under Bardon, situated outside any defined settlement boundary. To the north of the application site is Cliffe Hill Quarry, with areas of woodland and agricultural land to the south. There is a group tree preservation order (Ref W4) which is situated to the north-west boundary of the application site. To the north-west is an established employment development with a solar farm to the south west. The application site is situated outside any settlement boundary and within the National and Charnwood Forest.
- 3.2. The main site is negotiated by a number of overhead power lines which originate from an electricity substation located beyond the east boundary, and supported by steel framed pylons. The existing farmstead is made up of two dwellings, known as Wood Farm and Bramblewood, and a number of agricultural buildings and structures, which are of brick and slate, developed over time following the growth and need of the farm. The application site comprises of a number of irregular agricultural fields separated by hedgerows and trees.
- 3.3. There are a number of public footpaths in proximity to the site. Grange Walk, R114 and R31 are situated along the north east and south of the site and footpath R9 goes across the farm site to the south east corner.
- 3.4. Levels across the application site vary, with a high point of the site positioned in the northern boundary of site, with an approximate level above Ordnance Datum (AOD) of 193 metres. The lowest point recorded is situated adjacent to a pond located in the south east corner which is at a recorded level of 161.5 metres AOD.

4.0 Relevant planning history

14/01220/FUL

- Extension of existing livestock building
- Permitted 09.03.2015

19/00507/SCOPE

- Proposed employment development of land east of Stanton Lane (Wood Farm), Bardon Opinion Issued – Environmental Impact Assessment not required 29.05.2019

20/00407/HYB

- Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved except for access) and Full planning permission for the demolition of existing farmstead and

relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures

- Refused 11.11.2020

21/00531/HYB

- Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme)
- Allowed at Appeal

23/00954/CONDIT

- Variation of Condition 16 (BREEAM New Construction 2018 Design Stage certificate) of planning permission 21/00531/HYB (Appeal B: APP/K2420/W/21/3279939)
- Approved 05.01.2024

5.0 Publicity

- 5.1. No publicity is required for a Section 96A application, and none has been undertaken.

6.0 Consultation

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this instance, no publicity or consultations have been undertaken.

7.0 Policy

- 7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.
- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the development plan that would be material to the outcome of the assessment of the application in this case.

8.0 Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Assessment against strategic planning policies
 - Design and impact upon the character of the area

8.2 Assessment of strategic planning policies

Section 96A of the Town and Country Planning Act, 1990, allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of “non-material”; this is because it is so dependent on the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the Local Planning Authority to be satisfied that the amendment sought is non-material in order to grant an application under Section 96A.

8.3 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale. The planning permission and the bit we're concerned with is 'the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme)'. As outlined above the approved roofs are at a height that would not meet required standards for such tipping trailers and need to be at an angle at 12.5 degrees or greater to ensure compliance with roofing manufacturers requirements. This is accepted.

Design and impact upon the character of the area

8.4 The application dwelling is located in the countryside outside of the settlement boundary of Stanton under Bardon. The approved provide a farmstead suitable for the agricultural enterprise. The proposed buildings which are made up of 5 separate buildings comprising of workshops, grain stores, cattle and bull pens with the approved farmstead appearing more compact and functionally effective than that of the current provision.

8.5 Given the existing permission and the small changes proposed in this NMA it is considered the proposed changes to the roofs would have a limited visual impact and do not have a significant adverse impact on the character of the property or surrounding area.

8.6 To summarise, the non-material application for these roof changes is considered to not have a significant adverse impact on the character of the existing dwelling or the surrounding area. Therefore, this non-material amendment respects the character and appearance of the wider countryside. In accordance with Core Strategy Policies 21 and 22, Policy DM4, DM5 and DM10 of the SADMP DPD and the overarching principles of the NPPF.

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).

Conclusion

- 10.1. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to change the pitch of the agricultural storage shed roofs for building 3 & building 4 at 8 permitted under planning reference 23/00954/CONDIT, are a non-material in the context of the overall scheme.
- 10.2. It is considered that the proposed alterations do not have a material impact on the development as a whole and are considered to be non-material in the context of the overall scheme.
- 10.3. **This non-material amendment is not a separate planning permission and should be read in conjunction with permission 23/00954/CONDIT.**

Recommendation

- 11.1 **Grant Non-Material Amendment** subject to:
 - Previously imposed conditions on planning permission 23/00954/CONDIT
 - Change in roof pitch for building 3 & building 4
- 11.2 **Conditions and Reasons**
 1. This non-material amendment is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:
 - Application Form (submitted: 23.02.2024)
 - Grain Store B (submitted: 23.02.2024)
 - Middle Barn Rev A (submitted: 23.02.2024)

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).