

Delegated Report

Planning Ref: 23/00653/FUL

Applicant: Mr and Mrs Brennan

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Cadeby Hall Main Stret Cadeby



Hinckley & Bosworth
Borough Council

Proposal: Conversion of existing Dutch barn to residential (C3) dwelling and associated private amenity space and parking

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

2. Planning Application Description:

- 2.1. This planning application seeks full planning permission for the conversion of an existing Dutch barn to a four-bedroom residential dwelling (Use Class C3) with associated private amenity space and parking at Cadeby Hall, Main Street, Cadeby.
- 2.2. The scheme externally measures 20.1m in width x 6.8m in depth, with a total footprint of 136.5sqm. The development does not include any further external alterations to the existing structure, but the existing wood store is removed to create a 70.9sqm private outdoor amenity space that is bordered by 1.8m high brick walls, and internal alterations are utilised to create first floor accommodation. The development has a maximum height of 6.5m, and an eaves height of 5m. The development is constructed with vertical timber cladding and a profiled metal roof sheeting.
- 2.3. On 06 September 2023, the Applicant revised the scheme to involve the removal of a 1.5m deep balcony on the front elevation of the scheme, and the replacement of the facing brickwork with timber cladding.
- ### **3. Description of the Site and the Surrounding Area:**
- 3.1. The 995sqm application site is the north of, but outside of the identified settlement boundary of the rural hamlet, Cadeby. However, the application site is within the Cadeby Conservation Area. The development is within the grounds and setting of Cadeby Hall.
- 3.2. Cadeby Hall is a substantial property that, building is identified in the Cadeby Conservation Area Appraisal (2007) as an unlisted building of local historic or architectural importance (a non-designated heritage asset in terms of the National Planning Policy Framework) and it contributes positively to the character and appearance, and thus significance, of the Cadeby Conservation Area.
- 3.3. The main body of the hall largely dates from the early C19 and reflects an eclectic architectural style. There is a long single storey projecting wing connected to the main house. Within the grounds of the hall is a converted outbuilding, known as the Coach House, a traditional stable range, a pond, and a Dutch barn. The property is set within spacious grounds and has limited in views from any vantage points.

- 3.4. The existing Dutch Barn proposed for conversion and the attached wood store date from the mid-20th century and are purely functional buildings of no particular historic or architectural merit. As a result, the barn and wood store are considered to be a neutral presence in the wider setting of Cadeby Hall and have a natural contribution to the character and appearance of the Conservation Area. The structures are not identified as important local buildings within the Cadeby Conservation Area Appraisal (CCAA) (2007) and they make no particular contribution to the character and significance of the Conservation Area, and they do not make any particular contribution to the significance of the Conservation Area.
- 3.5. The site is accessible from both Main Street to the south, and Ashby Road to the north. Main Street is an adopted and classified 'C' road that is subject to a 30mph speed limit, whereas Ashby Road is an adopted and classified 'A' road that is subject to the National Speed Limit. The barn is located 82.3m southwest from the site's access onto Ashby Road.
- 3.6. To the north, northeast, northwest of the site is open countryside, and to the south and southwest of the application site are residential dwellings within the settlement boundaries of the rural hamlet. There is also a large pond to the north of the site.

4. Relevant Planning History:

4.1 19/01424/FUL

- Erection of a single storey detached dwelling and associated estate fencing
- Refused
- 13.02.2020

4.2 19/01001/FUL

- Erection of detached bungalow
- Refused
- 18.11.2019

4.3 19/00002/ENF

- Without planning permission the carrying out of works for the construction of a dwelling house and ancillary structure has occurred
- Appeal Dismissed
- 08.07.2019

4.4 18/00009/FTPP

- 2.8m high entrance gate to 2.4m high fence (Retrospective)
- Appeal Allowed
- 08.06.2018

4.5 17/01167/HOU

- 2.8m high entrance gate to 2.4m high fence (Retrospective)
- Refused
- 08.2018

4.6 17/00789/FUL

- Erection of one new dwelling (revised scheme)
- Permitted
- 02.11.2017

- 4.7 **17/00393/FUL**
- Erection of one dwelling (revised scheme)
 - Permitted
 - 21.06.2017
- 4.8 **17/00011/FUL**
- Erection of one dwelling with outbuilding
 - Permitted
 - 02.03.2017
- 4.9 **16/00030/PP**
- Erection of two detached dwellings (revised scheme)
 - Appeal Dismissed
 - 25.11.2016
- 4.10 **16/00386/FUL**
- Erection of two detached dwellings (revised scheme)
 - Refused
 - 23.06.2016
- 4.11 **15/01169/FUL**
- Erection of two detached dwellings
 - Refused
 - 18.01.2016
- 4.12 **14/00574/FUL**
- Erection of one new dwelling and detached outbuilding (revised scheme)
 - Permitted
 - 05.05.2015
- 4.13 **14/00100/FUL**
- Erection of one new dwelling and detached garage/gymnasium
 - Withdrawn
 - 26.03.2014
- 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 One Councillor called the application into Planning Committee, and two members of the public objected to the scheme on the following grounds:
- The development does not provide appropriate means of dealing with surface water drainage.
 - Harm to the character and significance of the Cadeby Conservation Area.
 - Harm to the character and significance of the non-designated heritage asset.
 - Harm to neighbouring residential amenity.
 - Harm to the residential amenity of the future occupants of the scheme.
 - Highway safety.
 - Inappropriate design.
 - Lack of vehicle turning facilities.
 - Noise pollution impacts.
 - No heritage benefit to the scheme.

- Overdevelopment of the site.
- Overlooking and loss of privacy concerns.

5.3 No further responses have been received.

6. Consultation:

6.1 Cadeby Parish Council have objected to the planning application for the following reasons:

- Harm to the Cadeby Conservation Area.
- Highway safety concerns.

6.2 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Waste Management Officer

HBBC Conservation

6.3 On 23 August 2023, the Council's Conservation Officer stated that the use of a masonry finish was not a prevalent or traditional material for barn infill panels, and that this would result in an uncharacteristic appearance within the Conservation Area. In addition, the use of the balcony on the front elevation and the stairs on the northeast side elevation overly domesticated the appearance of the building in comparison to the rural/semi-rural appearance as would be expected from a barn conversion. The Conservation Officer also recommended further details regarding how the barn conversion would operate in the context of the wider site, such as landscaping, car parking and vehicular movements within the site. In the absence of this additional information, the Conservation Officer considered the scheme to result in an uncharacteristic development that did not preserve the character and appearance of the Cadeby Conservation Area.

6.4 On 06 September 2023, the Applicant revised the scheme to involve the remove the balcony and replaced of the facing brickwork with timber cladding.

6.5 As a result, on 12 September 2023, the Conservation Officer considered that the development reflects the rural character of the Conservation Area and respects the key space around Cadeby Hall. Given the above, the Conservation Officer considers the development to have a neutral impact on the character and appearance of the Cadeby Conservation Area, subject to material samples being secured via planning condition.

HBBC Pollution

6.6 On 17 July 2023, the Pollution Officer requested details on the historic use of the barn and wood store, including details of any potentially contaminative uses, The Pollution Officer also requested information on the construction of the use and where the soils for the walls garden area will be sourced.

6.7 The Applicant provided additional information on 09 August 2023, which confirmed that the barn has remained has only provided residential storage space for Cadeby Hall and has not been utilised for a commercial or agricultural sue in the last 25 years.

- 6.8 As a result of this information, the Pollution Officer requested a planning condition on 14 August 2023 for if during development contamination was found to be present in the site, no further development would take place until a scheme for the investigation of all potential land contamination was submitted, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with.

The Local Highway Authority (LHA)

- 6.9 The Local Highway Authority have referred to standing advice.

- 6.10 No further responses have been received.

7. Policy:

- 7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets

- 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- 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) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

- 7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal:

- 8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 8.4. 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, 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 (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 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. 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 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 The development is outside of any identified settlement boundaries in the countryside, but involves the reuse of an existing Dutch barn, which is compliant with Policy DM4 of the SADMP. Paragraph 13.6 of the SADMP states that, *“Any proposal which relates to the re-use of a redundant buildings in the countryside must have specific regard to Policy DM15.”* Therefore, the application is acceptable in principle in accordance with Policy DM4 of the SADMP, subject to assessment against Policy DM15 of the SADMP.
- 8.11 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:
- (a) The Applicant demonstrates the building is no longer viable in its current use; and
 - (b) The Applicant has adequately demonstrated that 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 it situated within the original curtilage; and
 - (d) The proposed development accords with Policy DM10, DM11 and DM12 of the SADMP.
- 8.12 The barn has not been utilised for agricultural or commercial uses for over 25 years and is currently used for residential storage ancillary to Cadeby Hall. However, the Applicant has not demonstrated that the building is no longer viable in its current use as a building for storage uses, contrary to Policy DM15(a) of the SADMP.
- 8.13 Notwithstanding this, Paragraph 14.57 of the SADMP states, *“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.”*
- 8.14 The structure only features one closed side, and all the other sides of the barn are open. It is not considered that the Applicant has demonstrated that the barn is capable of conversion without significant rebuild or alteration. The Applicant stated there are no existing wall materials to the barn within their Application Form. Therefore, the development is contrary to, and in conflict with, Policy DM15(b) of the SADMP.
- 8.15 The development's compliance with Policy DM15(c) and (d) is discussed further later in this report.
- 8.16 Given the above, the Council considers that the proposal is contrary to, and in conflict with, Policy DM15(a) and (b) of the SADMP. Consequently, the significant rebuild and alteration to the structure represents new unjustified residential development in the protected countryside, and therefore the development is contrary to, and in conflict with Policy DM4 of the SADMP. As such, the application does not accord with the Development Plan and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.17 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.
- 8.18 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 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, 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.
- 8.20 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.21 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 clear 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.
- 8.22 Section 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.
- 8.23 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 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. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.24 The development is for one singular residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.25 Given the Council's failure to deliver a five-year supply of land for housing, it is considered that limited to moderate weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.26 Paragraph 134 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.
- 8.27 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.
- 8.28 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.29 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing the applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.30 Policies DM11 and DM12 of the 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.
- 8.31 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.32 Policy DM10(c) 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.
- 8.33 Policy DM17 states that development proposals will be supported where they, *inter alia*, seek to ensure that there is convenient and safe access for walking and cycling to services and facilities and where the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 8.34 In accordance with the Good Design Guide, it is paramount that the residential conversion of an agricultural building retains its agricultural character. A key feature of agricultural buildings are the big entrances and limited windows. Dutch barns do

not follow this typical arrangement and often, as in this instance, can be entirely open on more than one side.

- 8.35 Given its neutral contribution to the non-designated heritage asset, it is not considered that there is any particular heritage reason to retain the barn in its current form, or an alternative, converted form, to preserve the character and appearance of the Conservation Area.
- 8.36 Nevertheless, by virtue of the use of limited proposed fenestration, and the use of the infill timber cladding and profile metal sheet roofing, the alterations to the existing structure are considered to result in a neutral impact on the character and appearance of the Cadeby Conservation Area. Therefore, the scheme preserves the significance of the Conservation Area and is considered to comply with Policies DM11 and DM12 of the SAMDP, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.37 Notwithstanding this, only one side of the existing structure is closed, and all the other sides are open, and the Applicant has not demonstrated that the barn is capable of conversion without significant rebuild or alteration. Consequently, the significant rebuild and alteration to the structure represents new unjustified residential development within the protected countryside, which does not preserve its intrinsic value, beauty, open character, and landscape character. Therefore, the development is considered to be contrary to, and in conflict with, Policies DM4, DM10, and DM15 of the SADMP.
- 8.38 In addition, the development is outside of the identified settlement boundary of the rural hamlet, Cadeby. The rural hamlet does not benefit from any services or facilities, with the exception of All Saints Church. In addition, Cadeby does not benefit from a bus service, nor any pedestrian footpaths out of the hamlet, or along the highly trafficked A447. As a result, the application site is in an area of poor transport sustainability and is likely to result in the future occupants of the scheme being dependent on private motorised transport to meet their day-to-day needs. This is considered to cause environmental harm that is contrary to Policies DM4 and DM17 of the SADMP, as well as Paragraph 8(c) and Section 15 of the NPPF.
- 8.39 To summarise, the Applicant has not demonstrated that the structure is no longer viable in its current use, nor that the development is not capable of conversion without significant rebuild or alteration, which is contrary to Policy DM15(a) and (b) of the SADMP respectively. Consequently, the represents new unjustified residential development in the designated open countryside, which is likely to cause significant harm to its intrinsic, value, beauty, open character, and landscape character. Furthermore, due to the poor transport sustainability of the location of the site, the development is likely to result in the future occupants of the scheme being dependent on private motorised transport to meet their day-to-day needs, which causes significant environmental harm.
- 8.40 Given the above, the development is considered to be out of character with, and cause significant harm to the intrinsic value, beauty, open character and landscape character of the countryside. Therefore, the development is contrary to, and in conflict with Policies DM1, DM4, DM10, and DM17 of the SADMP, Sections 9, 12, and 15 of the NPPF, and the Good Design Guide.

Impact upon Residential Amenity

- 8.41 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.42 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.43 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.44 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, "An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design."
- 8.45 The property is 17.8m further forward than the property to the south of the scheme, Oak Tree House, and 28.2m to the northeast of the dwelling. There are no windows proposed on the south-eastern rear elevation of the scheme, and given the above, the development of one dwelling is not considered to result in any overshadowing, overbearing, loss of privacy, loss of light, or any air or noise pollution impacts that are significantly detrimental the residential amenity of the occupants of Oak Tree House.
- 8.46 However, all the principal habitable windows for the scheme, particularly to all the bedrooms on the ground floor of the development, face towards the existing outbuildings and stable block to the northwest. The development is only 5.5m from these buildings, which is below the requirements of the Good Design Guide. In addition, the distance between these structures is also proposed for off-street vehicle parking, and overall, this is not considered to result in adequate visual amenity for the habitable windows, which is considered to result in significant harm to the residential amenity of the future occupants of the scheme.
- 8.47 To support the residential amenity of future occupiers of the scheme, proposals for four-bedroom, two-storey dwellings should provide a minimum of 84sqm of floor space and 2.5sqm of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.48 The ground floor of the scheme alone is 86.6sqm, and therefore the development is considered to accord with the minimum requirements of the Technical Housing Standards (THS).
- 8.49 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of

2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.

- 8.50 All four bedrooms comply with the minimum width and floor space of double bedrooms in accordance with Paragraphs 10(d) and (e) of the THS, with the exception of Bedroom 4, which is only compliant with Paragraph 10(c) of the THS for the minimum floor space.
- 8.51 Given the above, it is considered that the development ensures adequate residential amenity for the future occupiers of the scheme in relation to sufficient internal floor space for bedrooms and the overall property. In spite of this, it is acknowledged that the Technical Housing Standards are afforded limited weight in terms of the NPPF as well as the emerging Local Plan.
- 8.52 To comply with the Good Design Guide, four-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.53 The private walled garden is 14.7m in depth, and a width of 6.2m, which reduces to 3.8m. This provides a total footprint of 74.3sqm. Therefore, the development provides less private outdoor amenity space than is required by the Good Design Guide and is not considered to provide suitable private outdoor amenity space for the future occupants of the scheme.
- 8.54 By virtue of these factors, whilst the proposal does not result in any significant harm to the residential amenity of neighbouring residential properties, the development does not provide adequate outdoor private amenity space, nor adequate visual amenity for the principal habitable windows for all the bedrooms within the scheme. Therefore, the development results a significant detrimental impact on the residential amenity of the future residents of the scheme, which is contrary to, and in conflict with, DM10 of the SADMP, Section 12 of the NPPF, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.55 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only 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.
- 8.56 Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:
- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
 - Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
 - Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.

- 8.57 Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.
- 8.58 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, *“The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”*
- 8.59 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.60 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.61 It is noted that the Proposed Block Plan is not correctly scaled.
- 8.62 The application site is in a location that has poor transport sustainability, which is likely to result in the future occupants of the scheme being dependent on private motorised transport to meet their day-to-day needs. Therefore, the development is contrary to Policy DM17 of the SADMP, and Section 9 of the NPPF.
- 8.63 Paragraph 3.151 of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.64 The development proposes five off-street vehicular parking spaces: two parking spaces are within an under-croft vehicle parking area, two further parking spaces are adjacent to the property, and an additional parking space is to the west of the development. This is considered to exceed the requirements of Paragraph 3.151 of Part 3 of the LHDG.
- 8.65 However, the under-croft parking area internally measures 5.7m in width x 6.5m in depth. In addition, there is less than 6m between the side elevation of the development and the adjacent stable block. Therefore, the development can only provide one parking space within the under-croft parking area and one further parking space adjacent to the scheme.
- 8.66 Whilst an additional parking space is proposed to the east, it is not considered that there are sufficient turning facilities for a vehicle to depart from the site in the forward gear without reversing for over 15m and then around the front of the neighbouring resident's access.
- 8.67 Furthermore, if a vehicle parks adjacent to the building, it is not considered that there are sufficient turning facilities for a second car to turn back round to depart from the site, without undertaking the same process. This is not considered to

reflect appropriate highway standards, and therefore the development does not provide adequate off-street parking provision and turning facilities, contrary to, and in conflict with Policy DM18 of the SADMP, and the LHDG.

- 8.68 The development utilises an existing access into the application site onto the A447 that serves Cadeby Hall and Oak Tree House. As the development replaces Cadeby Hall's residential use of the access, the scheme is not considered to result in a significant intensification of the access that results in a detrimental impact to highway safety in comparison to the existing situation.
- 8.69 Given the above, whilst the scheme is not considered to create an unacceptable impact on highway safety or the road network, the scheme is considered to be contrary to, and in conflict with Policies DM17 and DM18 of the SADMP, and the LHDG.

Conclusion and Planning Balance

- 8.70 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.
- 8.71 Policy DM4 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.
- 8.72 The Applicant has not demonstrated that the structure is no longer viable in its current use, nor that the development is not capable of conversion without significant rebuild or alteration, which is contrary to Policy DM15(a) and (b) of the SADMP respectively. Consequently, the represents new unjustified residential development in the designated open countryside, which is likely to cause significant harm to its intrinsic, value, beauty, open character, and landscape character. Furthermore, due to the poor transport sustainability of the location of the site, the development is likely to result in the future occupants of the scheme being dependent on private motorised transport to meet their day-to-day needs, which causes significant environmental harm. Therefore, the development is contrary to, and in conflict with Policies DM1, DM4, DM10, and DM17 of the SADMP, Sections 9, 12, and 15 of the NPPF, and the Good Design Guide. This is given significant weight in the planning balance.
- 8.73 In addition, the development does not provide adequate outdoor private amenity space, nor adequate visual amenity for the principal habitable windows for all the bedrooms within the scheme. Therefore, the development results a significant detrimental impact on the residential amenity of the future residents of the scheme, which is contrary to, and in conflict with, DM10 of the SADMP, Section 12 of the NPPF, and the Good Design Guide. This is given significant weight in the planning balance.
- 8.74 Whilst the scheme is not considered to create an unacceptable impact on highway safety or the road network, the scheme is considered to be in a location that suffers

from poor transport sustainability and the development provides insufficient turning and parking facilities contrary to, and in conflict with Policies DM17 and DM18 of the SADMP, and the LHDG. The poor location of the site in terms of transport sustainability is given significant weight in the planning balance. The lack of parking and turning facilities is given limited weight in the planning balance.

- 8.75 The Applicant has tried to justify their development by referring to several other planning applications (19/00604/FUL, 23/00037/FUL, and 23/00705/FUL), which all involve the residential conversion of other agricultural buildings. It is noted that all planning applications must be determined on their own merits.
- 8.76 Nevertheless, planning permission 19/00604/FUL approved the conversion and extension of an existing brick-built agricultural building that was only open on one side. As a result, this development was not considered to require significant rebuild or alteration, which is compliant with Policy DM15(b) of the SADMP.
- 8.77 Moreover, planning permission 23/00037/FUL was for the conversion of an historic and locally important agricultural barn that was only open on one side. Whilst the scheme was considered to be contrary to Policy DM15(b) of the SADMP, it was considered that the benefit of retaining a non-designated heritage asset outweighed this harm in the planning balance.
- 8.78 As of 15 September 2023, planning application 23/00705/FUL has not been formally determined by the Local Planning Authority. The development consists of the conversion of an agricultural barn that is constructed with blockwork and is bordered on three sides. In comparison to the current scheme, the existing structure is only bordered with profiled metal sheeting on one side.
- 8.79 The Applicant has also referred to planning permission 14/00574/FUL, which was for the provision of a new dwelling adjacent to the application site. This application was considered under materially different circumstances because since then there has been three updated versions of the National Planning Policy Framework, and the adoption of a new local Development Plan. In addition, Policy DM15 of the SADMP was not a relevant issue in the assessment of this application, and the development did not feature any harm to residential amenity or the lack of off-street parking and turning facilities.
- 8.80 In spite of this, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families to which limited to moderate weight is given, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services to which limited weight is given.
- 8.81 Nevertheless, these benefits when associated with one dwelling are 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.
- 8.82 By virtue of these factors, it is considered that the adverse harm to the environment, the intrinsic, value, beauty, open character, and landscape character of the countryside, and to the residential amenity of the future occupiers of the scheme, alongside the lack of appropriate parking and turning facilities significantly and demonstrably outweighs the benefits of the development. As a result, the application is considered to be contrary to, and in conflict with Policies DM1, DM4,

DM10, DM15, DM17, and DM18 of the SADMP, Sections 2, 9, 12, and 15 of the NPPF, and the Good Design Guide.

- 8.83 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

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. Recommendation

- 10.1 **Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

10.2 Reasons

1. The Applicant has not demonstrated that the structure is no longer viable in its current use, nor that the barn is capable of conversion without significant rebuild or alteration. Consequently, the proposed development represents new unjustified residential development in the countryside, which would cause significant harm to its intrinsic value, beauty, open character, and landscape character. Furthermore, due to the poor transport sustainability of the location of the site, the development is likely to result in the future occupants of the scheme being dependent on private motorised transport to meet their day-to-day needs, which causes further significant environmental harm. Therefore, the development is contrary to, and in conflict with Policies DM1, DM4, DM10, and DM17 of the SADMP, Sections 2, 9, 12, and 15 of the NPPF, and the Good Design Guide.
2. The development does not provide adequate visual amenity for the principal habitable windows for all the bedrooms within the scheme, nor sufficient outdoor private amenity space. Therefore, the development would result in a significant detrimental impact on the residential amenity of the future residents

of the scheme, which is contrary to, and in conflict with, DM10 of the SADMP, Section 12 of the NPPF, and the Good Design Guide.

3. The development provides insufficient turning and parking facilities contrary to, and in conflict with Policies DM17 and DM18 of the SADMP, and the Leicestershire Highway Design Guide.

a. **Notes to Applicant:**

1. This application was assessed by the plans submitted by the Applicant that were received by the Local Planning Authority, as follows:
 - Application Form (submitted 04.07.2023)
 - Block Plan (submitted: 10.07.2023)
 - Design and Access, Heritage Statement (submitted: 04.07.2023)
 - Existing Elevations, Floor Plans, Drg No. 1 (submitted; 04.07.2023)
 - Existing Elevations, Site Location Plan, Drg No. 2 (submitted: 04.07.2023)
 - Proposed First Floor Plan and Elevations Rev A (submitted: 06.09.2023)
 - Proposed Ground Floor Plan/ Northwest Elevation Rev A (submitted; 06.09.2023)
 - Site Location Plan (submitted: 04.07.2023)
 - Structural Report (04 09 23) (submitted: 30.08.2023)