

Paddock View, Sheepy Magna, CV9 3RT

Proposed Change of Use

Planning Statement

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JBA

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Atherstone,

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Planning Statement in Support of Change of Use Application

This planning statement is submitted in support of the planning application made to Hinckley and Bosworth Borough Council for the proposed change of use of agricultural land to domestic garden on land to the side of Paddock View, Twycross Road, Sheepy Magna, Atherstone, CV9 3RT.

The Site

The application site relates to a parcel of land located adjacent to Paddock View, Twycross Road, Sheepy Magna. The site is situated outside the settlement boundary of Sheepy Magna and is currently designated as agricultural land.

The site is owned and managed by the applicants with access achieved from the side of the applicant's residential property, Paddock View and from a gate on Twycross Road.

The site is bounded to the north and west by agricultural fields, to the east by hedge planting, Twycross Road, and the established residential curtilages of Nos. 1 to 3 Cotton Fell, and to the south by Paddock View.

The application site is not within a Conservation Area nor associated with a listed building. The site is situated within a Flood Zone 1 as per the Environment Agency's flood maps for planning purposes.

The Application

The proposal seeks a change of use of agricultural land to domestic garden. No buildings or structures are proposed as part of this application.

The Development Plan

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise.

The relevant development plan documents for this application include:

- **Core Strategy 2009**
 - **Site Allocations and Development Management Policies DPD 2016 (SADMP)**
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - **Sheepy Parish Neighbourhood Plan (SPNP) 2019**
 - S1: Countryside Assessment
 - S10: Housing Development Outside Settlement Boundaries
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Principle of Development

The application relates to the change of use of the land from agricultural use to domestic garden to serve Paddock View. The site lies outside the settlement boundary and is therefore within an area designated as open countryside, which Policy DM4 seeks to protect.

Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development to protect its intrinsic value, beauty, open character, and landscape character. It specifies that development in the countryside will only be considered sustainable if it meets specific criteria, including that it does not significantly harm the characteristics it seeks to protect. As the proposed change of use does not fall within the specific exceptions listed, it is contrary to Policy DM4.

Policy S10 of the SPNP confirms that outside the Sheepy Magna settlement boundary, permission for housing development will be limited to:

- Land allocated for residential development at Hornsey Rise Memorial Home
- Rural worker accommodation
- Replacement dwellings
- Re-use and/or adaptation of redundant rural buildings
- Other circumstances set out in Paragraph 80 of the NPPF (now Paragraph 84)
- Exception site affordable housing

The proposed change of use does not fall within these exceptions. However, Policy S1 of the SPNP states that householder development may be considered sustainable in countryside locations.

Whilst the principle of development conflicts with DM4 and S10, other material planning considerations support the grant of planning permission in this instance:

1. Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
2. Neighbouring properties (12 & 14 Rodney gardens and Holly Tree Cottage) have previously obtained planning permission to extend their domestic gardens to align with the western boundary of the application site. This precedent was established under the planning application 22/00916/FUL which was appealed for 12 Rodney Gardens.
3. The proposed site would be visible only in localised views from Nos. 1 and 2 Cotton Fell, approximately 40 meters away. There would be no undue privacy issues or impact on the adjoining agricultural land separated by a new post and rail fence along the new boundary.
4. The size and layout of the proposed garden reflect the line of development of No. 1 Cotton Fell. The site is enclosed by hedgerows, which provide containment and reduce the visual impact of the change of use on the surrounding countryside. The existing hedgerow between the proposed change-of-use land and the existing garden has been coppiced due to its sparse condition, see Appendix A, Figure 3.

5. Permitted development rights for incidental buildings or enclosures, swimming pools, or means of enclosure can be restricted through a planning condition, ensuring no harm to the visual qualities or open character of the rural area.
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Impact on Residential Amenity

Policy DM10(a) and (b) of the SADMP states that development will be permitted provided it does not have a significant adverse effect on the privacy and amenity of nearby residents or occupiers of adjacent buildings. It also requires that the amenity of occupiers is not adversely affected by nearby activities.

The proposed change of use does not involve any buildings or extensions and therefore would not impact neighbouring residential amenity. The use of the land as a garden incidental to the enjoyment of Paddock View is a compatible land use and benefits the applicant without causing harm to others. Thus, the proposal complies with Policy DM10.

Landscaping

The proposal retains the existing hedgerows, post and rail fence, seeded grass land and does not involve any changes to the landscaping or biodiversity of the site, see Appendix A, Figure 4.

Access and Parking

Access to the garden will be through the existing residential property, with no changes to access arrangements or additional parking requirements. The existing gate to access the proposed land has been removed and replaced allowing access when required, see Appendix A, Figures 1-2.

Conclusion

While the proposal does not meet the exceptions under Policies DM4 and S10 of the development plan, it complies with broader principles of maintaining the countryside's character and preserving residential amenity. Other material considerations, including precedent and the negligible visual impact of the proposal, justify granting planning permission. Conditions to restrict permitted development rights ensure no future harm to the rural character of the area.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and given the absence of planning harm, it is respectfully submitted that planning permission should be granted.

Appendix A



Figure 1 Existing gated access



Figure 2 New replacement gate



Figure 3 Existing sparse hedge whilst dwelling under construction



Figure 4 Proposed change of use land