

Delegated Report

Planning Reference 25/01037/FUL
Applicant(s) Donna Vann
Ward Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Application Site 39 Main Road, Ratcliffe Culey
Atherstone, Leicestershire

Proposal Demolition of 3 agricultural barns, erection of 3 new residential dwellings and change of use of 2 agricultural barns to residential dwellings

Case Officer Matt Jedruch (Team Leader)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the demolition of three agricultural barns, the erection of three new dwellings, and the change of use of two agricultural barns to dwellings. The proposal would therefore deliver five dwellings across the site, which currently benefits from extant planning consents for the conversion and demolition of three barns and outline permission for a replacement farmhouse.
- 2.2. The proposed layout seeks to improve the access at Main Road, and also provides a new pedestrian footway link by setting back the replacement farmhouse (Building A) to enable a depth consistent with the existing footway. Building A will be located at the site frontage, aligning with the neighbouring property (37 Main Road).
- 2.3. Building B is a proposed barn conversion located on the opposite side of the access and would continue in the north-south orientation with landscaped frontage to the entrance.
- 2.4. A new building 'C' would replace the existing barn (Class Q approval 25/00198/P3CQ), with parking on the frontage and a west-east rear garden.
- 2.5. Building D is a proposed converted agricultural building and would retain its existing positioning, with a west-east orientation, landscaping to the frontage and a large private amenity space to the north east of the site.

- 2.6. Finally, building E would replace a large barn with the formation of a detached dwellinghouse, facing west and with an eastern private amenity space.
- 2.7. All five dwellings would benefit from off-street parking, an internal footway from Main Road, an EV charging point, timber bin stores at the front of the property, and bike stores within the private amenity space. The existing public right-of-way would remain to the site boundary.

3. Description of the Site and the Surrounding Area

- 3.1. The site measures approximately 1.6 acres and is located on the northeastern edge of Ratcliffe Culey. The majority of the site as outlined by the submitted red line plan does not fall within the settlement boundary. Access to the site is available from Main Road, directly opposite the junction with Ormes Lane. Several disused agricultural buildings are located to the north of the site, two of which have recently had prior approval granted for conversion into three dwellings (25/00198/P3CQ).
- 3.2. There are a pair of semi-detached properties located to the southwest of the application site with a public house located opposite. There is a public footpath between the farmhouse and adjacent semi-detached properties. The original farmhouse dwelling adjacent to this site (within the Applicant's ownership) has been demolished and has extant outline consent for a replacement dwelling.

4. Relevant Planning History

15/00789/GDOD

- Demolition of dwelling
- PRIOR APPROVAL
- 12.08.2015

16/00795/OUT

- Replacement farmhouse (outline - all matters reserved)
- OUTLINE
- 29.11.2016

16/00796/FUL

- Temporary agricultural dwelling
- PERMIT
- 01.12.2016

20/00603/OUT

- Replacement farmhouse (outline - all matters reserved)
- PERMIT
- 13.08.2020

20/00774/P3CQ

- Prior notification for change of use of agricultural buildings to two larger dwellinghouses

- Prior Approval Refused
- 21.10.2020

20/01287/P3CQ

- Conversion of agricultural building in C3 larger dwellinghouse and associated building operations
- Prior Approval Refused
- 12.02.2021

20/01311/P3CQ

- Conversion of agricultural building in C3 larger dwellinghouse and associated building operations
- Prior Approval Refused
- 16.02.2021

20/01292/P3CQ

- Conversion of agricultural building in C3 larger dwellinghouse and associated building operations
- Prior Approval Granted
- 15.02.2021

23/00791/OUT

- Outline planning permission for replacement farmhouse (all matters reserved)
- Permission
- 06.10.2023

23/01080/P3CQ

- Change of use of agricultural building to single dwelling
- Prior approval refused.
- 24.01.2024

24/00887/P3CQ

- Notification to determine if Prior Approval is required for the change of use and conversion of four agricultural buildings to form six dwellinghouses
- Prior approval refused.
- 13.11.2024

25/00198/P3CQ

- Notification to determine if Prior Approval is required for the change of use of two agricultural buildings to three dwellinghouses
- Prior approval granted.
- 25.04.2025

5. Publicity

5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.

5.2 One comment was received in support of the proposals, stating that the site has needed redevelopment for a significant amount of time, and that the proposals would enhance the appearance of the site and the village.

6. Consultation

- Local Highway Authority: No objections subject to conditions
- LCC Ecology – no objections subject to conditions
- Witherley Parish Council – No objection
- HBBC Environmental Health – No objections subject to conditions
- HBBC Drainage – No objections subject to conditions
- HBBC Waste – No comment

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon 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 DM14: Replacement Dwellings in the Rural Area
- 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) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

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

- 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

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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.
- 8.3. 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. 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).
- 8.4. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.5. Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.6. In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.7. Whilst some of the housing policies in the Development Plan are considered not to be out of date, due to the lack of a 5-year housing land supply, paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to

weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise.

- 8.8. Ratcliffe Culey is identified as a Rural Hamlet in the Development Plan. Rural Hamlets are small rural settlements with limited to no service provision, public transport provision, or a retail offering, and largely have no employment provision. As such, the Development Plan does not allocate housing figures to these settlements as significant residential growth is considered unsustainable and would lead to additional car journeys to service centres.
- 8.9. Aside from the replacement farmhouse, the site is located outside of the settlement boundary for Ratcliffe Culey and falls within open countryside. Therefore, Policy DM4 is applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- 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
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation. And:
 - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development.
- 8.10. With the exception of the re-use of Buildings B and D (assessed in the report below), the development does not fall under any of the categories identified in DM4 as sustainable development and so there is conflict between the proposed development and the policy.
- 8.11. This issue will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.12. In terms of the sustainability credentials of Rural Hamlets for accommodating new residential development, these settlements have limited, if any services, and

generally rely on Key Rural centres or surrounding urban areas for schooling, employment and the provision of goods and services. Rural Hamlets are therefore not considered to be sustainable locations for new housing development and are confined to infill housing (within the settlement boundary), and the conversion of rural buildings.

8.13. Policy DM14 of the SADMP supports the replacement dwellings in the rural area subject to:

- the proposal leading to an enhancement of the immediate setting and general character of the area
- the new dwelling being proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage
- the development being in accordance with Policy DM10

8.14. Whilst the Class Q permission for the conversion of Building C has not yet been implemented, the principle of residential use of the building has been established through the previous permission and through conversations with the applicant the Class Q permission is a realistic fall-back position. It is therefore considered that the proposed demolition and rebuilding of this dwelling is acceptable in this case, subject to the building meeting the criteria of Policy DM14.

8.15. In regard to Policy DM15 of the SADMP, the policy 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 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 situated within the original curtilage; and
- d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance. All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.

8.16. The supporting text to Policy DM15 recognises that: '...buildings in the rural area are often attractive, frequently constructed from local materials and often reflect the local vernacular, which in turn contribute significantly towards the character and diversity of the area in their existing form'. It goes on to state that '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 and constructed.'

- 8.17. The proposal can be assessed in three parts, the first being the replacement farmhouse which has extant consent under permission 23/00791/OUT and is therefore acceptable in principle.
- 8.18. The second part is the two converted agricultural buildings permitted under 25/00198/P3CQ, and relate to buildings C and D. This permits the conversion of two agricultural buildings to three dwellings, whereas the current proposal would result in the conversion of building D to one dwelling (as opposed to two in the Class Q permission), and the demolition and rebuild of Building C. Whilst the Applicant has not demonstrated whether the building is no longer viable in its current use, the principle of residential development has been established via the Class Q permission. The erection of the new detached dwelling (Building E) is considered acceptable on the basis that the net additional number of dwellings would be the same, as the principle of development has been established for three additional dwellings. Put simply, the associated vehicle movements associated with residential development would be similar whether the Class Q or this planning permission were implemented, therefore in sustainability terms the LPA are satisfied the proposal would have no greater long-term environmental impacts than the Class Q fall-back position. Furthermore, the proposed layout for Building D would result in a favourable amenity relationship and is therefore considered acceptable on balance, subject to the design considerations later in this report.
- 8.19. Lastly, Building B is an existing, redundant agricultural building which is not considered viable in its current use due to the wider redevelopment of the site and the ceasing of agricultural use on the site. Building B was formerly used as a small-scale building for animal storage and is not suitable for modern farming as it would not provide sufficient clearance for storing vehicles or for large-scale feed operations. It is acknowledged that modern farming practices predominantly require purpose-built structures for animals. Additionally, the Applicant has provided a structural report which concludes that the building is capable of conversion without significant rebuild or alteration, meeting criterion (b) of Policy DM15. It is therefore considered that the conversion of Building B is acceptable in principle in accordance with Policy DM15 of the SADMP.

Housing Land Supply

- 8.20. Chapter 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.
- 8.21. Paragraph 73 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, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.22. 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.

- 8.23. The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by Autumn 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.24. In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, 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 strong 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.25. When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.26. The development is for three residential properties, 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.
- 8.27. Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing three dwellings within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.28. Section 11 of the NPPF deals with making effective use of land and paragraph 125d) states that decisions should support the development of under-utilised land, especially where it would help to meet identified needs for housing when housing land supply is constrained

- 8.29. In summary, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged whereby 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. Nevertheless, whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing three dwellings within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.30. 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.
- 8.31. The Good Design Guide aims to protect the character of agricultural buildings and limit significant alteration. Conversions of agricultural buildings should be guided by a clear understanding of the building, its existing external appearance, its internal configuration, and the nature of its setting.
- 8.32. The proposed replacement farmhouse (dwelling A) is sited broadly on the footprint of the demolished farmhouse and would importantly maintain the linear relationship and reinstate the streetscape with the neighbouring dwellings to the west on Main Road. The proposed replacement farmhouse is of a similar scale and appearance to the previous building, incorporating a detached two-storey design built in red brick with a gable roof form, with timber mullioned windows, well-proportioned bay window and porch on the ground floor, two chimney stacks, and a subordinate two-storey extension to the east elevation.
- 8.33. The proposed restoration and conversion of existing dwellings B and D into residential dwellings would retain most of the rural character and appearance of the existing buildings and the site's previous agricultural use.
- 8.34. Dwelling B is a former agricultural barn. The proposals retain the original brickwork to the walls, along with the original ventilation slits. A combination of casement windows and conservation rooflights are proposed, and the design has utilised existing openings and retained original features where possible. Structural alterations are required including a new roof, however this has been sensitively designed to ensure that the traditional agricultural character of the building is retained. Whilst the addition of a timber porch is not strictly an agricultural feature, it is not considered to be a prominent design feature and is acceptable in this case.
- 8.35. Dwelling C is a proposed new-build dwelling located on the footprint of existing agricultural Building 5, which is to be demolished as part of the redevelopment. The proposed new dwelling has been designed to respect the established building line within the site. It would maintain the existing plot width and align in depth with Dwelling B to the south, ensuring a strong sense of enclosure and continuity within the courtyard arrangement. The dwelling has been designed with a ridge height

slightly lower than that of the adjacent retained barn (Dwelling B), reinforcing the hierarchy of built form while preserving important views across the site.

- 8.36. Dwelling D is an agricultural barn located between dwellings C and E and orientated perpendicularly to these neighbouring buildings. The building is prominently visible from the site entrance and Main Road on the approach to Ratcliffe Culey from the east. The proposed design retains many of the original features of the barn, including the original floor to ceiling entrance, which is appropriately contrasted with timber cladding as opposed to brick. The proposal features a mix of conservation roof lights and timber or aluminium framed windows.
- 8.37. Dwelling E is a proposed new-build dwelling located toward the northern rear of the site, on land formerly occupied by a large agricultural shed (Building 3). The siting of the building would introduce a domestic design in the northern part of the site, disrupting the legibility and continuity with the neighbouring converted barns and courtyard layout. The dwelling has been designed in a traditional rural style, reflecting the proportions, form, and materiality of surrounding development. Its pitched roof, simple massing, and carefully selected materials would assimilate within the wider site context and rural setting. The dwelling echoes architectural features of the replacement farmhouse, with a gable roof design, chimneys, red brick and timber/aluminium windows. Whilst the siting of the dwelling detracts from the legibility and continuity of the character of the site, in this specific case it is considered acceptable on balance given the quality of the design, and the limited views of the dwelling due to its positioning at the rear of the site and partial screening from Main Road by Dwelling D.
- 8.38. The designs of B and D have been amended to reduce the number of openings at the request of the LPA, to maintain an agricultural appearance whilst ensuring that adequate light and ventilation is possible.
- 8.39. It is considered that, on balance, the proposals retain the rural and agricultural character of the site, and do not lead to an unacceptable degree of harm to the intrinsic character, and beauty of the countryside. By virtue of the proposed design, appearance, size, scale, and massing of the development, the scheme is considered to conform with the requirements of Policy DM10 of the SADMP and the aims of the Good Design Guide.

Impact upon Residential Amenity

- 8.40. Key Policy Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.41. 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.

- 8.42. The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.43. Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.44. There are no neighbouring residential properties that would be adversely impacted by the proposal, and separation distances are adhered to throughout the proposed scheme. The proposed development is therefore not considered to result in any significant adverse impacts to the residential amenity.
- 8.45. Dwelling D is proposed to be converted and its siting and scale would result in a breach of the 45-degree rule to the front habitable room of dwelling C (kitchen and dining) and rear habitable room of dwelling E (bedroom 4 and living room). Whilst this would usually be resisted, it is accepted that this would not be causing any harm to existing occupiers of the dwellings and would be a “buyer beware situation” in any case.
- 8.46. It is noted that the bedrooms on the first floor of Dwelling C, and two of the three bedrooms in Dwelling B do not have traditional wall mounted windows and rely solely on roof lights for natural light and ventilation. Whilst this would not usually be acceptable situation in terms of living standards, it is considered acceptable in this specific case as the scheme relies on the conversion of Building B and the requirement for Building B to resemble an agricultural building, with minimal openings on the walls.
- 8.47. As a result, the development is not considered to result in any significant adverse impacts to the residential amenity of the future occupiers of the scheme as a result of loss of light or loss of privacy, nor any adverse overbearing or overlooking impacts.
- 8.48. To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.49. All five of the proposed dwellings comply with the minimum requirements of the NDSS, which is considered to protect the residential amenity of the future occupiers of the scheme.
- 8.50. To comply with the Good Design Guide, two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m. This increases to 80sqm for three-bedroom properties. All five of the proposed

dwelling provide with sufficient private outdoor amenity space in accordance with the Good Design Guide, which is considered to protect the residential amenity of the future occupiers of the scheme.

- 8.51. A condition has been included to remove permitted development rights (Part 1, Schedule 2 Classes A – E) to ensure that the identified overbearing impacts are not exacerbated, and to ensure that the site retains its rural and agricultural character and appearance
- 8.52. By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of the neighbouring properties or the future occupiers of the development in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.53. Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. 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)) (2024).
- 8.54. The scheme utilises a vehicular access onto Main Road, which is an adopted classified 'C' road that is subject to a 30mph speed limit. Leicestershire County Council as the Local Highway Authority (LHA) confirmed that the proposed site access is in accordance with Figure 14 and Table 13 of the LHDG.
- 8.55. The application site includes Public Right of Way (PRoW) Footpath T12 the route. The National Planning Policy Framework (NPPF) paragraph 105 requires:
- 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.'*
- 8.56. The Design and Access Statement paragraph 5.6 proposes the PRoW will "be sensitively enclosed and protected by a 1.8m high close-boarded timber fence forming the side boundary to House A". This is contrary to the LHDG paragraphs 7 and 8. This also unlawfully obstructs the width of the footpath which is defined by the common law "hedge-to-hedge" or "boundary-to-boundary" presumption as being the full width between the boundaries. Whilst this matter will need to be addressed, this can be dealt with via condition.
- 8.57. Following the LHA's thorough review of all Personal Injury Collisions within 500m in either direction of the site access in the most recent five-year period, the LHA confirmed that no PICs were recorded in direct connection with the existing access and the LHA are satisfied that there no patterns or trends identified within the data.

Therefore, the LHA confirmed that the development proposal was unlikely to exacerbate any existing highway safety situations in the area.

- 8.58. 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.
- 8.59. Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms.
- 8.60. Each plot is provided with the requisite number parking spaces, with three spaces provided for Dwellings A, D and E (5, 4 and 4 bedrooms respectively) and two spaces for Dwellings B and C (3 bedrooms) which meets the minimum quantum requirements of Table 28 of the LHDG. Therefore, the off-street parking provision is acceptable in these site-specific circumstances.
- 8.61. By virtue of these factors, the proposal is not considered to create an unacceptable impact on highway safety or the road network, subject to conditions, and in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which

makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion and Planning Balance

- 10.1 To summarise, the principle of development has been established by a combination of extant Class Q permission fallback position, outline permission and the capability of conversion of existing agricultural buildings.
- 10.2 The provision of five dwellings would make a limited contribution to the housing land supply shortfall of the Borough, but a meaningful contribution to the rural hamlet of Ratcliffe Culey. It is considered that the proposals when assessed as a whole make a positive contribution to the character and appearance of the site and surrounding area and makes efficient use of a disused agricultural site. There are no concerns from a neighbouring amenity, highway, or ecology perspective, subject to conditions. Any adverse impacts of the scheme identified in the assessment of the Local Planning Authority would not significantly and demonstrably outweigh the benefits of the proposals when assessed against the policies in the Framework taken as a whole.
- 10.3 Therefore, taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission should be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Proposed Site Plan (240-302 Rev F) (submitted: 15.05.2026)
 - House A Proposed Elevations (240-321) (submitted: 27.10.2025)
 - House A Proposed Plans (240-320) (submitted: 27.10.2025)
 - House B Proposed Elevations (240-323 Rev B) (submitted: 10.03.2026)

- House B Proposed Plans (240-322 Rev B) (submitted: 10.03.2026)
- House C Proposed Elevations (240-325 Rev B) (submitted: 10.03.2026)
- House C Proposed Plans (240-324 Rev B) (submitted: 10.03.2026)
- House D Proposed Elevations (240-327) (submitted: 27.10.2025)
- House D Proposed Plans (240-326) (submitted: 27.10.2025)
- House E Proposed Elevations (240-329 Rev B) (submitted: 10.03.2026)
- House E Proposed Plans (240-328 Rev B) (submitted: 10.03.2026)
- Site Location Plan (240-300) (submitted: 27.10.2025)

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. Prior to the commencement of development, a scheme for the investigation of any potential land contamination on the site shall be submitted to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.

The agreed details shall be implemented throughout the course of the development.

Site preparation and construction shall be limited to the following hours;

Monday – Friday: 07:30–18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

Reason: To safeguard the amenity of nearby residents in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the possibility of surface water from the site being deposited in the highway and to reduce the possibility of flood risk, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 164 of the National Planning Policy Framework (2024).

7. No part of the development hereby permitted shall be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout Plan 240-302 Rev F. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to ensure that vehicles entering and leaving the site may pass each other clear of the highway in a slow and controlled manner, and to enable vehicles to enter and leave the site in a forward direction, in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2024).

8. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRoW alignments, or any legal processes to ensure they do so in future; and any new construction works. Physical construction should address width, surfacing, drainage, structures, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire Highway Design Guide on Development and Public Rights of Way at: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts->

[and-design/public-rightsway](#). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework Dec 2024.

9. Prior to first occupation, a scheme for PRow barriers in land boundaries, should be formulated by the developer and approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire Highway Design Guide on Development and Public Rights of Way.

Reason: to ensure the path is easier to use in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

10. Prior to the completion of the development, a signage scheme in respect of the Public Right(s) of Way, should be formulated by the developer and approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire Highway Design Guide on Development and Public Rights of Way.

Reason: To protect the legibility of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (2024).

11. No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

Reason: to prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

12. The Footpath through the built-up area between points B and D should comprise a 2-metre wide constructed surface with a 1 metre grass verge either side in accordance with the Leicestershire Highway Design Guide on Development and Public Rights of Way.

Reason: to provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

13. No part of the development hereby permitted shall be occupied until a scheme of hard and soft landscaping works for the site, including boundary treatments, and an implementation scheme, shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and

seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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).

14. Notwithstanding the provisions of Classes A, AA, B, C, D, E and G of Part 1 and Class A of Part 2 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, buildings incidental to the enjoyment of the dwellings or the erection of means of enclosure shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development above foundation level shall commence on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority:

- External materials details (including material, colour and bond).
- Roof tile (including material and colour)
- Windows and doors (including style, specification, frame material, finish, colour, reveal, cill and header treatments)
- Rainwater goods (including style, specification, frame and colour)

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).

16. The development hereby permitted shall be implemented in strict accordance with the measures stated in section 4.3 of the Preliminary Ecological Appraisal (LWMTS, July 2025).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016) and Paragraph 192 of the National Planning Policy Framework (2024).

17. The windows serving en-suites and bathrooms on all dwellings shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once provided the window(s) shall be maintained in perpetuity.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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 building.control@blaby.gov.uk or call 0116 272 7533.
2. BNG Statutory Condition + Note
3. In relation to Conditions 3 and 4, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
4. The Applicant needs to apply to the Local Highway Authority for a Vehicle Access (Dropped Kerb) Permit before undertaking any works. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.
5. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicant must ensure all necessary licences/ permits/ agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
6. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.

7. Any access drives, parking and turning areas, 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 Environment Agency guidance on the permeable surfacing of front gardens).
8. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).

It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.