



Cottage Farm
Kirkby Lane
Newbold Verdon
LE9 9LN

PLANNING STATEMENT

Project: Variation of condition 2 of planning permission 24/00733/FUL (Proposed replacement of residential dwelling, new fence and associated works)

Client: Mr Charlie Green

Prepared by: LB Planning

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1. INTRODUCTION

- 1.1. On behalf of Mr C Green, ('the Applicant'), LB Planning confirms submission of an application under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of planning permission 24/00733/FUL (Proposed replacement of residential dwelling, new fence and associated works).
- 1.2. The proposal remains the replacement of the existing dwelling with a replacement two-storey dwelling, together with the new fence and associated works. The Section 73 application is required because the design of the approved replacement dwelling is being amended and, as a result, the drawings referenced by condition 2 are proposed to be varied accordingly.
- 1.3. The principle of development has already been accepted through the extant permission and is not what this submission seeks to revisit. The focus of the application is the acceptability of the amended design.
- 1.4. The extant permission is capable of being implemented and therefore represents a realistic fallback position. The submitted Existing Block Plan (plan reference no. 2601/01) is particularly material in the determination of this application as it plots the existing dwelling, the outline of the approved dwelling (blue dotted line), and the outline of the new proposed scheme (red line), allowing a clear comparison between the current position, what is already permitted and what is now proposed.
- 1.5. In addition, the Existing Block Plan shows that the approved dwelling is positioned closer to Kirkby Lane than the front elevation of the amended plans. In practical terms, the approved scheme would present a more forward and visually assertive building position in relation to the public highway, whereas the amended scheme sits further back within the plot, reducing its immediate presence.
- 1.6. This Section 73 application seeks permission for the same development in substance, with the same description of development, but with the approved plan references updated to reflect revised drawings. The extant consent therefore remains the baseline position, alongside the remaining presence of the existing dwelling.
- 1.7. The extant approval also provides context, whereby it confirms that a two-storey replacement dwelling of staggered footprint has already been found acceptable in principle and design terms. The amended scheme represents a proportionate

farmhouse design that sits comfortably within the setting, reflects the advice provided through officer engagement, and compares favourably with the implementable fallback position.

2. SITE AND SURROUNDING AREA

- 2.1. The site lies on Kirkby Lane and is outside the settlement boundary, therefore within the open Countryside. The site contains the existing two-storey dwelling along with buildings associated with the agricultural holding, together with parking and domestic curtilage. The site benefits from existing mature hedgerow boundary treatments fronting the highway, which provides substantial screening from Kirkby Lane.
- 2.2. The surrounding area comprises sporadic dwellings along Kirkby Lane, with agricultural land between and to the rear, rather than a uniform streetscape.

3. PLANNING HISTORY

- 3.1. Planning permission 24/00733/FUL established that a replacement dwelling is acceptable in principle. Following the grant of permission, the Applicant has sought to progress a design that relates better to the farm setting and reflects a farmhouse character, whilst providing a home that meets modern living requirements and improved energy performance.
- 3.2. A subsequent amended design was pursued under 25/00634/FUL but was withdrawn following a prolonged period of engagement. A new architect has since been appointed and the design approach has been informed by feedback from the withdrawn application, and subsequent correspondence with the planning officer.
- 3.3. Feedback from the planning officer indicated that initial plans presented a Georgian appearance, and that a farmhouse-style was preferred. Examples were provided to indicate the type of approach being sought. It was also indicated that an "L" shaped footprint was supported in principle, alongside minor footprint refinements. The amended scheme has been proposed as the response to that feedback, with the aim of achieving a simpler farmhouse character that is wholly in keeping with the farm setting and character of the area.

4. THE PROPOSED DEVELOPMENT

- 4.1. This Section 73 planning application seeks approval to vary the approved plans for the replacement dwelling. The intention is to provide a farmhouse-style home that relates better to the farm setting, whilst meeting modern living requirements and improving energy performance.
- 4.2. The proposals are shown on the following submitted plans:
- 2601/01 Existing block plan
 - 2601/02 Proposed block plan
 - 2601/03 Proposed ground plan
 - 2601/04 Proposed first floor plan
 - 2601/05 Proposed north and south elevation
 - 2601/06 Proposed west and east elevation
 - 2601/07 Proposed roof plan
- 4.3. The proposals retain the established access and provide on-site parking/turning, together with a proposed double garage. The block plan indicates retention of established boundary landscaping, which helps the development sit within the plot and continues to screen views from Kirkby Lane.
- 4.4. Solar panels are shown on the roof plan and elevations, with panels on the south-facing roof slope. This is a clear sustainability measure and supports the wider objective of improving energy efficiency and reducing carbon emissions.

5. PLANNING POLICY CONTEXT

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. National planning policy is a material consideration.
- 5.2. The Development Plan comprises the adopted policies of:
- Hinckley and Bosworth Core Strategy (2009); and
 - Site Allocations and Development Management Policies DPD (SADMP) (2016).
- 5.3. The Development Plan is supplemented by:
- the Good Design Guide SPD.

- 5.4. National policy is set by the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance.

Hinckley and Bosworth Core Strategy (2009)

- 5.5. The Hinckley and Bosworth Core Strategy sets the strategic spatial approach for the Borough up to 2026 and provides the overarching policy context for decision-making.
- 5.6. Whilst the detailed assessment of the proposal is primarily undertaken through the SADMP policies (see below), Policy 7 (Key Rural Centres) makes it clear that development should achieve high environmental standards. This supports the sustainability measures incorporated into the amended design, including improved energy performance and the inclusion of solar panels.
- 5.7. Policy 24 (Sustainable Design and Technology) supports this objective, by focusing on sustainability credentials, adding weight to the amended scheme, which seeks to improve energy efficiency and incorporate renewable energy generation as part of a high-quality replacement dwelling.

Site Allocations and Development Management Policies DPD (SADMP) (2016)

- 5.8. The SADMP provides the detailed development management framework used to assess planning applications.
- 5.9. Relevant SADMP policies include DM1 (Presumption in Favour of Sustainable Development), DM4 (Safeguarding the Countryside and Settlement Separation), DM10 (Development and Design), DM14 (Replacement Dwellings in the Rural Area), DM17 (Highways and Transportation) and DM18 (Vehicle Parking Standards).
- 5.10. Policy DM14 provides the specific framework for replacement dwellings outside the settlement boundary. In summary, it supports replacement dwellings where the proposal leads to an enhancement of the immediate setting and general character of the area, where the new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage, and where the proposed development accords with DM10 and other relevant policies.
- 5.11. Policy DM10 is the principal design policy and requires new development to complement or enhance its surroundings, having regard to matters such as scale,

layout, density, mass, design, materials and architectural features. For the purposes of this application, DM10 is particularly relevant because the main change sought is a revised design.

- 5.12. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Although replacement dwellings are assessed primarily through DM14, the countryside context remains an important part of the overall assessment, particularly in relation to how the building sits within the site, its rural surroundings and its relationship with Kirkby Lane.

Good Design Guide SPD (2020)

- 5.13. The Good Design Guide SPD emphasises that good design is not limited to architectural style; it also requires a clear relationship with the site and its surroundings, including appropriate siting, scale, massing and proportions, and a coherent elevation composition. It also encourages design solutions that respond to local character and the site-specific circumstances, rather than applying a “one size fits all” approach.
- 5.14. In this case, those principles support an assessment which considers the proposal as a whole, including the relationship of the front elevation to Kirkby Lane, the degree of enclosure and screening provided by the established hedgerow.

National Planning Policy Framework (NPPF) (December 2025)

- 5.15. The NPPF is a material consideration and places clear emphasis on achieving well-designed places. It supports development that is sympathetic to local character, including the surrounding built environment and landscape setting, while recognising that good design should also meet the needs of occupants and be fit for purpose.
- 5.16. In the context of this application, national policy supports a balanced judgement that considers whether the amended design provides a more appropriate response to the site and its setting than the implementable fallback position. It also supports giving weight to clear planning benefits where they arise from the amended scheme, including improved design quality in context, reduced prominence through siting

further back within the plot, and the inclusion of sustainability measures such as solar panels and improved energy performance.

6. PLANNING ASSESSMENT

Principle of development

- 6.1. The principle of a replacement dwelling is established by extant permission 24/00733/FUL. This Section 73 application does not seek a different form of development; it seeks approval of amended drawings for the replacement dwelling already permitted.

Design, character and appearance

- 6.2. A key consideration in the determination of the application is design and how the amended scheme sits within the site and its rural surroundings. The site is associated with agricultural uses and includes a number of agricultural buildings. It also benefits from mature hedgerow between the site and the highway. These characteristics impact the way development is experienced from Kirkby Lane and the degree of screening that already exists.
- 6.3. The amended scheme reads more clearly as a farmhouse than the approved scheme. This responds directly to advice from the planning officer, whereby a farmhouse-style dwelling was recommended as appropriate to the setting and more in keeping with the surrounding farm context.
- 6.4. Planning permission 24/00733/FUL remains an important baseline, whereby it confirms that a two-storey replacement dwelling with a staggered footprint has already been accepted as appropriate in scale, massing and size in comparison to the existing dwelling. It is noted from the officer report that amendments were requested during the assessment of the permitted application to break up the massing when approaching from the north, and that the approved scheme was considered acceptable in design terms and not harmful to the character of the area or countryside.
- 6.5. Against that context, and given the approach taken during the determination of the approved scheme, the assessment for this application should consider the amended

design in its own right under DM10 and DM14, and whether it results in any greater harm than the approved scheme, which can be implemented. The amended scheme is presented as an enhancement to the permitted design, as it proposes a dwelling that reads as a farmhouse within a farm setting, rather than a more contemporary barn-inspired design. This is directly relevant to DM14's objective of achieving enhancement of the immediate setting and general character.

Impact on the site and setting

- 6.6. The extant permission is capable of being implemented and therefore represents a genuine fallback position and an important baseline in the assessment of this application. The Court of Appeal has confirmed that, where there is a real prospect of a fallback scheme being carried out, it is capable of being a material consideration, and the decision-maker may give it weight in the planning balance (*Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314). The same approach is reflected in *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] EWCA Civ 333. On that basis, the approved scheme provides a realistic comparator for judging the amended design and its effects on the site and wider setting.
- 6.7. It is essential that when officers are considering the design proposed, a consistent approach is adopted, taking account of the extant planning permission that can be implemented and the actual relationship between the building and Kirkby Lane.
- 6.8. Plan no. 2601/01 provides a direct comparison between the approved outline and the proposed scheme, and shows that the approved dwelling is positioned further forward within the site, closer to Kirkby Lane. If implemented, this would place a substantial two-storey replacement dwelling in a more prominent position relative to the public highway. In contrast, the amended scheme is set further back, which reduces the immediate impact of the front elevation in views from the lane.
- 6.9. With regard to the width of the proposed front elevation, it is important that this is not approached in isolation from siting. If the width of the existing dwelling is being used as a key benchmark, then it is inconsistent to disregard the fact that the approved replacement dwelling has been accepted in a materially more forward position within the plot. As such, the baseline for "impact" is not solely a question

of how wide a façade is, but also where that façade sits in relation to the road and how it is experienced from public views. The extant permission has already accepted a replacement dwelling which, in view of its siting within the site, sits forward of the existing dwelling, so would have a greater presence by virtue of being closer to Kirkby Lane.

- 6.10. Similarly, the existing dwelling does not comprise a simple two-storey block to the front elevation. The existing plans show that the dwelling includes single-storey and ancillary elements across parts of the building line, meaning the overall frontage of the existing dwelling is materially wider than the two-storey element alone.
- 6.11. If a comparison is drawn only to the width of the two-storey element of the existing dwelling, that risks presenting an incomplete picture of the built form currently on site. The full built form of the existing dwelling, including the single-storey parts, is a material part of the existing dwelling, particularly when considering how the dwelling is viewed from Kirkby Lane.
- 6.12. It is essential to note that policy DM14 does not set a limit on frontage width. The policy tests are proportionality (scale, mass and footprint) and whether the replacement dwelling enhances the immediate setting and general character, alongside compliance with DM10. The assessment within 24/00733/FUL concluded the replacement dwelling was proportionate and acceptable in design terms. On this basis, the amended scheme remains proportionate and is submitted to enhance the site via a farmhouse-style proposal, with the additional benefit of a more set-back position within the site. In that context, and taking account of the relationship with Kirkby Lane as shown on the Existing Block Plan, the amended design provides a more appropriate response to the site and its setting, meeting the requirements of DM14 that dwellings should enhance the immediate setting and general character.

7. CONCLUSION

- 7.1. Planning permission 24/00733/FUL establishes the principle of a replacement dwelling. This Section 73 application seeks approval of amended drawings only, through the variation of condition 2.

- 7.2. The amended scheme represents an improvement in design terms, presenting a more appropriate farmhouse-style appearance that sits comfortably within the established farm setting. The design responds positively to the rural context of the site and benefits from the presence of established boundary hedging, which continues to filter views from Kirkby Lane and manage the perception of built form from the public realm.
- 7.3. When assessed against the approved scheme that could still be implemented, it is evident that the permitted dwelling would sit closer to Kirkby Lane and would present a more prominent relationship with the highway. The amended scheme is set further back within the plot, reducing its visual presence and providing a more appropriate relationship with the road and the wider countryside. In this respect, the proposal compares favourably with what is already permitted.
- 7.4. The amended dwelling remains proportionate in terms of scale, mass and footprint and is submitted to better meet the objectives of Policy DM14 in enhancing the immediate setting and general character of the area, while also complying with the design requirements of Policy DM10.
- 7.5. For these reasons, the proposed variation to condition 2 is considered acceptable in planning terms and it is respectfully requested that planning permission is granted.