



Delegated Report

Hinckley & Bosworth
Borough Council

Planning Ref: 25/00977/FUL

Applicant: Mr Dave Cullen

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 8 Cadeby Court, Sutton Lane, Cadeby, Leicestershire

Proposal: Subdivision of the existing dwelling into two dwellings, formation of parking areas and the erection of boundary treatments (retrospective)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This application seeks full planning permission for the following:

- Subdivision of the existing dwelling into two dwellings
- Formation of parking areas, with raised planting to the boundary to provide separation
- Erection of a 1.8m boundary treatment to the rear to provide separation
- Two rooflights to the front elevation
- Three rooflights to the south facing side elevation
- One door to the rear elevation of proposed Plot 2

3. Description of the site and surrounding area

3.1. The application site lies in the countryside to the south east of the rural hamlet of Cadeby. The application dwelling lies within a recent residential development for 8 dwellings. The dwellings are arranged in a square around a large central courtyard with vehicle circulation, parking and central landscaping.

3.2. The site occupies the southwest corner of the development with an 'L' shaped footprint and is single storey with accommodation within the roof space.

3.3. The dwelling has the appearance and character of two separate dwellings, with separate entrance doors and meter boxes to each end of the façade.

4. Relevant planning history

15/00416/FUL

- Cessation of the architectural salvage and reclamation yard and removal of the existing poultry buildings for the erection of 8 dwellings and associated works
- PER
- 19.02.2016

19/00543/HOU

- Loft Conversion and the insertion of roof lights

- PER
- 27.09.2019

23/00219/HOU

- Internal and external alterations to include new doors opening and rooflights
- PER
- 04.05.2023

23/00221/HOU

- Garden room with canopy and children's play equipment (retrospective)
- PER
- 04.05.2023

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.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objections or comments received from:
 - LCC Highways
 - HBBC Pollution
 - Cadeby Parish Council

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policies
- 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 DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. Section 171B of the Town and Country Planning Act 1990
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. The site is located within a rural hamlet and located in an area designated as open countryside. As such, the proposal would result in the creation of a new dwelling in the countryside.
- 8.2. Officers have visited the site and note that the property has the distinct appearance of two separate dwellings, due to the entrance doors and metre boxes to each end of the façade. Furthermore, it appears that the layout on site differs to the approved layout plan of the permission for the wider development of the site, with increased parking, additional landscaping and a pathway leading to an entrance door to the northern end of the building.
- 8.3. Council tax records indicate that the property has been used as a separate dwelling since 4 August 2019. However, the application submission and form make no reference to works for the subdivision of the dwelling having commenced.
- 8.4. On the balance of probability, it appears that the subdivision of the property and creation of an additional dwellinghouse have taken place within 4 years, and before 25 April 2024 (changes to planning enforcement time limits) and therefore considered immune from enforcement action.
- 8.5. As a planning application has been submitted for the proposal and not a certificate of lawfulness, it is considered that although the proposal would otherwise be unacceptable, the immunity of the development from enforcement action is a significant material consideration.
- 8.6. The LHA have reviewed the application and raise no objection to the proposal, referring the LPA to standing advice. Ample off-street parking is available for each dwelling, comprising of 3 driveway spaces for Plot 1 and 1 garage space and 2 driveway spaces for Plot 2.
- 8.7. Proposed alterations are minor and considered in keeping with the original house. The proposed roof lights are as previously approved under the 2023 application. A condition is recommended for materials to match with the existing house and for all rooflights to be to the required conservation standard. In addition, a condition is recommended to remove all householder permitted rights and in line with the original planning permission for the 8 dwellings.
- 8.8. The proposal is not considered to result in any adverse harm to neighbouring amenity in all respects.
- 8.9. Each dwelling would be served with ample private amenity space, with the addition of a 1.8m close boarded fence to provide screening and privacy between the neighbouring plots.

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

10.1. Notwithstanding the location of the site outside of any settlement boundary and therefore within designated countryside, on the balance of probability, it appears that the subdivision of the property and creation of an additional dwellinghouse have taken place within 4 years and before 25 April 2024. Therefore, in this instance, the proposal is considered acceptable.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The materials to be used on the external elevations of the proposed alterations hereby permitted shall match the corresponding materials of the existing dwelling and shall only include conservation style roof lights fitted flush with the roof plane.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The dwellings hereby approved shall not be extended, altered, or subject to development within the individual residential curtilages, under Schedule 2 Part 1 (Classes A, B, C, D, E, F and G) 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), without the grant of planning permission for such extensions by the Local Planning Authority.

Reason: To ensure that the development does not have a detrimental impact on the character of the development in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. 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 and as follows:

Site Location Plan – Received 8 October 2025

Proposed Site and Roof Plan – Drg. No. 25.4586.06, Received 9 October 2025

Proposed Elevations Received 8 October 2025 – Drg. No. 25.4586.07, Received 9 October 2025

Proposed Partial Ground Floor Plan – Drg. No. 25.4586.08, Received 9 October 2025

Proposed Partial First Floor Plan Received 8 October 2025 – Drg. No. 25.4586.09, Received 9 October 2025

Proposed Partial Ground and First Floor Plan Received 8 October 2025 – Drg. No. 25.4586.10A, Received 9 October 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).

11.3 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.