

# Planning Statement

October 2025

Red House Farm, Ratcliffe Culey

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# 1 Introduction

1.1 Holland Lloyd has prepared this Planning Statement on behalf of Root2Lean Ltd (the applicant). Its purpose is to set out the planning case in support of a detailed planning application for the Red House Farm site, 39 Main Road, Ratcliffe Culey, Atherstone.

1.2 The description of the development proposed is:

*Demolition of 3 agricultural barns, change of use and renovation of 2 barns to residential, and erection of 3 new residential buildings, landscaping (hard and soft) and associated works.*

1.3 The proposed development will deliver the following core benefits:

- The regeneration of a brownfield site that benefits from extant class Q and outline planning permissions.
- Delivery of residential accommodation adjacent to local services and facilities.
- Public realm improvements through the site regeneration.
- A stop to the continued decline of agricultural buildings, negatively impacting the local area.
- A biodiversity net gain.
- Provision of employment opportunities during the demolition and construction of the site.
- Financial contributions to the Council through the ongoing council tax receipts resulting from the development of new residential accommodation.
- High-quality design that respects and retains historic agricultural buildings, wherever possible.

## Background

1.4 This planning proposal follows an extensive period of design development, engagement with the local planning authority, and planning preparation.

1.5 The application site includes former agricultural buildings northwest of Main Road, with a range of building types and quality across the site. Currently, planning consent enables the erection of a new farmhouse off Main Road and the demolition and conversion/alteration of three barns to deliver three dwellinghouses.

1.6 While the site is partially located within and partly outside the defined settlement boundary, it is clearly well associated with the village in terms of both visual and locational considerations. Further, this site has firmly established the principle of residential development across the red line area (Location Plan reference: 240-300).

1.7 The Housing Delivery Test Action Plan acknowledged that the local authority's housing supply position fell below the five-year target at 4.89 years. This was subsequently reduced to between 3.23 and 3.55 years, as set out in the appeal decision APP/K2420/W/24/3348387, which allowed the Redrow Homes appeal against a planning refusal for up to 95 dwellings (Appendix A). The appeal decision identified that the local planning authority cannot demonstrate a five-year housing supply, paragraph 11 d) of the National Planning Policy Framework should be engaged. Therefore, the planning authority should grant permission 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.

- 1.8 The footnote sets out that the areas referenced relate to: habitat sites, Sites of Special Scientific Interest; Green Belt land; local green space, a National Landscape, a National Park, or defined as Heritage Coast; irreplaceable habitats, designated heritage assets; and areas at risk of flooding.
- 1.9 The application site does not form any of the areas identified in Footnote 7 of the National Planning Policy Framework. Policies within the development plan should be considered out of date. Therefore, the presumption in favour of sustainable development applies.

### **Engagement**

- 1.10 The applicant and project team have undertaken pre-application advice and engagement (appendix B) with the local planning authority, with continued dialogue up to submission.
- 1.11 The pre-application advice provided by the local planning authority was based on a larger red line area. It included the demolition of four barns and new build development to the north, east, and west of the current application proposal red line. The discussions focussed on delivering residential uses that would benefit from the existing highway infrastructure and broader arrangement of built form, with some infill to the west.
- 1.12 The local planning authority identified that development outside the built form broad parameters was unlikely to be supported and that a scheme would rely on Class Q planning consents. Historically, the applicant had achieved planning consent to convert one barn and attempted to convert another -albeit unsuccessfully.
- 1.13 The engagement enabled the applicant to consider appropriate buildings for conversion and alteration, and subsequent Class Q submissions were made, with consent granted for three new units and the demolition of one barn to facilitate the works.
- 1.14 Following the consent, the applicant reviewed the proposal, developed a scheme to restore the barn to the front, and revised the wider plans to deliver a comprehensive and appropriate proposal for the site. This early revision was shared with the planning officer for comment, who agreed the principle of the proposal was acceptable.
- 1.15 The applicant thanks the local planning authority for their engagement and advice during the pre-application process, which helped develop the project, the application scale, massing, and appearance and identified key matters for consideration. Building upon the original proposal, this application is considered to respond to the matters raised by the local planning authority to confirm that both the principle and the proposal are acceptable.

### **Contact**

- 1.16 Should you require any further information to enable this application to be positively determined, please contact:

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## 2 The Site and Surrounds

2.1 The site comprises a brownfield parcel of land north of Main Road, Ratcliffe Culey. The site is bound to the north and east by agricultural land dispersed by pockets of residential accommodation. To the south and west of the site is the core village settlement, with The Gate Inn public house to the southwest of the application site.

2.2 The site consists of agricultural buildings, with a mix of styles and types. The site access is to the south, with direct access onto Main Road. A parcel of cleared land is to the site's southwestern corner, with planning consent for a new farmhouse building. To the front of the site is an agricultural building requiring repair and restoration, followed to the north by a concrete panelled agricultural building. Centrally, a brick agricultural barn is located, with a further concrete panel barn to the rear of the site. Outside the site red line – to the north – are two further agricultural barns.

2.3 The site is relatively level, with an area of hardstanding to the centre and hardstanding that provides vehicular routes to the rear of the site. The site currently includes limited landscaping across the built area.

2.4 An access is available to the wider parcel of land ownership to the east via an agricultural opening off Main Road. The current access has been utilised for farm operations and living accommodation.

2.5 The site is neither listed nor adjacent to heritage assets, and Ratcliffe Culey does not include a conservation area. The closest heritage asset is the Grade II\* listed Church of All Saints, which is considered to be set away from any direct or indirect impact of the development and does not warrant a heritage statement.

2.6 The site is located in Flood Zone 1, noted as having a 'low probability of flooding' by the Environment Agency and considered wholly appropriate for the most sensitive form of development, such as residential accommodation. The highway is identified to the southwest of the site to have a low risk of surface water flooding (Gov.Uk flood maps accessed 15 October 2025).

2.7 Main Road provides pedestrian footways to the west of the site access. The highway is a 30mph road, and local bus services operate through the village – service LC12. Atherstone rail station is located approximately 2.3 miles from the application site, and it has regular services to Crewe, Milton Keynes, and London, as well as stations between.

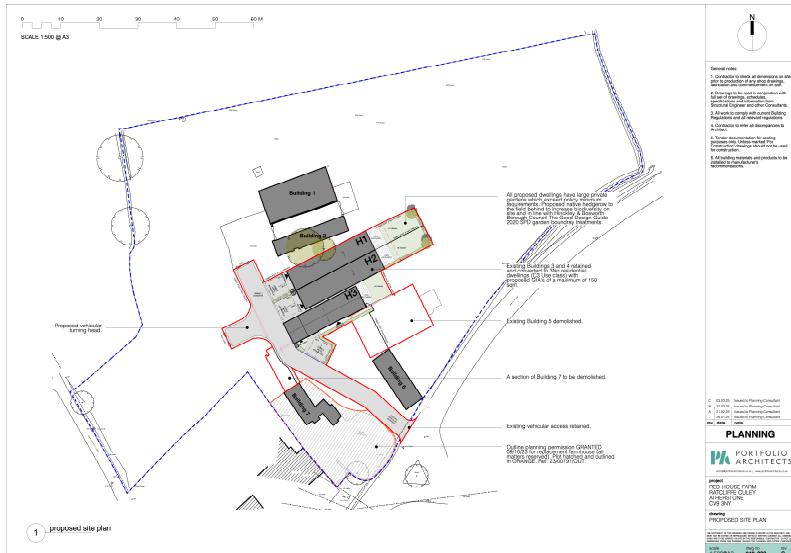
### Planning History

2.8 The site's planning history dates back to 1978, with a recent and detailed planning history from 2015 onwards. The full planning history is set out below:

Application Reference	Description	Decision
78/00557/4M	Erection Of Agricultural Building	Approved 22/08/1978
15/00789/GDOD	Demolition of dwelling	Prior Approval Not Required 12/08/2015
16/00795/OUT	Replacement farmhouse (outline - all matters reserved)	Approved 29/11/2016
16/00796/FUL	Temporary agricultural dwelling	Approved 01/12/2016

20/00603/OUT	Replacement Farmhouse (OUTLINE - all matters reserved)	Approved 13/08/2020
20/00774/P3CQ	Prior notification for change of use of agricultural buildings to two larger dwellinghouses (Class C3) and for associated operational development	Prior Approval Refused 21/10/2020
20/01287/P3CQ	Conversion of agricultural building in C3 larger dwellinghouse and associated building operations	Prior Approval Refused 18/02/2021
20/01292/P3CQ	Conversion of agricultural building in C3 larger dwellinghouse and associated building operations	Prior Approval Given 18/02/2021
20/01311/P3CQ	Conversion of agricultural building in C3 larger dwellinghouse and associated building operations	Prior Approval Refused 18/02/2021
23/00791/OUT	Outline planning permission for replacement farmhouse (all matters reserved)	Approved 09/10/2023
23/01080/P3CQ	Change of use of agricultural building to a single dwelling	Prior Approval Refused 25/01/2024
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 (Class C3)	Prior Approval Refused 15/11/2024
25/00198/P3CQ	Notification to determine if Prior Approval is required for the change of use of two agricultural buildings to three dwellinghouses (Class C3)	Prior Approval Given 25/04/2025

2.9 The latest approval in 2025 included a red line broadly consistent with this planning submission:



### 3 The Proposal

3.1 The planning application seeks approval to deliver five dwellings across a former agricultural site that benefits from planning consent for the conversion and demolition of three barns and outline permission for a further farmhouse. The proposed development consists of the following:

*Demolition of two agricultural barns, conversion and alteration of two barns for residential use, erection of three residential dwellinghouses (five dwellings total), landscaping, hardstanding, and associated works.*

3.2 Further information is provided in the submitted application plans and Design and Access Statement (Portfolio Architects). This section of the Planning Statement summarises the proposed development to provide context to the subsequent sections and consideration of key planning matters.

3.3 The key elements of the proposal include the following:

- Conversion of two barns.
- Demolition of two barns.
- Erection of three dwellinghouses.
- Appropriate parking and amenity space for all dwellinghouses.
- High-quality design of residential dwellings.
- Utilisation of existing access, with a stepped back wall and extension of pedestrian footway.
- Retention of public right of way.

#### Layout

3.4 The proposed layout seeks to improve the access at Main Road, with the vehicular access remaining consistent with the current formation. A new pedestrian footway link will be provided through the setting back of the farmhouse (building A) wall to enable a depth consistent with the existing footway. Building A will be located at the site frontage, aligning with the neighbouring property and providing a strong streetscene presence. Building B, neighbouring the access, will continue in the north-south orientation with landscaped frontage to the entrance. A new building 'C' will replace the existing barn (destined for demolition under the Class Q approval), with parking on the frontage and a west-east rear garden. Building D retains 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. Finally, building E replaces a large barn with the formation of a detached dwellinghouse, facing west and with an eastern private amenity space.

3.5 All five dwellings benefit from off-street parking, and an internal footway will be provided from Main Road. The existing public right-of-way will remain to the site boundary.

3.6 Each individually designed dwellinghouse provides a suitable layout for the property type, with all five dwellings exceeding the nationally described space standards.

3.7 All dwellings will benefit from an EV charging point in a convenient location, timber bin stores at the front of the property, and bike stores at a convenient location within the private amenity space.

#### Scale and Massing

3.8 The proposed development seeks to retain the existing scale of development; however, the broad massing of the site will be reduced by demolishing two larger concrete-panelled barns. As set out in the Design and Access Statement, the architectural team has reviewed and considered the appropriate height of the application proposal.

3.9 By restoring the built form on-site, the development will be able to retain order and cohesion. The restoration of building B will enable a welcoming environment at the site, improve the broader public realm and perception of safety and minimise anti-social behaviour.

#### **Appearance**

3.10 The material palette has been developed with a thorough understanding of the site and the broader Ratcliffe Culey village character. The use of similar building materials and forms of building appropriate for the village setting has been proposed.

3.11 The architectural team has incorporated elements, including full-height glazed openings and tile porches. The proposed dwelling type, size, and layout are proposed to deliver balance and cohesion to the site, removing larger agricultural barns and retaining brick buildings.

3.12 Each residential dwelling has been designed in individual styles (as set in the Design and Access Statement), promoting an organic site development. Traditional form and massing to properties enable a responsive and sensitive context, but provide internal arrangements that enable contemporary living environments.

#### **Housing Mix**

3.13 The proposed development complies with the nationally described space standards and enables an appropriate mix of dwelling types. The approved Class Q scheme of three dwellings provided only three-bedroom dwellinghouses, with matters relating to the layout of the outline farmhouse not a determining factor. This proposal is considered to provide a broader range of property types, with the following mix proposed:

Dwelling Type	Number	%
3 bed	2	40
4 bed	2	40
5 bed	1	20
	5	100

#### **Access**

3.14 The site has been developed to ensure safe and convenient access for all users and to retain a public right of way through the proposal site. The extension of the public footway to the southwest of the site provides an opportunity to encourage walking and provides a safe layout for users, which is not achieved through the existing planning permissions.

3.15 The proposal includes two off-street spaces for the three-bedroom units and at least three off-street spaces for four-bedroom plus units.

3.16 Cycle parking storage will be provided in secure locations for each of the units.

## 4 Relevant Planning Policy and Guidance

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.
- 4.2 In this case, the statutory development plan comprises:
  - Core Strategy (2009)
  - Site Allocations and Development Management Policies DPD (2016)
- 4.3 The National Planning Policy Framework states that policies in local plans should be reviewed to assess whether they need updating at least once every five years. The Framework continues to state that policies should not be considered out-of-date simply because of the date of adoption, but should be considered based on consistency with the Framework.
- 4.4 As set out earlier in this Statement, the local planning authority is unable to demonstrate a five-year housing land supply following the latest NPPF. This was acknowledged by the local authority Council Leader in January 2025 and confirmed in the Redrow Homes, Land East of The Common, March 2025 appeal decision (Appendix A). For decision-taking, this means that where policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Footnote 8 of the Framework clarifies that out-of-date includes where a local planning authority is unable to demonstrate deliverable housing sites.
- 4.5 The Planning Officer will be required to consider the significant weight of delivering housing and diminished weight relating to any policies that restrict housing, including settlement boundaries.
- 4.6 The development plan is supported by a series of supplementary planning documents, but no neighbourhood planning documents exist for this location, following an unsuccessful referendum in May 2023.

### The Development Plan

- 4.7 The 2009 Core Strategy covers the future requirements of the borough up to 2026, as set out in the Framework, although this does not mean that it is out of date when considered against the Framework, as long as the policies comply. With a development plan period until 2026, the future vision for the local area will await a new Local Plan, and it is understood that Regulation 18 consultation is due in the Autumn 2025 (before this submission), with Submission late 2026.
- 4.8 The sole policy within the Core Strategy that is relevant to this proposal is Policy 13: Rural Hamlets. Confirmed by officers in the 2024 pre-application response. However, the response was prior to the revised housing targets, and it is clear that the policy restricts housing development, creating unnecessary constraints on sites set adjacent to villages. The policy should be afforded limited weight by the local authority and considered no longer to align with the updated Framework, in particular paragraph 84, which supports the reuse of redundant or disused buildings and enhancing the immediate setting.
- 4.9 The Site Allocations and Development Management policies DPD allocates land to deliver the development requirements set out in the Core Strategy and includes development management policies which apply across the borough. As previously set out, the Core Strategy housing requirements are below the borough's latest requirements. Any site allocations to achieve the housing need would fall short of demonstrating a five-year housing land supply.
- 4.10 DM1 states that if relevant policies are out of date when making the decision, the borough council should grant permission unless material considerations indicate otherwise.

4.11 DM3 states that where development creates a need to provide additional or improved infrastructure, amenities, or facilities, developers are expected to make such provision directly or indirectly through the appropriate funding mechanism.

4.12 DM4 states that development will be considered sustainable, where the proposal involves changing the use, re-using, or extension of existing buildings, which enhances the immediate setting.

4.13 DM6 requires development proposals to demonstrate how the proposal conserves and enhances features of nature conservation, including proposals for their long-term future management. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where the need and benefit outweigh the loss, the habitat cannot be retained with the scheme, and appropriate compensation measures are provided.

4.14 DM7 states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that the development will not create flooding by being located away from areas of flood risk unless adequately mitigated.

4.15 DM10 states that development will be permitted provided that the following requirements are met:

- It would not have a significant adverse effect on the privacy and immunity of nearby residences and occupying buildings, including matters of lighting, air quality, noise, vibration and visual impact.
- The immunity of occupiers at the proposed development will not be adversely affected by activities in the vicinity of the site.
- It complements or enhances the character of the surrounding area with regard to scale, layout, density, masking, design, materials and architectural features.
- The use and application of building materials respect the materials of existing, adjoining/neighbouring buildings and the local area generally.
- Incorporate a high standard landscaping where this would add to the quality of the design and siting.
- It maximises opportunities for the conservation of energy and resources for design, layout, orientation and construction and Core Strategy Policy 24.
- Where parking is to be provided, charging points for electric or low-emission vehicles are included where feasible.
- An appropriate sustainable drainage scheme is submitted to and approved by the relevant authority.
- It maximises natural surveillance and incorporates principles of Secured by Design.

4.16 DM15 states that proposed development outside the settlement boundary for the reuse and adaptation of redundant or disused buildings will be spotted where:

- The applicant demonstrates the building is no longer viable in its current use; and
- The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
- Proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situation within the original curtilage; and
- Development accords with relevant policies.

4.17 DM17 States development proposals will be supported where they seek to make the best use of existing public transport services, and where appropriate, provide opportunities for improving and sustaining the viability of those services. Proposals that seek to ensure that there is convenient safe access for walking and cycling will be supported. All proposals for the new development and changes of use should reflect the highway design standards set out in the most up-to-date guidance.

4.18 DM18 set out that all proposals for new development will require an appropriate level of parking provision justified by assessment at the site, type of housing, other motor transport available and appropriate design.

## National Policy

4.19 The National Planning Policy Framework (NPPF), December 2024 (revised February 2025), sets out the Government's planning policies for England and how they are expected to be applied by local planning authorities. The policies contained within the NPPF are a material consideration in the determination of planning applications; therefore, we have set out relevant paragraphs of the NPPF.

4.20 The NPPF defines the purpose of the planning system as a contributor to the achievement of sustainable development and introduces a general presumption in favour of such development. For the planning system, this means achieving the three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (paragraph 8):

- a) **An economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;
- b) **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **An environmental objective** – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.21 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.

4.22 Paragraph 12 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.

4.23 Section 4 of the NPPF states that local planning authorities should approach decisions on proposed development positively and creatively, with decision-makers at every level seeking to approve applications for sustainable development where possible. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

4.24 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The overall aim should be to meet as much of an area's identified housing need as possible (paragraph 61).

4.25 Paragraph 63 states that local authorities should establish the need for housing, including the size, type, and tenure of different groups, including students.

4.26 Paragraph 73 acknowledges that small and medium-sized sites can make an important contribution to meeting the housing requirements of an area.

4.27 In rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 83 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

4.28 Paragraph 84 states that planning decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance the immediate setting.

4.29 Section 8 of the NPPF, promoting healthy and safe communities, sets out that planning decisions should aim to achieve healthy, inclusive and safe places which:

- promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.
- are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

4.30 In assessing sites for a specific application, paragraph 117 states that applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and neighbouring areas, and second to facilitate access to high quality public transport.
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- allow for the efficient delivery of goods, and access by service and emergency vehicles.

4.31 Section 11 states that planning should promote an effective use of land to meet the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.32 Paragraph 125 sets out that brownfield land within settlements for homes and other identified needs should be approved unless substantial harm would be caused. In addition, the NPPF promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.

4.33 Paragraph 128 states that local planning authorities should take a positive approach to applications for alternative uses of land that is currently developed but not allocated for a specific purpose in plans, which would help to meet identified development needs.

4.34 Paragraph 129 sets out that planning decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) 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;

- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

4.35 Section 12 sets out that creating high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places to live and work.

4.36 Paragraph 135 states that planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- are sympathetic to local character, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- optimise the potential of the site to accommodate an appropriate amount and mix of development.
- create places that are safe, inclusive and accessible.

4.37 Paragraph 136 states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

4.38 Section 14 states that the planning system should support the transition to a low-carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 181 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

### **Other Material Considerations**

#### *The Good Design Guide (2020)*

4.39 The guide provides the expectations when converting agricultural buildings. Conversion to other uses when justified and planned well can provide agricultural buildings with a sustainable future, forming attractive parts of historic and modern landscapes.

4.40 Agricultural buildings were designed to be functional; this generally results in architectural and decorative restraint. When converting an agricultural building, it is of paramount importance that the building does not become domestic in appearance and retains its agricultural character regardless of its new use.

4.41 Existing openings should be retained; doors and shutters can often be tied back to as a feature wall or retained in working order to provide privacy. New openings should generally be avoided and kept to an absolute minimum. Any new material should complement the quality and character of the historic working building; uPVC should always be avoided.

4.42 Courtyards should be surfaced in a material that reflects its rural setting, but which is not so formal as to detract from the building's character. Courtyards and farmyards should remain open and not be divided by fences or walls. Parking spaces should, generally, not be formally marked; the creation of individually defined garden plots will not be appropriate, and boundary treatment should be of a justified design.

## 5 Key Planning Matters

- 5.1 The section considers the key planning issues raised by the development to demonstrate that the proposals represent sustainable development and that the delivery of housing in this location should be afforded significant weight in accordance with the National Planning Policy Framework.
- 5.2 The application site benefits from extant permissions for a new farmhouse (Appendix C) to the frontage of the site and prior approval for the conversion of barns to residential use (Appendix D). The principle of residential use at the application site is clearly accepted, and suitable fallback positions are in place that would enable residential development. The local planning authority is unable to demonstrate a five-year housing land supply, and the inclusion of an additional barn close to the site entrance ensures an additional dwelling is achieved to support the local housing need.
- 5.3 The site is adjacent to the settlement, with the farmhouse within the settlement boundary. Planning policy supports the reuse of redundant or disused rural buildings, and policies restricting rural development to the settlement boundary should be afforded limited weight. The principle of residential development is not considered a key planning matter for this proposal, but should be afforded significant weight in the planning balance.

### Design Quality

- 5.4 The design carefully considered the existing built form and developed a proposal that respects and enhances the site's setting. The proposal works within the red line of the extant permissions, containing built form within the existing envelope of the site. The design of new buildings utilises a finish that integrates with the agricultural setting of the barns and is in keeping with the local vernacular.
- 5.5 The proposal incorporates a material palette, which will appear consistent across the site by varying to enable organic development to form and not implement a uniform design in a location of mixed scale and massing. The overall impact of the proposal will be minimal, owing to the existing structure, and it will have no greater impact on landscape views.
- 5.6 The overall appearance and finish of the buildings will be of a high quality that integrates with the character and appearance of the local area. The property responds well to the existing built form and presents a continuation of the existing site, with an improved relationship to the streetscape.
- 5.7 The streetscape will be considerably improved through the reuse and renovation of the first barn at the entrance of the site. The barn was not capable of conversion under Class Q. However, through this full planning application, the barn will be retained, and an appropriate use will be applied that supports its long-term future through ongoing maintenance and repair by future homeowners.
- 5.8 Accordingly, it is considered that the proposal accords with national and local planning policies relating to design, with a high-quality, appropriately architecturally designed site. The team has considered and applied guidance by the local planning authority, which has enabled a high-quality rural development that integrates with its location.

### Scale of Development

- 5.9 The application proposal includes the demolition of three buildings, conversion of two buildings, and erection of a building currently benefiting from outline planning consent. The two buildings proposed for demolition are large agricultural single-storey storage buildings. The buildings, one centrally located and the other to the rear of the site, include massing extending beyond the proposed property and of a scale larger than a typical residential dwellinghouse.
- 5.10 The proposed scale of replacement buildings C and E, as identified on the Proposed Site Plan (reference: 240-302), remains broadly below the existing built form, with a massing much smaller than the existing built form.

- 5.11 The renovated buildings, B and D, as set out on the Proposed Site Plan, retain the existing ridge height of the properties with no massing alterations proposed as part of this planning submission.
- 5.12 The new farmhouse to the site's frontage is located in a similar siting as the former farmhouse on the site. Historical images identify that the former farmhouse was two-storey in construction and built to a traditional brick style. The outline consent for the site did not provide details relating to the building scale and massing. The farmhouse scale and massing are considered to be appropriate for the site setting, local character, and former farmhouse scale and massing.
- 5.13 The proposed works at the site have been duly considered in relation to the site's character and local area, with existing building heights respected where renovation and conversion are proposed. In addition, new build dwellinghouses are lower in height and form less massing than the buildings that they are replacing. Finally, the massing and scale of the new build farmhouse is in keeping with the character and setting of the site.
- 5.14 The built form will not cause an overbearing impact on (1) the applicant's site and (2) any neighbouring residential property. Views of the site from the highway will be broadly consistent, albeit improved by the works undertaken.
- 5.15 The proposal responds to national and local guidance regarding the reuse of agricultural buildings.

#### Amenity

- 5.16 The proposal does not impact neighbouring residential dwellings, and there are no concerns for the residential community being overlooked. The building line along Main Road is respected, and the built form does not extend in a manner that would impact daylight or sunlight to the existing dwellinghouses.
- 5.17 All five residential dwellinghouses benefit from suitable off-street car parking and private amenity space. The gardens have been duly considered to not extend into the open countryside, and the Site Plan clearly demonstrates that the existing built form extends beyond the proposed garden positions.
- 5.18 The high-quality proposal responds to the existing site conditions, considers overlooking and privacy, and ensures that the design respects the area's character.
- 5.19 The proposals will have no materially greater impact on the amenity of adjoining properties than the existing built form or extant consents for the site and, more likely, will provide improved quality of design than the existing built form. The site is currently awaiting redevelopment, and the site conditions will be automatically improved through development, respecting existing and repairing built form (building 6) and ensuring completeness to the site through delivering on stalled permissions relating to the outline farmhouse.

#### Biodiversity

- 5.20 This planning application is supported by work undertaken by LWMTS and Birmingham Bat Surveys, including a Preliminary Ecological Appraisal (report by LWMTS) and Bat Presence/Absence Surveys (report by Birmingham Bat Surveys).
- 5.21 The ecology team undertook a desk study, and a site survey was completed in July 2025. The survey area comprised all land within the red line area and a buffer of 50m. However, where waterbodies were identified within 500m of the proposed works area, the survey area will have been extended to inform an assessment of habitat suitability for great crested newts.
- 5.22 The ecological appraisal sets out the protected species/species groups considered potentially present within the survey area and evaluates the likelihood of these species being present. The appraisal identified the potential for roosting bats at the site, owing to the buildings roof structures and walls. The survey identified breeding birds on site (Feral Doves) and a medium likelihood of hedgehogs due to suitable habitat at boundaries.
- 5.23 Owing to the potential of bats at the application site, additional surveys of buildings with the potential to contain roosting bats were undertaken by Birmingham Bat Surveys in July and August 2025. No bat activity

was observed associated with the buildings on either survey visit; however, commuting and foraging bats were observed both on and adjacent to the site. As the likely absence of roosting bats within the buildings has been established and no significant commuting or foraging routes have been observed, no impacts on bats are anticipated from the proposed works.

- 5.24 The proposal achieves a positive biodiversity net gain, with the metric highlighting that the development will achieve an on-site biodiversity net gain of at least 20%.
- 5.25 The applicant has demonstrated across this planning submission a commitment to ecology and biodiversity, adhering to local and national planning policy and guidance. The application proposes a positive benefit to the landscape, residents, and local wildlife.

### **Tilted Balance**

- 5.26 The proposal will deliver public benefits that align with the NPPF, as set out below:

<b>Economic</b>	<p>to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.</p> <ul style="list-style-type: none"> <li>• The delivery of new residential dwellings on a site with planning permission for the conversion of agricultural barns and outline consent for a new farmhouse. The community will assist in sustaining the local economy through direct spend in services such as the public house.</li> <li>• The construction of the site will deliver direct and indirect financial benefits to the local community through job creation and employment skills development, local spend by contractors, and onward spend by the wider business community.</li> <li>• The proposal will assist in a viable use for vacant agricultural buildings.</li> </ul>
<b>Social</b>	<p>to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.</p> <ul style="list-style-type: none"> <li>• A new pedestrian footway to Main Road will provide a safe footway route to and from the site.</li> <li>• The delivery of residential dwellinghouses should be considered a significant benefit, helping the local planning authority to meet the local housing requirement.</li> <li>• The site provides suitable off-street car parking for all dwellinghouses.</li> <li>• The repair and restoration of agricultural buildings provides a long-term solution to existing built form.</li> <li>• Redeveloping the site as a full masterplan enables a clear and definitive approach to the site that promotes a cohesive environment. The current patchwork of approvals will be enhanced by a single approval for the site that enlivens the site and the streetscene, closing an open planning consent for the farmhouse that has remained extant for a number of years.</li> </ul>
<b>Environmental</b>	<p>to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>

<ul style="list-style-type: none"> <li>Redevelopment of the site will assist in improving the public realm, removing security measures, and activating the streetscene.</li> </ul>
<ul style="list-style-type: none"> <li>Repair and maintenance of existing built assets, provide environmental improvements by restoring existing stock, reducing carbon release associated with demolition, and ensuring appropriate and best use of the buildings.</li> </ul>
<ul style="list-style-type: none"> <li>Delivering a biodiversity net gain of at least 10% on-site through appropriate landscaping and ecological measures provides uplift to the local area.</li> </ul>
<ul style="list-style-type: none"> <li>An architect-led approach to the building façade improves the quality of the built asset stock.</li> </ul>

5.27 On balance, any harm associated with the site being located outside the defined settlement boundary of Ratcliffe Culey should be afforded limited weight, and significant weight should be afforded to the delivery of residential dwellinghouses at a site where the principle of residential use is clearly established.

5.28 The positive benefits of a single master planned approach will improve the locality, moving forward the site with characterful, high-quality design, that meets the interdependent social, economic, and environmental pillars of sustainable development.

5.29 The existing consents have established that residential development can occur at this site; this application progresses the proposal to a high standard that ensures wider improvements to the site's building stock and the wider community with new pedestrian access.

## 6 Summary

6.1 This Planning Statement has been prepared to address the planning matters relevant to the delivery of a residential development at the former Red House Farm, Main Road. The application has been able to demonstrate:

- The creation of a high-quality development on a brownfield site adjacent to the core village, with the farmhouse located within the settlement boundary.
- The local planning authority is unable to demonstrate a five-year housing land supply, and the significant benefits of delivering residential use at the site outweigh the limited negative weight of the site being marginally outside the settlement boundary.
- The principle of residential use is wholly appropriate in this location, and the site is broadly in line with former planning permissions.
- A biodiversity net gain is achievable on-site.
- The development will restore an existing agricultural building of characterful appearance, but it cannot be converted through the prior approval route.
- The proposal respects existing and local ridge heights and proposes a massing that reduces the built form across the site.
- The proposal has indirect and direct economic benefits, from the initial construction of the site to the ongoing revenue benefits to the local authority and localised spending by the community of residents.
- The proposal is a high architectural design that responds to local materiality and design features.
- The scheme's delivery will improve the perception of safety with an active frontage and amenity space along Main Road, removing security measures and activating a key area of the village adjacent to the public house.
- The proposed development does not harm the residential amenity of the existing community.

6.2 For these reasons, we commend the proposals to Hinckley and Bosworth Borough Council and request that this application be approved without delay in accordance with the NPPFs presumption in favour of sustainable development.

Appendix A: APP/K2420/W/24/3348387



## Appeal Decision

Hearing held on 25 February 2025

Site visit made on 25 February 2025

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

**Appeal Ref: APP/K2420/W/24/3348387**

**Land East of The Common, Barwell, LE9 8BR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Redrow Homes Ltd (Harrow Estates Division) against the decision of Hinckley and Bosworth Borough Council.
- The application Ref is 23/01229/OUT.
- The development proposed is the demolition of all buildings on site and development of up to 95 dwellings, together with associated access, open space and landscaping.

### Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of all buildings on site and the development of up to 95 dwellings, together with associated access, open space and landscaping, at Land East of The Common, Barwell, LE9 8BR in accordance with the terms of the application, Ref 23/01229/OUT, and the plans submitted with it, subject to the conditions in the attached Schedule.

### Preliminary Matters

2. The application is in outline format with all detailed matters, other than the access to the site, reserved for subsequent consideration. I have therefore treated the other plans submitted including a potential site layout as for illustrative purposes only.
3. A formal Unilateral Undertaking Planning Obligation (UU), dated 24 January 2025 and signed by the appellant company has been submitted for the appeal. In summary, the UU makes provision for affordable housing; and makes contributions towards: the provision of open space and its maintenance; outdoor sports; healthcare facilities; highway improvements; library improvements; disposal of waste and the monitoring of the agreement. I have had regard to the UU as a material consideration subject to my assessment of it meeting the tests specified in paragraph 58 of the National Planning Policy Framework (the Framework) as set out in paragraph 42 below.
4. The main parties have agreed and updated a Statement of Common Ground. Within this the Council agrees that technical issues regarding highway matters have been addressed, subject to conditions, and therefore the second reason for refusal has been withdrawn. Moreover, the Council agrees that the UU mentioned above adequately demonstrates the provision of affordable housing in excess of the Council's adopted policies and also makes appropriate contributions towards

improvements to social and community infrastructure. Therefore, the Council has withdrawn reasons for refusal three and four.

## Main Issues

5. The first two main issues relate to the Council's stated reason (No.1) why outline planning permission was refused. The third one stems from a previous appeal decision (APP/ K2420/W/23/3295558) issued in March 2023 (now referred to as the 2023 appeal) where the inspector raised concerns about the quantum of residential development then proposed by the appellants on a similar site. The main issues are therefore:
  - The principle of housing development on this site;
  - The effect on the character of the area including the local countryside landscape and the character and function of a Green Wedge; and
  - The quantum of development proposed.

## Reasons

### *Background*

6. The appeal site comprises a collection of fields, about 11ha in extent, mostly used as 'pony paddocks' which lie on the eastern edge of the small town of Barwell. The fields tend to be separated with sparse hedgerows and occasional mature trees. The land slopes from north to south away from Dawsons Lane, a narrow lane/public path which lies along the northern edge of the site. The site also abuts existing commercial development and housing to the east of The Common, a relatively narrow main street with on-road parking, and from where the vehicular access is proposed for the development not far from the roundabout junction with the A47 and Leicester Road.
7. The planning history of the site is relevant to this appeal. An outline proposal made by Gladman for 185 houses was dismissed on appeal in 2017 under ref. APP/K/2420/W/17/3188948. A second appeal, related to a scheme by the current appellant for 110 dwellings on a similar site (the 2023 appeal as mentioned above) was dismissed in March 2023. In this appeal, the inspector concluded that while the Council could only demonstrate a 4.76 year supply of deliverable housing sites at that time, the adverse effects of the proposal would significantly outweigh the benefits. The inspector identified the adverse effects as: the physical loss of part of the Green Wedge and the resulting diminishing of its value and the effects this would have on the quality of life of local residents; and concerns over the quantum of development which was judged not to be capable of being accommodated on site in a manner which would respect the character and appearance of the area.
8. The appellant's team says that the current proposal has been modified in an attempt to overcome the concerns raised by the previous inspector.

### *Policy context and housing land supply (HLS)*

9. The development plan relevant to this appeal comprises the Core Strategy DPD 2006-2026 adopted in 2009 (CS) and the Site Allocations and Development Management DPD adopted in 2016 (SADM). The Council commenced the preparation of a new Local Plan in early 2018. Although it is apparent that public

consultation took place in 2021/22, the Council decided in July 2024 to carry out a new consultation on a revised plan, taking account of the wider needs for housing in Leicester City. At the time of the hearing the Council was not able to say what the revised Development Plan Scheme will be and the likely timescale of examination and eventual adoption of the emerging plan. Given the very early stage in the plan making process the emerging plan is not directly relevant to this appeal.

10. The Supplemental Statement of Common Ground sets out the parties' relative position where the Council confirms it can only demonstrate a 3.55 year supply whereas the appellant considers the supply is 3.23 years compared to the 5 year supply requirement set out in the Framework as re-issued in December 2024. Both of these calculations are based on the methodology now applying in the Framework including the application of the 5% buffer. There is therefore a material shortage at the moment in the supply of deliverable housing sites locally and which is greater than the position examined by the inspector in the 2023 appeal where HLS was agreed to be 4.76 years.
11. Therefore the proposal needs to be considered in the context of paragraph 11(d) of the Framework. Moreover it is apparent that the under-provision of housing is in part related to the delay in the implementation of the two main Sustainable Urban Extensions (SUEs) identified in the Core Strategy. I understand that the Council have only recently granted outline permission for part of the housing growth at Barwell but this was supposed to be delivered by 2026.
12. The lack of five-year supply, the continuing delay with previously identified sites coming forward and the uncertainty over the timescale of examination and adoption of the emerging local plan are factors to which substantial weight needs to be given. Consequently the Core Strategy adopted in 2009 has to be regarded as out-of-date as the development strategy put forward has not been achieved. This reduces the weight that can be given to Core Strategy policies which restrict development including on sites in a Green Wedge.

#### *Principle of development*

13. In terms of the application of local policies the appeal site lies outside but adjoins the settlement boundary of Barwell. As such the site lies in the countryside and SAMD Policy DM4 applies. This restricts development to specific sustainable forms of development which need to be located in the countryside but this does not include general housing and the appeal proposal conflicts with this policy.
14. However, the Council recognises that in the light of the present HLS position, limited weight can be given to the conflict with the first part of Policy DM4 and the criteria set out in parts (a) to (e). The Council indicates that a housing proposal should now be assessed against the criteria (i)-(v). In these, the relevant tests are (i), whether a proposal would have a significant adverse effect on the open landscape character of the countryside; and (ii)/(iv) whether the proposal would undermine the physical and perceived separation between settlements and protect the role and function of a Green Wedge.
15. SADM Policy DM10 is also applicable to the principle of development and the relevant test in this is part (a) - whether a proposed development would have a significant adverse effect and cause visual intrusion.

*The effect on the landscape character of the area*

16. In considering this issue I have taken account of the appellant's Landscape and Visual Impact Assessment (LVIA) prepared by Mr Peachey and to the similar assessment made by Mr Wakefield for the Council . Moreover, at the part of the hearing held on site I considered the visual and physical impact of the development proposed from the agreed viewpoints on the 'walking route'.
17. The appeal site lies in Landscape Character Area F - Burbage Common Rolling Farmland as defined in the Council's Landscape Character Assessment (2016). The local area displays the key characteristics of large-scale gentle rolling arable and pasture farmland with local variations in topography influenced by small streams. The medium scale field patterns tend to be rectilinear bounded by low hedgerows and post and rail fencing with smaller pasture fields around settlements. Field boundaries and hedgerows generally follow contours.
18. The LVIA considers the development proposals as built and after 15 years when the proposed landscaping has matured. Also I note the changes made to the illustrative plan from the 2023 appeal scheme where it is now proposed to build in the north-west quadrant of the site; the eastern edge of the site is varied with the introduction of a small park and other landscaped areas, but the paddocks at the southern and south-western parts of the site are proposed to be partially developed. I also note the proposal to fragment the individual housing groups with belts of new planting.
19. In terms of the physical effects on the wider landscape the parties agree that the magnitude of impact will be low and there will be a minor adverse effect in the long term. In respect of the visual effects the parties agree that there would be minor adverse effects from many of the limited views around the appeal site, especially from the public right of way to the east of the site and from the A47 and Leicester Road.
20. Where the parties disagree and where Mr Wakefield (Node) considers there would be major to moderate adverse effects in the scale of visual impact is from views along Dawsons Lane and the allotments to the north; from Shilton Road on higher ground further to the north; from The Common around the proposed access point; and from Garner Close. I considered the effect of the development from each of these viewpoints at the site visit.
21. From Shilton Road there are long distance views looking south over an open field to a wide tract of countryside (LVIA viewpoints 1a, 1b and 1c). In my judgement the proposed housing development would cause limited change to the appreciation of the wider landscape seen from this viewpoint. From the eastern edge of this gap the topography and vegetation would effectively limit the visual impact of the proposed housing development and the long-distance views would remain over the rooftops on the new houses.
22. There were various viewpoints from along Dawsons Lane through gaps in the hedgerows that exist along the southern side of the lane (LVIA viewpoints 2 and 3 and Nodes viewpoints 1 and 4). This hedgerow comprises mainly hawthorn species but it is also thick with ivy which makes it a strong and containing visual barrier even at the time of the visit in late winter where most of the deciduous trees were without leaves. I also took account of the varied part of the proposal to introduce a landscaped belt some 12-20m wide to the north of the proposed

housing development. I understand Mr Wakefield's assessment that the impact here would be major-adverse because of the permanent loss of views from the footpath over the local countryside landscape. However, on the visit I found that these views are limited to a few gaps in the hedgerow and there would not be a significant change in the long term to the appreciation of the rural landscape by walkers along Dawsons Lane.

23. I also visited the front door of three houses on the northern side of Dawsons Lane at the request of the occupiers and considered the effect of the development proposed. Clearly the views from these properties would change in that the roofs of the proposed houses are likely to be seen above the hedge and intervening new landscaping, although at a distance and at a lower level. However, this change to existing private views from these properties does not amount to additional harm to the public realm and the effect would not harm the residential amenity of the occupiers of these properties.
24. I agree that the visual and physical form of the rural landscape at the southern end of The Common would change with the introduction of the vehicular access to the site and the construction of a new row of houses to the north of the access road, together with the removal of about 50m of existing hedgerow to form sight lines. However the extent to which this change would be noted would be from around the access itself and the end of the existing built-up area. There would not be a harmful visual effect from around the main road junction as the roads are contained with mature landscaping at this point.
25. Finally I looked at the development proposed from within the residential environment of the relatively new housing estate at Garner Close. Although probably one new house would be visible along a grassy swale in the existing development, I assess this change to the rural landscape as experienced by local residents in the Close, as slight and not harmful.
26. Overall, I tend to agree with the LVIA assessment of the physical and visual effects on the landscape character of the area and find that the proposed development would at worst have a moderate harmful effect limited in extent when built but this would reduce when the planting proposed matures.

#### *The effect on the Green Wedge*

27. The site lies in an area identified in the CS as the Hinckley/Barwell/East Shilton/Burbage Green Wedge to which Policy 6 applies. This seeks to only accommodate uses, such as recreational facilities, which would not damage the function of the wedge and its contribution towards the quality of life for nearby residents. The Wedge applies to a large area generally to the east of Hinckley and the appeal site would occupy part of the north-east corner.
28. Part of the function of the Green Wedge is to prevent coalescence and protect the individual identity of the specified settlements. At the site visit it appeared to me that the local part of the Wedge between Barwell and East Shilton had already physically joined up on an east-west axis. There is an open field to the south of Shilton Road, (as referred to in paragraph 21 above) where the width and depth of the Green Wedge is apparent. However, for the same reasons given about the landscape impact, I do not consider that the appeal proposal would result in a material visual incursion into the green space. Similarly from the other viewpoints mentioned above I find that the proposal would not materially decrease the visual

quality of the space although there would be a clear loss to part of its physical extent.

29. In terms of the function of the Wedge there is no direct public access to the land which is mainly used for private recreation involving the keeping of horses. The appellant says that there would be a public benefit of the creation of new footpaths through the site from Dawsons Lane which is a minor benefit. However, even though there is no direct public access to the land at the moment, it is clear from the comments made by the local people at the hearing and in the written representations that they regard it as a special place and a green lung for the local community and it contributes to their quality of life.

#### *Quantum of development*

30. The appeal proposal is for the erection of 95 houses which is the same scale as that of the 2023 appeal where the appellant offered to reduce the scale of development from 110 to 95 dwellings. Although also an outline proposal with all details reserved, other than the access to the site, that inspector had regard to a submitted Testing Layout which was considered alongside the illustrative masterplan. The inspector concluded that s/he was not satisfied that the quantum of housing proposed could be accommodated on site in a manner which would respect the character and appearance of the area. The inspector also referred to the apparent lack of landscaping within the development proposed.
31. The current appeal scheme includes a Built Form and Landscape Design Code which the appellant says the details of the proposed development will adhere to. The Code sets out site-wide 'mandatory' principles and overall parcel densities along with minimum distance standards and restriction on height, and a comprehensive landscaping strategy.
32. Considered on its face the Design Code provides sound principles to ensure a well-planned and landscaped development and achieve a well-planned place in accordance with section 12 of the Framework. The submitted illustrative plan of the layout generally accords with the terms of the Code. However, it was apparent to me at the site visit that the new parcel of housing land in the north-west corner of the site in part appeared to involve housing units which are to be sited very close to the boundary of the site adjacent to the existing 'Enterprise Centre' - a business and industrial site with access off Dawsons Lane. The housing on this part of the illustrative layout appears cramped in its setting with a poor residential environment and is likely to have a visual imposing appearance to the neighbouring land.
33. I would expect a reserved matters application of the site layout to address these points. Nevertheless, that element of the layout aside, I am satisfied that with the terms of the Design Code embedded in a planning condition, the appellant's team have reasonably demonstrated that the quantum of development proposed can be undertaken in an appropriate manner. The Design Code is consistent with national policy set out in section 12 of the Framework and the general criteria set out in Policy DM10 to ensure that the development would respect and enhance the character and appearance of the area

#### *Other Matters*

34. Local residents also raise objections to the likely traffic generation from the new houses proposed and the effect this may have on The Common which is relatively

narrow and has on-street parking. However, the highway authority now advises that the improvements agreed overcome the concerns previously expressed. There is no other technical evidence before me to establish that the effects of the additional traffic on the local road network would be severe or that the access to the site cannot function in a safe manner.

35. Residents also say that the site is a habitat for wildlife and this would be lost to the development. Nevertheless, the appellant has commissioned a formal Ecological Survey and Assessment undertaken and this puts forward proposals to mitigate the permanent loss of six pasture fields. Moreover, it has been demonstrated that the Biodiversity Net Gain would exceed the current statutory 10% minimum level and the implementation of this mitigation can be conditioned.
36. Concern was also expressed about the development exacerbating surface water flooding problems in the area. However, no objection is put forward by the statutory drainage bodies. The technical evidence submitted through a Flood Risk Assessment concludes that the development will not increase flood risk to the wider catchment area subject to the normal measures put forward through a Site Drainage Strategy and the implementation of this can be conditioned.
37. These other matters raised therefore are not supported by clear evidence to make them determinative issues.
38. Concern was also raised about the impact of the development on local services and on infrastructure. Some of these concerns are beyond the scope of planning control over development, however the legal agreement mentioned in paragraph 3 above also makes provision for stated contributions towards improvements to sports facilities, healthcare, libraries and waste disposal.
39. On the evidence submitted by the Council and Leicestershire County Council I am satisfied that the contributions set out in the UU are necessary to make the development acceptable in planning terms; are directly related to the development and fairly and reasonably related to the development in scale and kind. The requirements of Regulation 122(2)<sup>1</sup> and paragraph 58 of the Framework are therefore met.
40. The UU makes provision for affordable housing as part of the proposed scheme. This would amount to above 35% provision which exceeds the Council's normal policy requirements for new development outside of a settlement.

#### *Planning balance*

41. On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council's HLS position. The proposal would cause some moderate harm to the rural landscape character of the area and to a limited geographical area but it would not result in a *significant adverse effect* which is the test set out in criteria (i) of Policy DM4 and criteria (a) of Policy DM10.
42. The proposed housing development would not materially spoil the value of the Green Wedge in visual terms but it would erode the physical extent of this open area and its function in contributing towards the quality of life of local residents. However, reduced weight also has to be given to this CS policy because of the

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<sup>1</sup> Of the Community Infrastructure Levy Regulations 2010, as amended.

Council's HLS position and the lack of new housing sites coming forward as originally planned. Finally, the appellant has now demonstrated (with some minor revision to the illustrative layout needed at the detailed stage) that the quantum of development proposed is reasonable for the site, with an appropriate and well-landscaped form, as set out in the Design Code, and there is no conflict with the relevant parts of Policy DM10.

43. The limited conflict with the development plan must be balanced with other considerations. The proposal would make a meaningful contribution to the supply of new houses locally and help to meet the present under supply and I have doubt over whether this undersupply will be rectified soon through the formal plan making process. I also give significant weight to the above policy requirement for affordable housing and I have taken account of the wider social and economic benefits for Barwell as set out in the appellant's Social Economic Report (Turley December 2023) which are not contested by the Council.
44. Overall, I conclude that the circumstances of the current appeal scheme are materially different to those applying in the appeal 2023. In applying the test set out in paragraph 11(d) of the Framework I find that the adverse effects that the proposed development would cause, including the loss of the appeal site land to the function of the Green Wedge, are greatly outweighed by the benefits of development in this sustainable location. I find that the limited conflict with development plan is outweighed by other considerations including the general accord with the Framework when this is read as a whole. The appeal should therefore be allowed.

#### *Conditions*

45. The Council recommends that 31 conditions be imposed which I will consider under the same numbering. Some of the conditions are 'pre-commencement' ones, to which specific regulations apply, and the appellant has agreed to them.
46. In addition to the normal conditions governing the submission of reserved matters and the implementation of development (No's 1,2 and 3) it is necessary to set out the plans and documents that form part of the permission including the Design Code (No.4) to ensure that the development meets the quality standards put forward in this appeal. For similar reasons the parameters of the development should be specified (No.5) and generally accord with the illustrative master plan (No.6) but I have amended this to take account of my comments in paragraphs 22 and 23 above. It is also necessary to ensure an appropriate housing mix to meet general local housing needs (condition 25) for the development as per the scheme submitted with the appeal.
47. Condition No.14 regarding the submission and approval of external material is necessary so that the appearance of the development is appropriate for the area, and I will impose condition No.21 regarding the submission and agreement of existing and proposed floor levels, as the site slopes.
48. In the interest of avoiding pollution is it reasonable to impose conditions No's 7 and 8 for the investigation of any ground contamination and its remediation. In order to ensure that biodiversity around the site is enhanced, it is necessary to impose condition No.9 in respect of ecological constraints and opportunities as well as implement the recommendations of the Biodiversity Net Gain Plan (No.10) and put

special measures in place to ensure a pre-commencement check for protected species (No.11).

49. Condition No.13 is reasonable in case there are items of archaeological importance in the site which need to be assessed and recorded. In order to ensure the development is properly drained and to avoid flooding conditions No's 15, 17 and 18 are reasonable and necessary. To maintain the landscape features of the site condition No.20 is necessary so that protection measures are also installed before construction work commences. Likewise it is necessary to secure a landscaping plan (No.26) and the subsequent implementation and management of this plan (No.27).

50. In order to control the impact of the development during the construction phase, a condition requiring the submission and agreement of a Construction Environmental Management Plan is necessary (No.16) as well as a Construction Traffic Management Plan to ensure the appropriate routing of construction vehicles (No.19). As some of the dwellings proposed lie close to commercial/industrial premises, a condition requiring noise mitigation measures to be agreed and implemented is necessary (No.22).

51. In order to ensure highway safety I will impose condition No. 28 regarding traffic calming measures and the access to the site shall be implemented in accordance with the submitted detailed drawings (No.29). In it is also reasonable to impose condition No.30 to secure the implementation of a travel plan to promote sustainable transport. Finally, to encourage the use of more sustainable energy it is reasonable to impose conditions No.31 in accordance with the submitted Energy Statement.

## **Conclusion**

52. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Ms T Osmund-Smith	Barrister, Counsel for the appellant.
Mr B May MRTPI	Planning Consultant
Mrs S Ryan MRTPI	Planning Consultant
Mr J Peachey	Landscape and visual impact Assessment
Mr J Vernon-Smith	Urban Designer
Mr T Norden MRTPI	Harrow Estates, Appellant
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### FOR THE LOCAL PLANNING AUTHORITY:

Ms L Buckley-Thomson	Barrister, Counsel for Hinckley and Bosworth Borough Council.
Ms L Ashton MRTPI	Planning Consultant for HBBC.
Mr N Wakefield MRTPI	MD, Node Urban Design

### INTERESTED PARTIES:

Mrs D Vernon MBE	Local resident
Mr J Ensor	Local resident
Mr Ervin	Local resident

### Documents handed in at the Hearing

1. Supplemental Statement of Common Ground- dated 25.02.2025 and signed by the main parties.
2. Planning conditions as agreed by the main parties.
3. CIL Compliance Statement - HBBC - submitted 25 February 2025.
4. Appeal site visit walking route – agreed by main parties 25 February 2025.

## Schedule of conditions

### RESERVED MATTERS

1. Details of the internal access arrangements, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to the development shall be submitted to and approved in writing by the local planning authority before any development begins. Development shall be carried out in accordance with the approved details thereafter.
2. Applications for approval of reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

### PLANS AND DESIGN CODE

4. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan: HAR102-1001D  
Site Access drawing : 332610546/5501/001 PO3  
Parameters Plan HAR102-3051C  
Design Code – dated 18 December 2023

### DEVELOPMENT PARAMETERS

5. The reserved matters to be submitted in accordance with condition 1 will comply with the Parameters Plans identified in Condition 4 and, for the avoidance of doubt the following parameters:  
A maximum of 3.9 hectares of land for residential development (including roads)  
No less than 7 hectares of green infrastructure, including no less than 4 hectares of grassland  
Buildings to be no more than 9 metres in height
6. All reserved matters applications shall be in general accordance with the Illustrative Master Plan drawing reference HAR102-4001G, other than in respect of the development parcel in the north-west corner of the site, and the Illustrative Landscape Masterplan drawing reference P20-3536-EN0009 C 0001.

### CONTAMINATION

7. Development shall not begin, including works of site clearance and preparation (other than as required to be carried out as part of an approved scheme of remediation) until a scheme for the investigation of any potential land contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how any contamination is to be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be completed prior first use of that part of the site for the intended purpose.
8. Any contamination that is found during the course of development that was not previously identified, shall be reported immediately to the local planning

authority. Development on the affected part of the site shall be suspended until an addendum to the scheme for the investigation of all potential land contamination and implementation pursuant to condition 7 above is submitted 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 in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

### ECOLOGY

9. An Ecological Constraints & Opportunities Plan, taking into account the findings of the Ecological Survey & Assessment PCAJ199/V2 dated Dec 2023, shall be submitted to and approved in writing by the Local Planning Authority. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:
  1. Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
  2. Areas and features where opportunities exist to undertake necessary mitigation and compensation.
  3. Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
  4. Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
  5. Areas needing protection on site during the construction process.
  6. Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.Thereafter the development shall be carried out in accordance with the approved ECOP.
10. Details with respect to a Biodiversity Net Gain Plan (the Plan) taking into account the BNG Assessment PCAJJ83/BNG/V2/Final dated Dec 2023 shall be submitted to and approved in writing by the LPA. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by PCA Ltd. The Plan shall include the following details:
  - A) Location plan of the areas to be used for Biodiversity Net Gain;
  - B) Description of existing habitats on site;
  - C) Description of planned habitat creation/enhancement, including species to be planted/sown;
  - D) Timetable for implementation of habitat creation/enhancement;
  - E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
  - F) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.The Plan shall thereafter be implemented in accordance with the approved details.
11. The development hereby permitted shall not commence until an Ecological Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this

condition, the Local Planning Authority expect to see details concerning pre-commencement checks for badgers, otters, reptiles and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The Construction and Ecological Management Plan as approved shall thereafter be implemented in full.

#### WASTE

12. A waste management plan shall be submitted to and approved in writing by the LPA. The waste management plan shall include a site wide scheme of waste and recycling storage containers and collection which shall be submitted to and approved in writing by the Local Planning Authority. The scheme should provide details of accessibility to storage facilities and demonstrate that adequate space is provided to store and service wheeled containers. The approved site wide scheme of waste and recycling shall be implemented prior to the first occupation of the development and retained in accordance with the approved scheme thereafter.

#### ARCHEOLOGY

13. Details of a scheme of archaeological investigation shall be submitted and agreed in writing by the Local Planning Authority. The programme should commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

#### MATERIALS

14. Details of the construction materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include samples of the types and colours of materials to be used on the external elevations of the dwellings. The development thereafter shall be implemented in accordance with those approved details.

#### DRAINAGE MAINTENANCE SCHEME

15. Prior to the first occupation of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority full details of the long-term maintenance of the surface water drainage system and sustainable urban drainage elements. The details shall include responsibilities

and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system, and, procedures that may need to be implemented in the event of pollution incidents within the development site. The development thereafter shall be carried out in accordance with the approved surface water drainage system maintenance plan.

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

16. Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall include detail of how the potential impact of dust, odour, noise, smoke, light and land contamination shall be prevented or mitigated. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. Thereafter the development shall be carried out in accordance with the approved Construction Environmental Management Plan

#### SURFACE WATER MANAGEMENT

17. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning a scheme to manage surface water on site during the construction of the development. The development thereafter shall be carried out in accordance with the approved details.

#### INFILTRATION TESTING

18. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority details of infiltration testing results (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element.

#### CONSTRUCTION TRAFFIC MANAGEMENT PLAN

19. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

#### ARB METHOD STATEMENT – MAIN SITE

20. No development shall take place until an Arboricultural Method Statement for the site as a whole taking into account the Trevor Bridge Associates Arboricultural Impact Assessment Rev A dated December 2023, and including details of the position, species, size and condition of each existing tree and hedgerow on and adjacent to the site, and identifying those trees and hedgerows to be retained, has first been submitted to and approved in writing by the local planning authority. This shall include full details of measures for the protection of trees and hedgerows to be retained during the course of development. The veteran ash (T5, T7, T8 and T42) trees , which meet Local Wildlife Site criteria, and the veteran oak (T39) must be retained and protected during the course of the

development. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed, or die, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved Arboricultural Method Statement.

#### GROUND LEVELS & FINISHED FLOOR LEVELS

21. The detail to be submitted in accordance with condition 1, to be approved in writing by the local Planning Authority shall include existing and proposed ground levels and, where relevant, proposed finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

#### NOISE MITIGATION

22. The details to be submitted in accordance with condition 1, to be approved in writing by the Local Planning Authority shall include a scheme of noise mitigation for internal protecting the proposed dwellings that are located within that part of the site identified in the Noise Impact Assessment by Spectrum Acoustic consultants dated 18 December 2023 as requiring protection, from noise from commercial operations and road traffic. The development shall thereafter be carried out in accordance with the approved details.

#### RESTRICTION ON GATES

23. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected on private driveways within a distance of 5 metres of the highway boundary.

#### HOURS OF WORK

24. Site preparation and construction shall be limited to the following days and times;

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Public and Bank Holidays

#### HOUSING MIX

25. The reserved matters application submitted for approval by the LPA shall include details of the proposed housing mix for the development which shall be in general accordance with the Illustrative Master Plan drawing reference HAR102-4001G and the mix set out in the Ryan & May Planning Statement dated 18 December 2033.

#### SCHEME OF HARD & SOFT LANDSCAPING

26. The details to be submitted in accordance with condition 1 shall include a scheme of hard and soft landscaping works in general accordance with the Illustrative Landscape Masterplan drawing reference P20-3536-EN0009 C 0001, including

boundary treatments and street furniture, for the site. An implementation scheme shall also be submitted for approval by the LPA . The development shall be carried out in full accordance with the approved landscaping scheme. 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.

#### LANDSCAPE MANAGEMENT

27. The details to be submitted in accordance with condition 1 shall include a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens. The landscape management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as per the approved details.

#### OFF-SITE WORKS (TRAFFIC CALMING)

28. No part of the development shall be occupied until such time as the offsite works (traffic calming measures) shown on Stantec drawing number 332610546/5501/001 PO3 (or an appropriate amended scheme, following public consultation/ detailed design) have been implemented in full.

#### ACCESS IMPLEMENTATION

29. No part of the development hereby permitted shall be occupied until such time as the access arrangements, visibility splays and 2.0m wide footway to tie in to existing footway provisions on The Common shown on Stantec drawing number 332610546/5501/001 PO3 have been implemented in full.

#### TRAVEL PLAN

30. No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets and is in general accord with the Stantec Draft Travel Plan REV B dated 13 December 2023 has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

#### SUSTAINABILITY COMMITMENTS

31. The reserved matters application submitted for approval by the LPA shall include details of the proposed Sustainability Commitments that shall be in general accordance with the Energy Statement by Mainer dated 18 December 2023.

End

## Appendix B: Pre-Application Advice

**Please Ask For:** Matt Jedruch  
**Direct Dial/Ext:** 01455 255809  
**Email:** matt.jedruch@hinckley-bosworth.gov.uk  
**Our Ref:** 24/10039/PREHMO  
**Date:** 21<sup>st</sup> June 2024



**Hinckley & Bosworth  
Borough Council**

Mr Ben Rayner  
Holland Lloyd  
**By email only**

Dear Ben,

### **Pre-application response**

**Reference:** 24/10039/PREHMO  
**Proposal:** 9 residential dwellings, including the redevelopment and demolition of 5 agricultural barns, proposed landscaping works and associated infrastructure  
**Location:** 39 Main Road, Ratcliffe Culey Atherstone, Leicestershire  
**Ward:** Twycross, Sheepy & Witherley

Thank you for your pre-application enquiry received 10<sup>th</sup> April 2024. The advice provided is based upon the information submitted with this enquiry and the meeting held on 14<sup>th</sup> May 2024.

#### Site description

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. Several agricultural buildings are located to the north of the site, one of which ("Barn B") has recently had prior approval granted for conversion to a dwellinghouse (20/01292/P3CQ).

There are a pair of semi-detached properties located to the south west 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 on the site has been demolished and has extant outline consent for a replacement dwelling.

#### 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
- 15.02.2021

**23/01080/P3CQ**

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

**Relevant Planning Policy**

Core Strategy (2009)

- Policy 13: Rural Hamlets

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM3: Infrastructure and Delivery
- 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 DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

#### National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

#### Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

All policy documents can be found on the council's website at: [http://www.hinckley-bosworth.gov.uk/info/1004/planning\\_policy/381/planning\\_policy\\_documents](http://www.hinckley-bosworth.gov.uk/info/1004/planning_policy/381/planning_policy_documents)

#### Appraisal

##### Principle of Development

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. 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). 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.

Whilst some of the housing policies most relevant for this proposal 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.

Ratcliffe Culey, which 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.

As most of the site is located outside of the settlement boundary for Ratcliffe Culey, it 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.

The site 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. 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.

Furthermore, Policy 13: Rural Hamlets of the adopted Core Strategy states:

*In the Rural Hamlets, the council will:*

- *Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16*
- *Support development that complies with the Policy 17: Local Needs*
- *Support development enabling home working and other small scale employment uses within settlement boundaries*
- *Resist the loss of local shops and facilities in rural hamlets unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported*
- *Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Shackerstone, Gopsall Park Multifunctional Route, River Sence Corridor Management and the Shackerstone to Ibstock Multifunctional Corridor will be implemented*
- *Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21*
- *Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22*
- *Require transport improvements in line with Policy 14*

As with SADMP Policy DM4, the proposed development does not meet the criteria in Policy 13 as most of the development would fall outside of the settlement boundary. 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.

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.

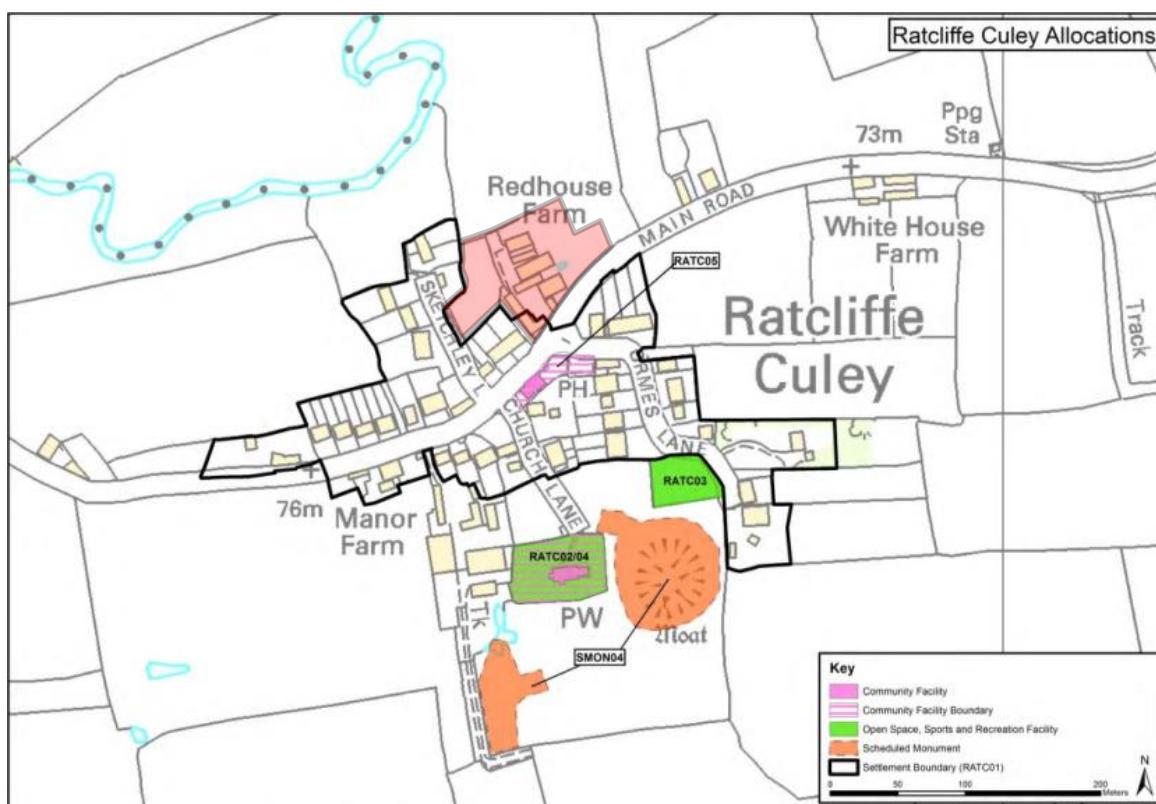
The supporting text to Policy DM15 recognises that:

*'...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.'*

It is acknowledged that only two of the five rural buildings are proposed to be re-used/converted as part of this proposal, however as this response will suggest in the Conclusion section, this may be a more achievable approach to the wider redevelopment of this site (in planning terms).

Therefore, a proposal for new residential development would conflict with Policy DM4 of the SADMP and Policy 13 of the Core Strategy. There is extant permission for a replacement farmhouse (H1) and expired Class Q permission for the conversion of one of the existing outbuildings (in the location of proposed Plot H4), however the principle of development for the wider site is not acceptable. The accompanying Planning Statement suggests that most of the outbuildings would be acceptable under Class Q of the GPDO, however this has not been confirmed and any forthcoming application of this type would be assessed on its own merits. Furthermore, the planning history of the site has several examples of unsuccessful Class Q applications.



Settlement boundary with site proposed plan overlay

## Design and impact on the character of the area

Most of the site is located adjacent to but outside of the adopted settlement boundary of Ratcliffe Culey as defined in the SADMP, with only the replacement farmhouse (H1) falling within the settlement boundary. Therefore, the criteria under Policy DM4 of the Core Strategy which seeks to protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development is relevant. Policy DM4 also requires that development does not undermine the physical or perceived separation and open character between settlements or create or exacerbate ribbon development. Policy DM10 of the SADMP also seeks to ensure that development complements or enhances the character of the surrounding area.

The Landscape Character Assessment (LCA) (2017) assesses the landscape of the Borough and divides the landscape into ten-character areas based on their characteristics. It also assesses the larger settlements (including Burbage) and identifies their urban characteristics.

The LCA identifies the application site as being part of Landscape Area G: Sence Lowlands. This large character area comprises the flat, low-lying land in the west of the borough. The character area is distinct from adjacent areas which rise to the north and east. The area forms the floodplain of the River Sence which runs roughly north south and joins the Anker Valley which lies beyond the borough boundary to the south of the character area. Key characteristics of this landscape relevant to the proposal include:

- 1) *Flat to gently rolling lowland vale landscape with rounded clay ridges and shallow valleys giving rise to extensive and open views.*
- 2) *Presence of surface water in rivers and streams (including the River Sence) and frequent streams, field ponds and ditches as well as the visitor attractions of the Ashby Canal, Bosworth Water Park and Marina.*
- 3) *Well-ordered agricultural landscape with a regular pattern of rectilinear fields of typical Parliamentary enclosure lined by low hedgerows with mature hedgerow trees.*
- 4) *A network of rural roads and lanes are lined by ditches and wide grass verges, with the main A444 running north south through the area.*
- 5) *A rural and tranquil character.*
- 6) *Spired and towered churches form prominent landmarks in the open landscape.*
- 7) *A rural dispersed settlement pattern of linear villages, scattered farmsteads and barns.*
- 8) *Small villages with strong sense of place and local vernacular of red brick.*
- 9) *Bosworth Battlefield has strong heritage associations.*

The indicative layout broadly follows the existing layout of the site, with Plots H1 – H5 and H8 located on a similar footprint to the existing farmhouse and outbuildings. Plots H2 and H4 are to be retained and converted, and subject to compliance with Policy DM15 of the SADMP and other relevant policies, this could be acceptable in design terms.

The Public Right of Way (Footpath T12) dissects the site from its south-eastern corner and runs broadly south to north, with existing development on the eastern side and two proposed dwellings (H6 and H7 to the west). The demolition of the existing outbuildings and erection of new dwellings, and moreover the erection of new dwellings in the countryside (H6, H7 and H9), would introduce a form of development which would be totally at odds with the existing character of the site and surrounding area, resulting in the domestication of the area. Views from the footpath would be significantly and permanently altered from one of a transition from a rural village to open countryside to the north, to one of new urban development with two engineered site accesses, parking and hardstanding areas, and new residential development. Users of the footpath currently experience residential development at the fringes of the settlement boundary, followed by a quick transition to a rural setting with agricultural outbuildings on the exit from the village to the open, verdant countryside to the north and beyond. The introduction of new residential development in this area would significantly and permanently alter the rural character of the area, causing significant and demonstrable harm in conflict with Policies DM4 and DM10 of the SADMP.

Furthermore, the erection of the new dwelling (H9) to the east would result in the unacceptable encroachment into the countryside, permanently altering the character of the area on the approach into the village from the east. The introduction of a new engineered site access, new built development, additional hardstanding, parked vehicles and additional residential paraphernalia would result in an incongruous form of development which would result in the unacceptable domestication of the area.

In summary the proposed development would cause significant and permanent environmental and visual harm to the intrinsic, undeveloped rural character and verdant appearance of the site and surrounding countryside. The proposal would therefore be contrary to Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2023).

### Residential Amenity

Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.

Upon assessing the indicative layout, it appears that the requisite separation distances could be met between dwellings, and that there would be no unacceptable impacts on neighbouring amenity within the site or to the surrounding dwellings. Any noise or disturbance associated with future movements along Main Road would not be anticipated to have an unacceptable effect upon the living conditions of the closest existing residential occupiers.

In summary, the proposal is unlikely to have a significant impact on residential amenity in accordance with policy DM10 of the SADMP.

### Highway Safety

Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 111 of the NPPF (2018) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

The Local Highway Authority were consulted as part of this pre-application enquiry and their response is incorporated into the comments below.

The site is currently served by an existing access on Main Road, a class C road subject to a 30mph speed limit. The LHA have provided observations on access from Main Road and from Sketchley Lane after correspondence with the Local Planning Authority.

#### *All Development off Main Road*

The access arrangements proposed by the applicant are shown on Portfolio Architects Proposed Site Plan Drawing Number 233-02. The LHA note that the applicant intends to utilise the existing access to serve 7 residential dwellings.

Figure DG17 of Part 3 of the Leicestershire Highway Design Guide [LHDG] states that for an access serving 6-25 dwellings - the access should be 4.8m wide for a minimum distance of 5m behind the highway boundary. The width of the existing access shown on the aforementioned plan is therefore sufficient.

The LHA note the applicant has proposed a new site access approximately 40m north east of the existing access to serve 2 dwellings. Figure DG17 of Part 3 of the Leicestershire Highways Design Guide [LHDG] states that for an access serving 2-5 dwellings – the access should be 4.25m wide for a minimum distance of 5m behind the highway boundary. The width proposed for the new access is in accordance with the LHDG.

As additional dwellings would represent an intensification of the existing access and the applicant intends to install a new access on Main Road, the applicant will be required to demonstrate adequate

visibility can be achieved at both accesses for the recorded 85th percentile speeds, in line with Table DG4 of Part 3 of the LHDG. The LHA advise the visibility splays must be contained within land under the Applicants control or the public highway with nothing above 0.6m in height obstructing either splay. An Automated Traffic Count (ATC) should be carried out to establish 85th percentile speeds along Main Road in the vicinity of the accesses. Whilst the Applicant can employ the services of a third party to undertake a speed survey on their behalf, a permit is required to carry out any traffic count/speed survey on the public highway within Leicestershire, which can be obtained by contacting [ndi@leics.gov.uk](mailto:ndi@leics.gov.uk).

Alternatively, Leicestershire County Council offer a data collection service including a large traffic count database. Details of the services available can be obtained by contacting [ndi@leics.gov.uk](mailto:ndi@leics.gov.uk). 1.0 x 1.0 metre by 1.0 x 1.0 metre pedestrian visibility splays must be demonstrated on the highway boundary on both sides of the accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, as per Part 3, Figure DG17 of the LHDG.

#### *2 dwellings off Sketchley Lane / 7 dwellings Main Road*

Sketchley Lane is an unclassified, unadopted road accessed via Main Road. It is noted that Sketchley Lane is a narrow single track road. The proposals to access 2 dwellings from Sketchley Lane will intensify the use of the access and could increase conflict between pedestrians and vehicles and would not allow two vehicles to pass safely side by side, which is of concern to the LHA as this may also result in vehicles reversing onto Main Road.

The Applicant should be mindful of Part 3, Figure DG17 of the LHDG which notes that for an access serving 6 to 25 dwellings, the access width is required to be 4.25m for a minimum distance of 5m from the highway boundary with 0.5m added if bound on one side by a wall, fence, hedge or similar obstruction and 1m if bounded on both sides. Therefore, the access road as currently presented to the site from Sketchley Lane is substandard in accordance to the minimum requirements as detailed above and within the LHDG.

Therefore, consideration should be given to the width of Sketchley Lane and whether any improvements such as passing places could be provided along the route. Consideration should also be given to the junction of Sketchley Lane onto Main Road to see if this could be widened to allow two vehicles to pass at the junction.

Furthermore, visibility splays should be demonstrated at the junction in accordance with Part 3 DG4 of the LHDG. Should it not be possible to achieve splays of 2.4m x 43m within the extents of the public highway the applicant should undertake a speed survey in order to demonstrate whether visibility can be achieved in line with recorded speeds. 1 x 1 metre pedestrian visibility splays would also need to be provided either side of the proposed parking spaces.

Under the site-specific circumstances, the LHA believe that an improved access off Main Road to serve the development would be preferable to additional dwellings accessed off Sketchley Lane. The applicant should note that the LHA may seek to resist proposals if safe and suitable access cannot be achieved in accordance with Paragraph 114 of the National Planning Policy Framework (NPPF).

#### *Internal Layout*

The Highway Requirements for Development Part Four document available within the LHDG states that for a dwelling with 3 or less bedrooms a minimum of 2 parking spaces should be provided. For a dwelling with 4 or more bedrooms, a minimum of 3 spaces should be provided.

The LHA note that garages contribute towards parking provision on many of the proposed dwellings. The applicant should note that the LHA will only accept garages contributing towards parking provision if the internal dimensions are in accordance with Part 3, Paragraph 3.200 of the LHDG. A standard single garage should measure 6m x 3m and a double garage should measure 6m x 6m. The applicant should provide plans detailing garage dimensions as part of a full planning application.

The LHA have assessed the proposed parking provision for each proposed dwelling and believe if the internal garage dimensions are in accordance with Part 3, Paragraph 3.200, the parking provision is suitable for the proposed development.

#### *Public Right of Way*

The LHA note that Public Footpath T12 runs through the proposed development. The applicant should note that a scheme for the treatment of the Public Right of Way should be submitted to and approved in writing by the Local Planning Authority. Such a scheme should include provision for the management of Public Footpath T12 during construction, surfacing, width, structures, signing, and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers, please see <https://tinyurl.com/devprowguide>. Thereafter the development should be carried out in accordance with the agreed scheme and timetable. If north of the proposed properties, the grassland is to be enclosed by fencing, at the crossing point of the public right of way, the LHA would request the developer provides a new metal kissing gate similar to the gate at the northern edge of the site.

In conclusion, it is considered that subject to the submission of additional information at application stage, the existing access could be capable of improvements to allow for intensification of the site with potential additional dwellings. Whilst the new proposed access to the north could be acceptable in highway safety terms, the LPA would not be supportive of due to conflict with the Development Plan in terms of the principle of development and impact on the character of the area.

#### Drainage

Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding. The application site is within Flood Zone 1, indicating there is a low risk of flooding in the area. The Borough Council's drainage officer has assessed the application and has no objection to the proposal.

It is advised that any surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site and ensure that surface water runoff does not increase flood risk elsewhere.

The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance. The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H. The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy.

The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 2 365, and the results approved by the Building Control Surveyor before development is commenced. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

In summary, the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

#### Ecology

Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

LCC Ecology were consulted as part this pre-app enquiry and stated that the agricultural buildings within the site, particularly those of brick structure with tiled roofs, can provide good habitat for roosting bats as well as nesting birds. The wider site includes areas of bramble scrub, hedgerow, and grassland that appears to have been grazed in the past but left unmanaged recently.

As such, a Preliminary Roost Assessment (PRA) of all the buildings on-site will be required in order to assess their suitability for roosting bats and inform further surveys if required. A Preliminary Ecological Appraisal (PEA) will also be required to assess the habitats present onsite, as well as the presence or likely absence of protected and priority species. This will inform further surveys if required. Lastly, a statutory Biodiversity Net Gain (BNG) metric will be required, in excel format, along with the relevant condition assessments, and pre- and post-development plans. The proposed

development will need to demonstrate a 10% net gain in biodiversity. On-site biodiversity enhancements should be shown on all relevant plans.

#### Other matters

HBBCs Environmental Health (Pollution) team have been consulted and suggest that there is potential for land contamination on the site due to past use, therefore a scheme for the investigation of potential land contamination may be required as part of a forthcoming application.

#### Documents required supporting a planning application

As part of any future reserved matters submission, the following information will be required:

- Application form
- Planning application fee
- Site location plan
- Block plan
- Proposed layout
- Proposed elevations
- Proposed floor plans
- Detailed access plan
- Landscape plan (hard and soft)
- Site levels/ existing and proposed (including off site levels showing the relationship to the existing site and surrounding area)
- Details of all facing and roofing materials
- Planning Statement
- Design and Access Statement
- Speed survey
- Preliminary roost assessment of all existing buildings
- Preliminary ecological appraisal
- Biodiversity Net Gain metric demonstrating 10% gain

#### Conclusion and recommendations

In accordance with paragraph 11(d) of the NPPF, the presumption in favour of sustainable development is engaged where the policies most important for determining a proposal are out of date and when the LPA fails to demonstrate an up to date 5-year housing land supply. Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.

When considering the development proposal in its entirety, the principle of residential development is not supported by Policy DM4 of the SADMP or Policy 13 of the Core Strategy and the site is not considered to be located in a sustainable area for new residential development outside of the settlement boundary. Whilst it is acknowledged that there would be some benefits arising from the proposal in terms of the provision of housing and short term employment opportunities through construction, it is considered that these benefits would be significantly and demonstrably outweighed by the harm caused by the proposal, which is identified as being the unfettered development in the countryside which would cause unacceptable harm to the open character and landscape character of the countryside. The proposal would therefore not be supported by the Local Planning Authority due to conflict with Policies DM1, DM4, DM10 of the SADMP, and Policy 13 of the Core Strategy.

In terms of potential development opportunities on the site, the applicant is encouraged to pursue the development of the replacement farmhouse approved under permission 23/00791/OUT. It would also be advisable to submit an application to renew the expired Class Q permission 20/01292/P3CQ. Potential wider redevelopment of the existing outbuildings could be considered, subject to compliance with SADMP Policy DM15 which would require the submission of structural surveys for each outbuilding to demonstrate their capacity for residential conversion, whilst also meeting the other criteria of this and the relevant aforementioned policies.

A potential Class Q fall-back position has been discussed which the applicant could pursue, however, the Local Planning Authority would need to be satisfied that such a fall-back position is achievable and realistic. At present and based on the information received to date, together with the site history which includes multiple Class Q refusals, this does not appear to be the case. In any event, this would not negate the need to assess the proposals impact on the character of the area which is judged to be unacceptable in its current form.

In terms of additional development of the site, specifically units H6, H7 and H9, the LPA is unlikely to be supportive of this aspect of the proposal. It is considered that this type of development outside the settlement boundary of Ratcliffe Culey is not acceptable in principle and would cause significant and permanent environmental and visual harm to the intrinsic, undeveloped rural character and verdant appearance of the site and surrounding countryside. The proposal would therefore be contrary to Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2023). Whilst there would be some associated benefits of this part of the development through the delivery of new housing and short-term employment, these are considered to be limited and would not outweigh the significant harm identified.

*All policy documents can be found on the council's website at: [http://www.hinckley-bosworth.gov.uk/info/1004/planning\\_policy/381/planning\\_policy\\_documents](http://www.hinckley-bosworth.gov.uk/info/1004/planning_policy/381/planning_policy_documents)*

I trust that this information is of use to you. If you have any queries on the above points, please contact me.

Yours faithfully



**Christopher Brown MRTPI**  
**Planning Manager (Development Management)**

*The above comments are initial informal officer views only and are made without prejudice to any decision the local planning authority may make in respect of a subsequent application, and are given without the opportunity to consider all the relevant issues that may arise from consultation or may be expressed by local residents and other interested parties. This letter does not constitute a decision under the Town and Country Planning Act 1990 (as amended) or other relevant legislation.*

*Where your proposed work requires additional consent under the Building Regulations, Hinckley and Bosworth Borough Council's Building Control Service are able to provide a quotation and advice. The Building Control Service can be contacted at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) to arrange a quote.*

## Appendix C: Farmhouse Decision Notice

# Hinckley & Bosworth Borough Council

## Town and Country Planning Act 1990

### Outline Planning Permission

Name and Address of Applicant	Name and Address of Agent (if any)
Mrs D Vann Root2Lean 12 Ormes Lane Ratcliffe Culey Warwickshire CV9 3PB	John Pearson JDP Architects Manor Barn Lullington Road Coton in the Elms DE12 8EP

### Part I - Particulars of Application

Date of Application	Application No.
14 August 2023	23/00791/OUT

#### Particulars and location of development:

Outline planning permission for replacement farmhouse (all matters reserved)

**Red House Farm 39 Main Road Ratcliffe Culey Atherstone Leicestershire**

#### Part II - Particulars of decision:

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

**In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants outline planning permission for the carrying out of the development referred to in Part I hereof, in accordance with the application and plans submitted, subject to the following condition(s) :-**

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) Appearance of the development;
- b) Means of access;
- c) Landscaping of the site;
- d) Layout of the site including the location of electric vehicle charging points; and
- e) Scale of each building proposed in relation to its surroundings

**IMPORTANT – PLEASE REFER TO THE NOTES AT THE END OF THIS DOCUMENT**

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - Dwg. 2305/01B, received by the Local Planning Authority on 5th October 2023.

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).

4. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

5. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

#### 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 [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath adjacent to the land to which this application relates. If it is intended to divert or stop the footpath the appropriate legal steps must be taken before development commences.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you 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.



**Christopher Brown MRTPI**  
**Head of Planning**

Date:- 9 October 2023

## NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within **six months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5<sup>th</sup> September 2003 must be made within **six months** of the date of this notice.
4. If permission to develop land is granted permission subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where planning permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

## SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1. The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice BS 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, BS 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
2. The buildings to which these requirements apply are :-
  - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
  - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
  - c) Factories as defined by Section 175 of the Factories Act 1961.

## OPNOTES (02/07/2014)



Hinckley & Bosworth  
Borough Council

## Start Notice

### **Important Information – Please keep this with your decision notice**

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk) or complete the form on the reverse.

**Hinckley & Bosworth Borough Council**  
**Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR**  
**TEL: 01455 238141 EMAIL: [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk)**



Hinckley & Bosworth  
Borough Council

**Development Details**

<b>Planning application ref:</b>	23/00791/OUT
<b>Proposal:</b>	Outline planning permission for replacement farmhouse (all matters reserved)
<b>Site Location:</b>	Red House Farm 39 Main Road Ratcliffe Culey Atherstone Leicestershire

<b>Date when work is intended to start:</b>	
<b>Have all pre-commencement conditions been discharged?</b>	
<b>Signed:</b>	<b>Print Name:</b>

**Your contact details (or attach letterhead/business card):**

<b>Name:</b>	
<b>Address:</b>	
<b>Telephone:</b>	
<b>Mobile:</b>	
<b>Email:</b>	

**Hinckley & Bosworth Borough Council**  
**Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR**  
**TEL: 01455 238141 EMAIL: [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk)**

## Appendix D: Prior Approval Decision Notice

# Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015

## PRIOR APPROVAL GRANTED

### Name and Address of Applicant

Donna Vann  
C/O Agent

### Name and Address of Agent (if any)

Ben Rayner  
Holland Lloyd  
Offiss  
Falcon Point  
Floor 2  
Park plaza  
Cannock  
WS12 2DE

## Part I - Particulars of Application

Date of Notification	Reference No.
25 April 2025	25/00198/P3CQ

### Particulars and location of development:

Notification to determine if Prior Approval is required for the change of use of two agricultural buildings to three dwellinghouses (Class C3)

**39 Main Road, Ratcliffe Culey, Atherstone**

### Information that the developer provided to the local planning authority:

- Application Form (received: 04.03.2025)
- Planning Statement -
- Site Location Plan – Drawing. No. 233-200 Rev A (received: 04.03.25)
- Proposed Site Plan - Drawing No. 240-202 Rev C (received: 04.03.25)
- Building 3 Existing Elevations – Drawing No. 240-203 (received 04.03.25)
- Building 3 Existing Plans - Drawing No. 240-204 (received 04.03.25)
- Building 3 Proposed Elevations - Drawing No. 240-207 (received: 04.03.25)
- Building 3 Proposed Plans - Drawing No. 240-208 (received: 04.03.25)
- Building 4 Existing Elevations - Drawing No. 240-205 (received: 04.03.25)
- Building 4 Existing Plans - Drawing No. 240-206 (received 04.03.25)
- Building 4 Proposed Elevations - Drawing No. 240-209 (received: 04.03.25)
- Building 4 Proposed Plans - Drawing No. 240-210 (received: 04.03.25)
- Proposed Curtilage Site Plan - Drawing No. 240-211 (received: 04.03.25)
- Structural Inspection (Diamond Wood & Shaw Ltd) (received: 12.12.2024)

## Part II - Particulars of decision

I write further to your recent application under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for prior approval with respect to the above proposal.

It is hereby confirmed that the Council's **prior approval is required and granted**, subject to the following planning conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan – Drawing. No. 233-200 Rev A (received: 04.03.25)

- Proposed Site Plan - Drawing No. 240-202 Rev C (received: 04.03.25)
- Building 3 Proposed Elevations - Drawing No. 240-207 (received: 04.03.25)
- Building 3 Proposed Plans - Drawing No. 240-208 (received: 04.03.25)
- Building 4 Proposed Elevations - Drawing No. 240-209 (received: 04.03.25)
- Building 4 Proposed Plans - Drawing No. 240-210 (received: 04.03.25)
- Proposed Curtilage Site Plan - Drawing No. 240-211 (received: 04.03.25)

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).

2. The materials to be used on the external elevations, including doors and windows, shall accord with the submitted application details as follows:

- Building 3 Proposed Elevations - Drawing No. 240-207 (received: 04.03.25)
- Building 4 Proposed Elevations - Drawing No. 240-209 (received: 04.03.25)

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).

3. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with the drawing titled 'Proposed Site Plan', drawing number 240-202 Rev C. 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 reduce the possibility of the proposed development leading to on-street parking problems locally (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 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

4. No development shall take place until a scheme for the treatment of the Public Right of Way Footpath T12 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 diversion order to ensure they do so in future; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way. 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 (2024).

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed 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).

6. 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 first dwelling 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).

7. Prior to first occupation of any of the dwellings hereby approved, a scheme of hard and soft landscaping works, including boundary treatments, for the site, including 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. 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 are 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 by the Local Planning Authority.

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 DPD (2016).

## **IT IS IMPORTANT THAT YOU READ AND UNDERSTAND THE FOLLOWING INFORMATIVES:**

### **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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. The collection point for domestic refuse and recycling waste is from the adopted highway boundary.

We cannot travel along or collect from private driveways using our RCV, therefore it would be advisable to include an area next to the adopted highway for safe placement of the various containers on collection day.

Please ensure there is adequate space on the property to store the waste containers.

3. The surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site, and ensure that surface water runoff does not increase flood risk elsewhere.

The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance. The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H.

The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy.

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. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

4. In relation to Condition 5 and 6, advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.

C. Brown.

**Christopher Brown MRTPI**  
**Planning Manager (Development Management)**

Date : 25 April 2025