

Delegated Report

Planning Ref: 25/00129/HOU

Applicant: Mr And Mrs Smith

Ward: Twycross Sheepy & Witherley

Site: The Old Barn, Drayton Lane, Fenny Drayton

Proposal: Conversion of existing garage to annex, erection of new garage and new gates



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The proposal seeks the conversion of an existing garage to form ancillary living accommodation, the erection of a replacement triple garage, and the erection of new gates at the entrance to the site.

2.2. The proposed annexe conversion would have the same dimensions as the existing garage, with a width of 9.4m, depth of 5.8m, eaves height of 2.3m and ridge height of 5.3m. The proposal introduces a mezzanine floor and includes two flat roof dormers as well as alterations to replace garage doors with windows and doors.

2.3. The proposed garage would be located southeast of the existing garage, closer to the main dwelling which it would serve. It is designed in a rectangular block form with a pitched roof, and would measure 6.1m at the ridge, 2.4m at the eaves, with a length of 10.8m and a width of 6.5m. External materials would be red/brown facing bricks and a dark grey tiled roof, with dark grey roller doors.

2.4. The proposed entrance gates feature a 1.8m brick wall and pillars, with rectangular metal gates at the same height and a width of 4.2m. The materials include reclaimed brickwork with blue capping.

2.5. Revisions to the proposals were requested and made as part of the application, to reduce the scale of the annexe conversion and gates, and to remove the external stairwell from the proposed garage block.

3. Description of the site and surrounding area

3.1. The site is located within the countryside, set back from Drayton Lane significantly, and is surrounded by agricultural fields. The site is accessed by an existing track and is well screened from public vantage points by existing and mature hedgerow and trees. Footpath T44 runs along the rear boundary of the wider site (blue line) approximately 120m east of the dwelling. The site includes a single storey dwelling, and a triple garage which has previously received approval for conversion to form ancillary accommodation.

4. Relevant planning history

12/00344/HOU

Extensions and alterations to dwelling

Planning Permission

20.06.2012

16/01110/HOU

Conversion of existing garage to form ancillary living accommodation
Planning Permission
06.02.2017

24/01108/FUL

Erection of agricultural building
Planning Permission
28.01.2025

5. Publicity

5.1. The application has been publicised by posting a site notice within the vicinity of the site.

5.2. No responses have been received.

6. Consultation

6.1. National Grid: No comment.

6.2. Witherley Parish Council: No comment.

6.3. LCC Ecology: No comment.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interests
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. Core Strategy (2009)

- No relevant policies

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Biodiversity Net Gain

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The application site is located within the countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered sustainable where:
- a) 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
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 -Enabling Rural Worker Accommodation.
- 8.6. The proposal is for the erection of a garage associated with the main dwelling, gates at the main access, and the conversion of the existing garage to an annexe, all within the countryside. The annex is separate from the host dwelling by some distance and has all the internal accommodation that would allow future occupants to live independently of the main dwelling, however, it has been proposed as an annex and has been assessed as such. A condition is necessary to ensure the annex is not occupied separately for the avoidance of doubt. Independent occupation may not be acceptable and would be subject to separate residential amenity and highways considerations. It is acknowledged that the introduction of new built form of this type does not strictly satisfy the criteria outlined within the Policy. However, an application of this nature is commonplace in a countryside setting, and whilst it does not strictly comply with the Policy it is considered that the design and nature of the building and gates would be compatible with the countryside and would not cause detriment to the intrinsic value and beauty of the countryside.

Design and impact upon the character of the area

- 8.7. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.

- 8.8. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM10 also seeks to safeguard the amenity of future occupiers of the development.
- 8.9. The proposed annexe conversion would not result in an increase in the size of the building, only the addition of a mezzanine, two dormers on the front elevation and a flue. The proposal would involve the infill of the existing garage doors with hardwood framed windows and brickwork to infill panels to match existing facing brick. As no extension is proposed, only the addition of two dormers, which are small scale, set down and subservient to the existing building, it is considered that the proposed conversion would not impact upon the character of the countryside or the application site.
- 8.10. The proposed triple garage is a similar design to the existing garage and would be re-sited closer to the existing dwelling. There is storage space proposed in the roof of the garage, and a widow for natural light on the side elevation. Whilst the design is slightly larger than the existing garage, it is re-sited to a more appropriate location within the site and would be subservient to the main dwelling. It is therefore considered that there would be no harmful impact upon the character of the countryside or the application site.
- 8.11. The proposed gates would introduce a domestic feature to a countryside location, however it is considered that the revised design is of an appropriate design and scale and uses materials which would not cause unacceptable harm to the character of the area.
- 8.12. The development is located within the existing site of The Old Barn and is set significantly away from the highway. The site benefits from a high degree of screening through mature hedgerows and mature trees to the site boundary and within the site. Aside from the proposed gates, which are considered acceptable in design terms, the proposals may only be visible via glimpses from public vantage points (Footpath T44) and as such would have no visual detriment or detrimental impacts to the character of the area or countryside.
- 8.13. The proposal is therefore considered to be in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.15. The proposed development is not located within close proximity to neighbouring dwellings and is a reasonable distance to the host dwelling of The Old Barn. Given the nature and location of the site it is considered that the proposal would have a minimal impact on the residents of the host dwelling and would not cause detrimental impacts to neighbouring amenity. As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.16. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new

development to provide an appropriate/justified level of parking provision.

- 8.17. The proposal does not propose any additional access points, and the parking situation remains largely unchanged. The proposed gates are set back appropriately from Drayton Lane, and would therefore not result in stalling on the highway.
- 8.18. The development is not considered to cause detrimental impacts to highway safety nor vehicle parking and as such it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

Biodiversity Net Gain

- 8.18 Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 8.19 The proposal is a householder application within the curtilage of the existing dwellinghouse and would be incidental to the enjoyment of the existing dwelling. Householder applications are exempt from BNG requirements.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. It is considered that the proposal has limited impacts on the character of the area and countryside, neighbouring amenity and highway safety. The proposal therefore complies with Policies DM4, DM6, DM10, DM17, DM18 of the SADMP. Whilst the proposal does not strictly comply with the criteria of acceptable development in the countryside, the other material considerations are all considered acceptable.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

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

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

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

Site Location Plan Drg No. 24/89 14A
Proposed Site Plan Drg No. 24/89 13B
Proposed Annex - Drg No. 24/89 05K
Proposed Garage Block - Drg No. 24/89 11D
Proposed Gates - Drg No. 24/89 12D

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

3. The materials to be used on the development shall accord with the approved materials detailed within the application form and approved drawings above.

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

4. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential occupation and use of the main dwelling currently known as The Old Barn, Drayton Lane, Fenny Drayton.

Reason: To define the permission and to ensure that the development does not result in an unsustainable isolated new dwelling in the countryside and any future undesirable fragmentation of the curtilage that would be contrary to Policies DM1 and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 84 of the National Planning Policy Framework (2024).

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 or call 01455 238141.

