

Delegated Report

Planning Ref: 24/00623/HOU

Applicant: Mr Kamalkumar Jayantilal Patel

Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: 123 Barton Lane Nailstone Leicestershire

Proposal: Installation of 10KW Air Source Pump

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks planning permission for the installation of an air source heat pump within the rear garden of a dwelling, 123 Barton Lane, Nailstone. The proposed 10KW unit (Vaillant aroTherm plus) would be sited in an infill corner at the rear elevation of the dwelling. The proposed unit would measure only 1.565 metres in height including feet, only 1.1 metres in width and only 0.49 metres in depth.

3. Description of the site and surrounding area

- 3.1. The application dwelling occupies a central position within a substantial, isolated and well enclosed plot in the countryside to the west of the village of Nailstone. It is a large two storey detached house with detached multiple garaging to the fore and set well back from the well screened highway boundary. It has a gable sided main roof form and is constructed of plain red facing bricks, plain grey concrete roof tiles and cream uPVC windows. The substantial rear garden is enclosed by a variety of fencing and soft landscaping. There are agricultural fields surrounding the site.

4. Relevant planning history

14/00118/FUL

- Demolition of existing dwelling, the erection of one new dwelling with detached garage and formation of a new access
- Permitted
- 13.05.2014

18/00534/CONDIT

- Variation of condition 3 of planning permission 14/00118/FUL to alter the layout of the approved garage
- Permitted
- 26.10.2018

5. Publicity

- 5.1. The application has been publicised by the posting of a site notice to the front of the application site. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No response has been received from Nailstone Parish Council.
- 6.2. No objection has been received from HBBC Environmental Health (Pollution).

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

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

8. Appraisal

8.1. Notwithstanding the countryside location of the site, alterations to existing domestic properties within an established residential curtilage are generally considered to be sustainable development in principle. The key issues in respect of this application are:

- Assessment against strategic planning policies
- Design and impact upon the character of the area and surrounding countryside
- Impact on neighbours amenities

Assessment against strategic planning policies

8.2 Paragraph 157 of the NPPF (2023) states that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF (2023) states that '*When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.*'

8.3 The development plan in this instance consists of the adopted Core Strategy (2009), and the SADMP (2016). Whilst there are no specific policies relevant to the proposal within the Core Strategy, Spatial Objective 12: Climate Change and Resource Efficiency does seek to minimise the impacts of climate change by, amongst other measures, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.

8.4 Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development whereby development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.

- 8.5 Policy DM2 of the adopted SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. It further states that planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 8.6 It is therefore considered that there is strong support in principle within both local and national planning policies for the development of domestic scale renewable energy installations such as that proposed subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area and surrounding countryside

- 8.7 Policy DM2 of the adopted SADMP states that renewable energy and low carbon development installations will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including noise and visual impacts. Policy DM4 of the adopted SADMP supports extensions and alterations of existing buildings in the countryside where, amongst other matters, the proposal does not have a significant adverse effect on the rural appearance and/or open character of the countryside. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area.
- 8.8 The proposed air source heat pump would measure only 1.565 metres in height including feet, only 1.1 metres in width and only 0.49 metres in depth. It would be sited in a discreet position in an infill corner at the rear elevation of this large detached two storey dwelling and well within the boundaries of the substantial, isolated and well enclosed plot that it occupies where it would not be visible from any public areas or visually prominent from the surrounding countryside. By virtue of its siting, small scale, design, technical specifications and appearance, it is considered that reasonable steps have been taken to avoid or mitigate any significant adverse impacts arising from its installation. The proposal is considered to respect and complement the residential character of the site and be without any significant adverse impacts on the rural appearance or open character of the surrounding countryside and is therefore considered to be in accordance with Policies DM2, DM4 and DM10 of the adopted SADMP.

Impact on neighbours amenities

- 8.9 By virtue of the isolated countryside location of this substantial plot, there are no nearby neighbouring residential properties that would be adversely affected by the proposal in terms of noise, visual or other impacts.

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. Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development. Policy DM2 of the adopted SADMP and paragraph 157 of the NPPF (2023) support appropriately designed and sited renewable energy and low carbon developments. Notwithstanding the countryside location of the site, alterations to existing domestic properties within an established residential curtilage are generally considered to be sustainable development in principle.
- 10.2. By virtue of its discreet siting, small scale, design, technical specifications, appearance and existing screening, it is considered that the proposal would respect and complement the residential character of the site and be without any significant adverse impacts on the rural appearance or open character of the surrounding countryside or the amenities of any neighbouring occupiers and that it would result in positive environmental benefits from the generation of renewable energy and contribution towards a reduction in carbon emissions. The proposal would therefore be a sustainable development and in accordance with Policies DM1, DM2 and DM10 of the adopted SADMP and the overarching principles of the NPPF (2023) and is therefore recommended for approval subject to conditions.

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: Location Plan at scale 1:1250, Proposed Site Plan No. TQRQM24172110313215 and the submitted 10KW Vaillant aroTherm plus Air Source Heat Pump Design and Specifications details received by the local planning authority on 20 June 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.