

Our Ref: DK/21035

E-mail: david@dkplanning.co.uk



Mr S Archer
Planning Officer
Development Management
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

21st May 2024

Dear Mr Archer

Planning application for the demolition of all of the existing farm buildings and farmhouse followed by the construction of a single new farmhouse

Frog Hall Farm, Crow Lane, Sheepy Magna, Atherstone, Leicestershire, CV9 3QX

Mr and Mrs H Fisher

DK Planning & Development Ltd is instructed by Mr and Mrs Fisher, the owners of Frog Hall Farm, to advise on and pursue a planning application for the construction of a single new farmhouse in lieu of the existing farmhouse and an extant Class Q approval for the creation of five new dwellings. You provided us with some very helpful pre-application advice in June 2023 for which we are exceedingly grateful.

Following our pre-application site visit in late June and the receipt of your written advice on 30th June 2023, we have sought to positively address all of the helpful comments made on site and within the subsequent advice. Our proposals and application documentation have been amended/supplemented accordingly.

We attach the following documents that collectively form our planning application:

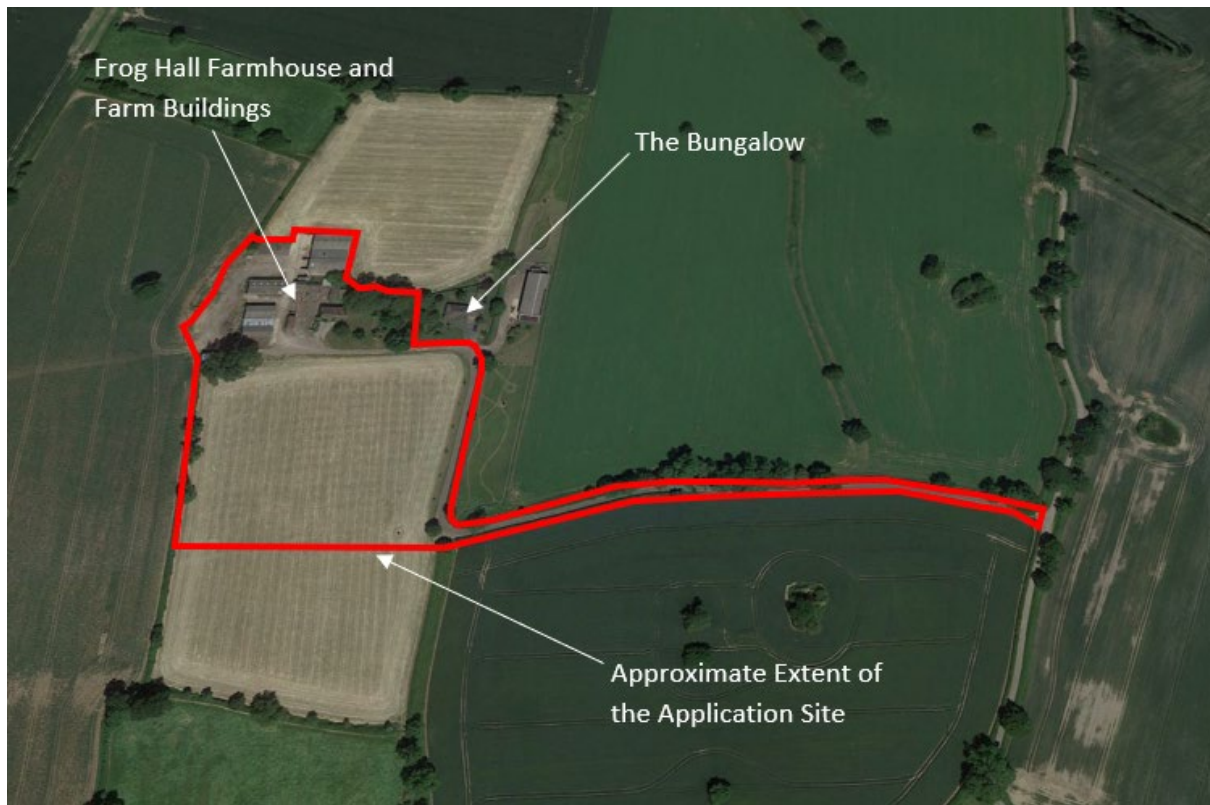
- Planning Application Form
- Planning application fee of £578 (Fee based on the creation of one new dwelling)
- Drawing 2568-0001 A – Site Location Plan
- Drawing 2568-0002 A – Existing Site Plan
- Drawing 2568-0003 A – Existing Waste Management Plan
- Drawing 2568-0004 A – Proposed Waste Management Plan
- Drawing 2568-0010 A – Existing Farmhouse Plans
- Drawing 2568-0011 A – Existing Farmhouse Elevations

- Drawing 2568-0012 A – Existing Outbuilding Plans
- Drawing 2568-0013 A – Existing Outbuilding Elevations
- Drawing 2568-0014 A – Existing Agricultural Barn 01 Plans
- Drawing 2568-0015 A – Existing Agricultural Barn 01 Elevations and Section
- Drawing 2568-0016 A – Existing Agricultural Barn 02 Plans
- Drawing 2568-0017 A – Existing Agricultural Barn 02 Elevations and Section
- Drawing 2568-0018 A – Existing Agricultural Barn 03 Plans, Sections and Elevations
- Drawing 2568-0019 A – Existing Pole Barn Plans, Elevations and Section
- Drawing 2568-1101 A – Existing Class Q Proposed Site Plan
- Drawing 2568-1102 A – Existing Class Q Agricultural Barn 01 Proposed Floor Plans
- Drawing 2568-1103 A – Existing Class Q Agricultural Barn 01 Proposed roof Plan
- Drawing 2568-1104 A – Existing Class Q Agricultural Barn 01 Proposed Elevations
- Drawing 2568-1105 A – Existing Class Q Agricultural Barn 02 Proposed Floor Plans
- Drawing 2568-1106 A – Existing Class Q Agricultural Barn 02 Proposed Elevations
- Drawing 2568-2101 A – Proposed Site Plan
- Drawing 2568-2102 A – Existing and Proposed Comparative Area Plans
- Drawing 2568-2103 A – Existing with Class Q and Proposed Comparative Area Plans
- Drawing 2568-2105 A – Proposed Ground Floor Plan
- Drawing 2568-2106 A – Proposed First Floor Plan
- Drawing 2568-2107 A – Proposed Attic Floor Plan
- Drawing 2568-2108 A – Proposed Roof Plan
- Drawing 2568-2150 A – Proposed Elevations Sheet 1 of 2
- Drawing 2568-2151 A – Proposed Elevations Sheet 2 of 2
- Drawing 2568-2152 A – Proposed Design Watercolour
- Landscape Masterplan prepared by David Hickie Associates
- Landscape Mitigation Plan prepared by David Hickie Associates
- Landscape Protection Plan prepared by David Hickie Associates
- Landscape Management Plan prepared by David Hickie Associates
- Landscape and Visual Appraisal prepared by David Hickie Associates
- Landscape and Visual Impact Appendix 3 prepared by David Hickie Associates
- Ecological Appraisal and Nocturnal Bat Survey Report prepared by Baker Consultants
- Biodiversity Metric
- Biodiversity Net Gain Feasibility Assessment prepared by Baker Consultants
- Design and Access Statement prepared by Yiangou Architects
- Tree Survey Plan and Tree Constraints Plan prepared by Outline Trees
- Contamination Report prepared by Argyll Environmental

The Site

Frog Hall Farm is a largely arable farm comprising agricultural land with a central collection of agricultural buildings and a farmhouse, located circa 2km north of Atherstone and some 1.9km west of Sheepy Magna and west of Sheepy Road (the B4116 Atherstone to Sheepy Magna road).

The application site is centrally located well within the 48.9ha farm and essentially comprises the existing farmhouse, agricultural buildings, a considerable area of hardstanding and part of an adjoining field together with the access driveway to Crow Lane. It is shown on submitted drawing 2568-0001 Rev A (Site Location Plan) as well as on the aerial photograph on the following page outlined in red.



[Location of the application site shown outlined in red. Photograph courtesy of Google Earth]

The farmhouse is a typical Victorian house with a rectangular plan form. A single storey rear outshot and many of the house's original details have been removed. There is a garden principally to the front (south) and to one side (east) of the house.

Adjacent to the farmhouse (to the rear and west) is a range of modest, single storey, brick outbuildings which are used partly for domestic purposes but would have originally been agricultural buildings.

Beyond the outbuildings are four modern, steel framed and steel-clad agricultural buildings surrounded by significant areas of hardstanding.

The farmhouse and agricultural buildings are shown on the numerous photographs included in the pre-application advice document, some of which are reproduced below.





[Photographs showing the farmhouse, outbuildings and agricultural buildings as well as the adjacent hardstanding]

The application site is bounded on the vast majority of sides by land in agricultural use within the ownership of the applicants. Immediately to the east of the farmhouse is a bungalow in separate ownership and totally unrelated to the farm.

Planning History

The Application Site

Following an online search on the Council's website, we have not found any planning applications relating to the agricultural buildings, adjacent agricultural buildings or to the farmhouse before 2021.

Prior Approval was granted on 4th April 2022 for the change of use of two of the larger agricultural buildings to create five individual dwellinghouses along with proposed building operations in accordance with Class Q of Part 3 to Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (application ref: 22/00137/P3CQ).

The Adjacent Property

On 26th July 2000, planning permission was granted by Hinckley and Bosworth Borough Council for the demolition of an adjacent dwelling and its replacement with a new bungalow (application ref: 00/00365/FUL). This permission is for the bungalow some 65m to the east of the farmhouse and it has been implemented.

Prior Notification was approved by Hinckley and Bosworth Borough Council on 4th August 2008 for the erection of an agricultural building under Part 6 of the Town & Country Planning (General Permitted Development) Order 1995 (application ref: 08/00706/GDO). This permission was for a building in association with the bungalow and has also been implemented.

The Proposals

The proposals are for the demolition of the existing farmhouse, outbuildings and all of the agricultural buildings followed by the erection of a single, family dwelling which will be used as a farmhouse by the applicants who already farm the land associated with Frog Hall Farm along with other nearby farms.

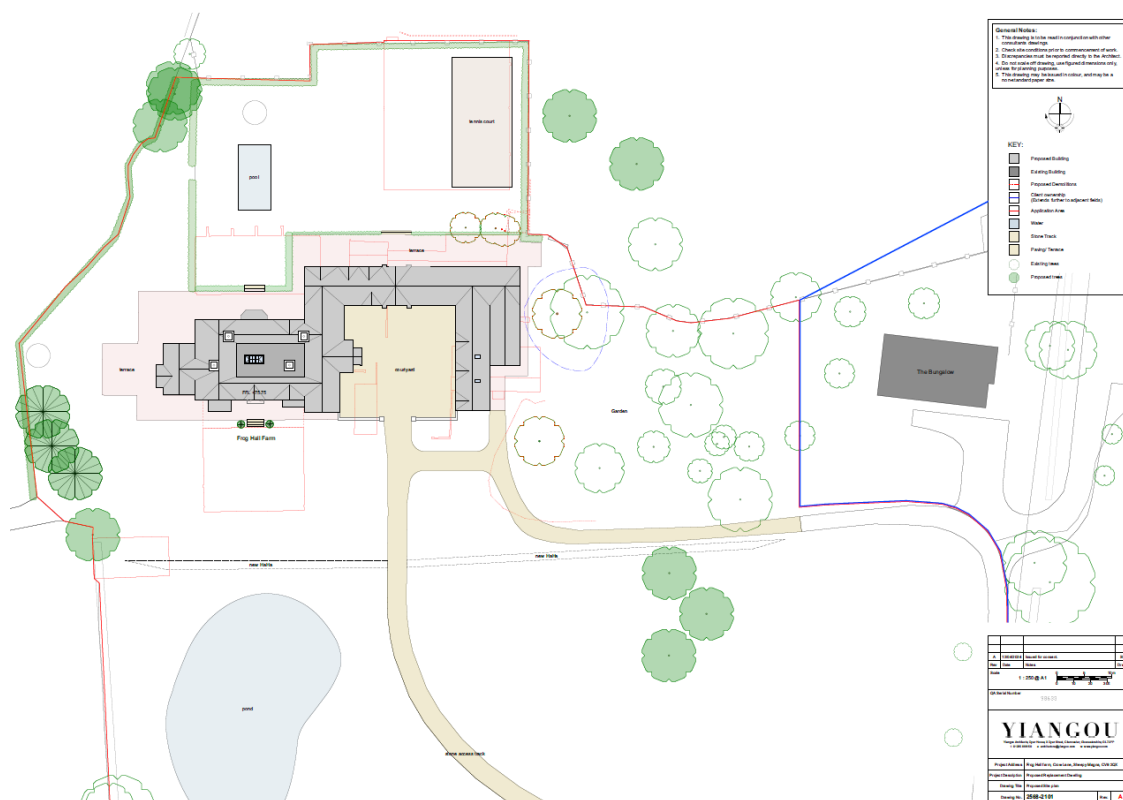
The new dwelling will have accommodation over two internal floors and a partially habitable attic space comprising the following:

- Entrance hall, back hall, living room, snug, dining room, kitchen, pantry, utility, cloaks and WCs on the ground floor.
- A principal bedroom suite, four further bedrooms each with en-suite facilities and a laundry room on the first floor.
- Two bedrooms each with en-suite facilities on the attic floor.

Adjoining the proposed dwelling on its eastern side is a series of linked outbuildings arranged around a central courtyard. These outbuildings are one and one-and-a-half storeys with a pitched roof and provide incidental/ancillary uses to the main house comprising gym, garaging, farm office and a plant/garden store as well as a two-bedroom annex.

Gardens are proposed on all sides of the new dwelling, with the majority to the rear (north) and to the side (west). To the rear, on the opposite side of the gym/spa is a tennis court, outdoor pool and lawns surrounded by a post and rail fence with Beech hedging while to the west, adjoining the living room, are more areas of lawn enclosed on the western side by a new native hedgerow.

The proposed dwelling more-or-less sits on the site of the existing farmhouse, outbuildings and one of the larger agricultural buildings. The rear gardens take the place of the remaining agricultural buildings. The dwelling is orientated with its main entrance facing south, as is the existing farmhouse. A spur off the existing driveway provides a more direct approach to the house with judicious tree planting and a pond flanking the approach.



[Drawing 2568-2101 A – Proposed Site Plan]

The proposed design is indicated on the various elevations which accompany the submissions and is perhaps best illustrated on the submitted watercolour of the view of the front of the house in context as reproduced below.



[Artist's impression of the proposed new dwelling as viewed from the south]

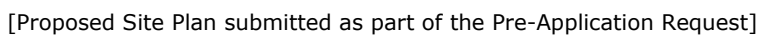
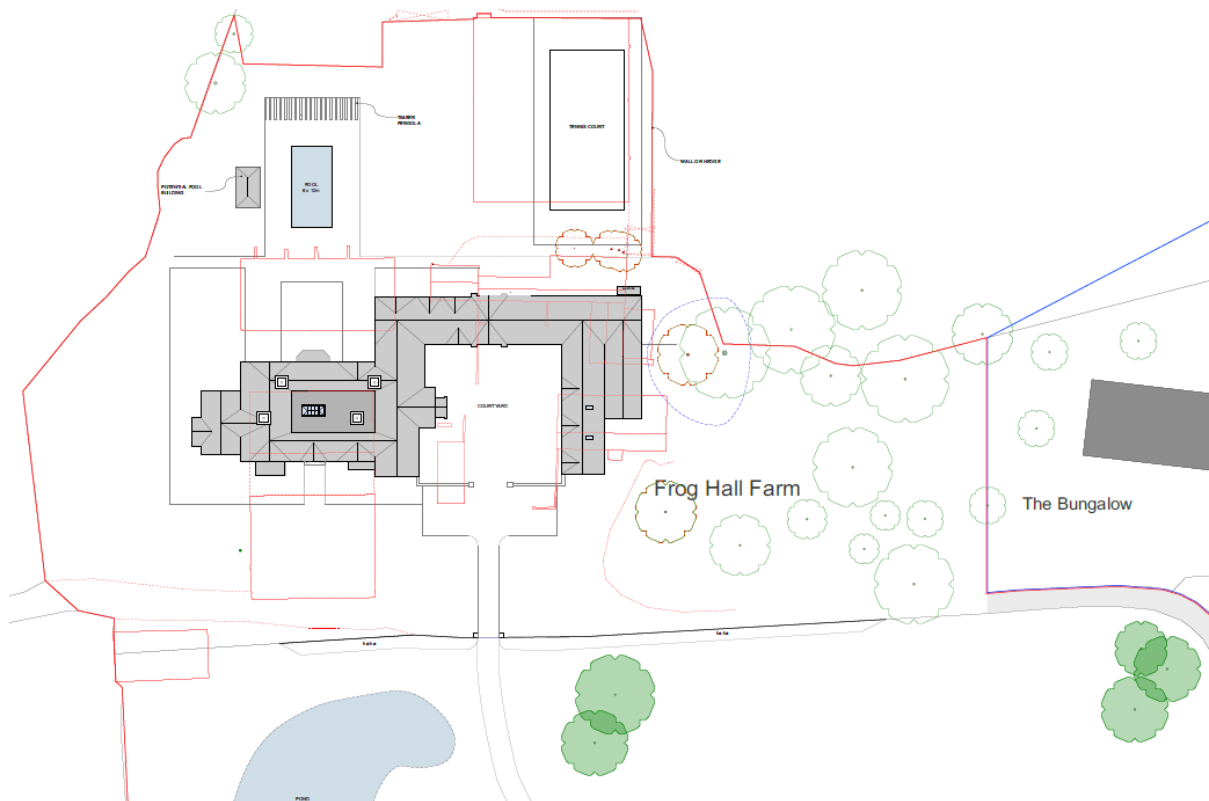
As the Design and Access Statement explains, the proposed design of the new dwelling is influenced by local vernacular architecture and by the tradition of multi-gabled two storey detached houses with hints of early classical details, such as stone finials and simple classically referenced door cases reminiscent of houses of the 16th to early 18th centuries.

Page 15 of the Design and Access Statement shows some examples of nearby buildings with similar architectural details as proposed in the new dwelling.

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Pre-Application Discussions

In May 2023, we submitted a formal request for pre-application advice which essentially included proposals for a single new dwelling similar to that now proposed. Existing and proposed plans/drawings were provided by Yiangou Architects along with a tree survey, various ecological reports and a visual analysis as well as a detailed covering letter from ourselves. A copy of the Proposed Site Plan submitted with the request for pre-application advice is reproduced below for contextual and comparison purposes. Part of the elevations submitted with the request for pre-application advice are also reproduced below.

[illegible]

[Proposed south and west elevations submitted as part of the Pre-Application Request]

We visited Frog Hall Farm with yourself, the applicants and representatives from Yiangou Architects on Wednesday 28th June 2023 to view the site and discuss the proposals in greater detail. On 30th June 2023 we received your written response via email (Pre-Application ref: 23/10082/PREHMO).

The pre-application response helpfully confirms that the principle of the proposed new dwelling is supported given the realistic fall-back position provided by the existing farmhouse and the Class Q prior approval for the conversion of the agricultural buildings to create five new dwellings.

The advice is best summarised in the conclusion which reads:

"To summarise, by virtue of the removal of all the existing structures on site, and the application site's prior approval for the conversion of two agricultural buildings into five dwellings, the proposal for a replacement dwelling that is larger than the existing residential unit within the application site is justified. However, a residential property of this proposed size, scale, and massing in these site-specific circumstances is considered to be detrimental to the rural character of the site and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is heightened by the visibility of the development from the Public Right of Way, Footpath T19."

The advice acknowledges the substantial reduction in the footprint of buildings across the site as a consequence of the scheme proposals and that there would be a similar volume. Nonetheless, concern is raised to the scale, size and massing of the replacement dwelling. In particular, comparisons are made with the existing buildings using the photograph provided on page 9 of the submitted Pre-Application Advice Document to suggest the massing of the site is predominantly single storey with the exception of the farmhouse. The photograph is provided below.



[Photograph on page 9 of the Pre-Application Advice Document entitled View of Frog Hall Farm looking North]

The comments on the comparisons are noted as follows.

"As seen within the image on Page 9 of the Pre-Application Advice Document, the massing of the site is predominantly single storey with the exception of the farmhouse. The site has a typical appearance of a brick farmhouse surrounded by single storey brick farm buildings"

with larger more modern farm buildings beyond. In comparison to this, the replacement dwelling has 66.7m of development with a ridge height that exceeds 7m, which is larger than every existing structure on site with the exception of Agricultural Barn 2 and the farmhouse. In addition, 46.7m of this width exceeds 9m in height, which is almost double the massing of the majority of the existing buildings on site. This is exacerbated by the 1.4m wide and 2.6m high chimneys that protrude above the main roof of the replacement dwelling."

Given the comparisons above, the advice says that "... it is likely that this development will be prominent from Footpath T19. Given the existing typically rural and verdant experience of this Public Right of Way, the proposed size, scale, massing, and bulk of the proposal will appear as an uncharacteristically large dwellings that is likely to have a significant adverse impact on the intrinsic value, beauty, open character, landscape character of the countryside and ultimately the experience of this footpath."

The advice also notes that the proposals will extend the "domestication of the countryside" which is likely to cause harm to the countryside.

The scheme is considered unlikely to result in any significant adverse harm to the neighbouring residential properties nor to the future occupiers of the development.

Given the existing use together with the Class Q approval, the scheme is not considered to result in an intensification of the site or to give rise to any significant adverse harm to highway safety along Crow Lane. The scheme also provides adequate and sufficient off-street vehicle parking and turning facilities.

The submitted ecological and tree surveys are noted, as are their respective recommendations.

The advice also says that the proposed surface water drainage system should incorporate sustainable drainage principles and the outfall should be in accordance with the recognised hierarchical approach. Infiltration drainage is preferred.

Information on contamination, external lighting and the provision of external plant (if relevant) should be submitted at the planning application stage.

Relevant Planning Policy

The Council's Core Strategy DPD, adopted in December 2009, provides the strategic approach to the delivery of new development across the district over the next 2 years (up to 2026). Sitting alongside the Core Strategy is the Site Allocations & Development Management Policies DPD, adopted in July 2016.

The Policies Map accompanying the Site Allocations & Development Management Policies DPD 2016 (adopted July 2016) shows that the application site has no specific designations or allocations.

The pre-application response lists policies in the Core strategy and the Site Allocations & Development Management Policies DPD that may be relevant. Since the proposals essentially involve the construction of a single new dwelling, we believe the following policies will be relevant.

Site Allocations & Development Management Policies DPD Policy DM4 'Safeguarding the Countryside and Settlement Separation' deals with new development in the countryside. It does not support new build housing beyond identified settlement boundaries unless it is for a rural worker etc.

Site Allocations & Development Management Policies DPD Policy DM14 'Replacement Dwellings in the Rural Area' is relevant. It says:

DM14
Replacement Dwellings in the Rural Area

A proposal for the demolition and rebuild of an existing dwelling outside the settlement boundary will be supported where:

- a) It leads to an enhancement of the immediate setting and general character of the area; and
- b) The new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage; and
- c) The proposed development accords with Policy DM10: Development and Design, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.

The text accompanying Policy DM14, at paragraph 14.53, says that *"Where dwellings are replaced, the new dwelling should be sympathetic to the size and appearance of the original. Modest increases in size from the original dwelling will normally be acceptable. It is important that the replacement dwelling is compatible with its surroundings in terms of size, scale, mass and footprint and sited within the pre-existing residential curtilage."*

Paragraph 14.55 notes that *"Any proposals to replace a dwelling should not lead to an increase in the number of residential units on the site."*

Site Allocations & Development Management Policies DPD Policy DM10 'Development and Design' covers all the facets of good design. It states:

DM10
Development and Design

Developments will be permitted providing that the following requirements are met:

- a) It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion;
- b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
- c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
- d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;
- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;
- i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

In exceptional circumstances where outstanding, innovative design is demonstrated (particularly where high levels of sustainability are an integral feature), applications will be considered favourably, even where this may result in some limited conflict with the above criteria.

The text accompanying Policy DM10, at paragraph 14.8, says that *"It is important to highlight that great weight in favour of approval will be given to schemes which demonstrate outstanding levels of design and favourable consideration will be given to proposals where it can be demonstrated that the views of the community have significantly influenced the development. Conversely, proposals which would result in poor design which will not contribute positively to the character of an area will be refused."*

Site Allocations & Development Management Policies DPD Policy DM11 'Protecting and Enhancing the Historic Environment' looks to carefully manage development that might adversely impact both designated and non-designated heritage assets. It says:

DM11

Protecting and Enhancing the Historic Environment

The Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.

All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:

- a) An understanding of the significance of the heritage asset and its setting; and
- b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
- c) How the benefits of the proposal will outweigh any harm caused; and
- d) Any impact on archaeology in line with Policy DM13.

Site Allocations & Development Management Policies DPD Policy DM12 'Heritage Assets' deals specifically with listed buildings, conservation areas, historic landscapes, scheduled monuments and locally important heritage assets. None of these are relevant to the current proposals.

Undoubtedly, there are other policies relating, for example, to highway matters, landscape and biodiversity that will also be relevant.

The Council is currently working on a new Local Plan which will set out land allocations and planning policies for the period 2020 to 2041. A Regulation 19 consultation on a draft plan took place during February and March 2022. The latest Local Development Scheme Programme suggests the need to undertake a further Regulation 18 consultation in summer 2024 and then a Regulation 19 pre-submission consultation in winter 2024. An Examination is programmed for the second half of 2025 and adoption in early 2026. At this stage, the emerging plan is unlikely to have any immediate bearing on the current proposals.

The application site sits within the neighbourhood area covered by the Sheepy Parish Neighbourhood Plan Review 2018-2036, made in May 2022. The Proposals Map West shows that there are no designations affecting the application site. Some 250m to the south of the application site and circa 400m south of the existing farmhouse is the site of moated grange which is designated as a scheduled monument.

Policy S10: Housing Development is relevant and refers to the Site Allocations & Development Management Policies DPD Policies DM4 and DM14, as follows:

Policy S10: Housing Development

A revised Settlement Boundary is defined for Sheepy Magna on the adjacent map and on the Policies Map; the Settlement Boundary for Sibson is that defined within the Hinckley & Bosworth Site Allocations and Development Management Policies DPD; each boundary separates the settlement and countryside areas where different policies may apply. Within the Sheepy Magna and Sibson Settlement Boundaries infill housing will be supported subject to proposals being at a scale appropriate to each settlement and in accordance with Policy S8.

Outside the Sheepy Magna and Sibson Settlement Boundaries, permission for housing development will be limited to:

- A. Land allocated for residential development at Hornsey Rise Memorial Home in accordance with Policy S13;
- B. Rural worker accommodation in accordance with Site Allocations and Development Management Policies DPD Policy DM5;

- C. Replacement dwellings in accordance with Site Allocations and Development Management Policies DPD Policy DM14;
- D. The re-use and/or adaptation of redundant rural buildings in accordance with Site Allocations and Development Management Policies DPD Policy DM15;
- E. Other circumstances as set out in NPPF paragraph 80; and
- F. Exception site affordable housing in accordance with Policy S12.

We have had regard to The Good Design Guide SPD, adopted in March 2020; the Hinckley & Bosworth Borough Landscape Character Assessment, dated September 2017; the Hinckley & Bosworth Borough Landscape Sensitivity Study, also dated September 2017; and the Leicestershire Highway Design Guide, January 2022.

The Council's Residential Land Availability Monitoring Statement 1st April 2021 – 31st March 2022 notes that as of 1st April 2022 the Council has a 4.89 year supply of deliverable housing sites.

Issued in December 2023, the new National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It replaced the previous September 2023 version.

At the heart of the new Framework remains a presumption in favour of sustainable development (paragraph 11).

Paragraphs 82-84 (inc.) deal with new housing in rural areas. Paragraphs 83 and 84 state:

- 83. *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*
- 84. *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
 - a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) *the development would involve the sub-division of an existing residential dwelling; or*
 - e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.*

The importance of good design as well as conserving the natural and historic environment all feature heavily in the Framework.

We have also reviewed the National Planning Practice Guidance originally issued in March 2014 and continually updated as well as the National Design Guide issued in September 2019.

Consideration of the Principal Planning Issues

The principle

The requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 are well known. Suffice to say that a planning application shall be determined in accordance with the development plan unless material considerations indicate otherwise.

Site Allocations & Development Management Policies DPD Policy DM4 does not support the provision of a new open market dwelling on the application site. However, Site Allocations & Development Management Policies DPD Policy DM14 does permit the demolition and rebuild of an existing dwelling outside of a settlement boundary. In this case, we are seeking to demolish the existing farmhouse and replace it with a new single, family dwelling. On the basis of the proposed one-for-one replacement, Policy DM14 supports the principle of the proposed development.

Policy DM14 also contains three tests which should be complied with in order to gain the full support of the policy. These tests look to achieve an enhancement of the immediate setting and general character of the area; ensure the size of the replacement dwelling is proportionate to the original dwelling and finally that the design is appropriate while any heritage assets are protected. We will now look at these further considerations, starting with the size of the replacement dwelling.

The size and scale of the new dwelling

The footprint of the existing farmhouse is 331 sq m and it has a volume of some 892 cu m. The footprint of the proposed new dwelling (including the proposed outbuildings) is 1,983 sq m and it has a volume of 6,439 cu m. On the face of it, the proposed new dwelling is significantly larger than the existing farmhouse.

We now look at whether there are any material considerations that might bring the calculation of proposed footprint and volume closer to the existing footprint and volume across the site. There are, obviously, the existing outbuildings and agricultural buildings adjacent to the existing farmhouse that will be demolished as part of the scheme proposals. These amount to an additional footprint of 1,811 sq m and a further volume of 8,161 cu m.

If all of the existing buildings are brought into the calculation alongside the existing farmhouse, the proposed new dwelling (including the outbuildings) would have a smaller footprint (a 159 sq m reduction) and a much smaller volume (a 2,614 cu m reduction).

We acknowledge that the existing outbuildings and agricultural buildings across the site are not dwellings and do not form part of the existing residential curtilage of the farmhouse, so it could be argued that they should not be included in any comparison of footprint and volume. However, as a consequence of Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 two of the larger barns on the application site can be used to create five new dwellinghouses with a combined footprint of 861 sq m and a volume of 4,584 cu m (see the scheme presented within application ref: 22/00137/P3CQ).

The combined footprint of the dwellings that can be created using Class Q together with the existing farmhouse is 1,192 sq m while the combined volume is 5,476 cu m. The proposed new dwelling (including the proposed outbuildings) would have a larger footprint (a 791 sq m increase) and a larger volume (a 963 cu m increase).

However, if all of the other buildings retained as part of the Class Q scheme are brought into the calculation to compare with the proposed dwelling (including the proposed outbuildings), in other words, a like-for-like comparison, the proposed new dwelling would have a smaller footprint (a 14 sq m reduction) and a much smaller volume (a 2,109 cu m reduction).

The table on the following page provides a breakdown of the figures used above.

	Footprint (SQ M)	Volume (CU M)
Existing Farmhouse	331	892
Existing Outbuildings and Agricultural Buildings	1,811	8,161
TOTAL	2,142	9,053
Class Q Dwellings	861	4,584
Retained Buildings following Class Q Development	805	3,072
TOTAL	1,666	7656
Proposed Dwelling	1,437	5,027
Proposed Outbuildings	546	1,412
TOTAL	1,983	6,439

The current application effectively seeks to swap the five dwellings that can be created within the confines of two of the existing barns together with the farmhouse and retained outbuildings/agricultural buildings for a new dwelling with outbuildings that is entirely new build. From a planning policy perspective, the result is a very slight reduction in footprint and a much larger reduction in volume. In our view, the existing Prior Approval is a material consideration of sufficient magnitude to be included in the calculation of original floorspace and volume.

We draw a great deal of support for our stance as outlined above from numerous appeal decisions and from the judgement of the Court of Appeal in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314. This judgement was handed down on 8th September 2017 and clarifies when a 'fallback' development may be a material consideration for an alternative development scheme. The case concerns a development of four new dwellings in lieu of an existing bungalow and a barn where Class Q permitted rights could see the creation of three dwellings. The Court of Appeal's judgement supports our view that the existing Class Q Prior Approval would be a material consideration in the determination of this current application.

Whilst the proposed new dwelling with its proposed outbuildings is appreciably larger than the existing farmhouse, the significant material consideration of a fall-back position created by the Class Q Prior Approval, together with the retained buildings means there will actually be a reduction in footprint and volume across the site.

The pre-application response talks about the height and expanse of the proposed new dwelling with its proposed outbuildings compared with the same dimensions of the existing buildings. Page 10 of the submitted Design and Access Statement provides an accurate assessment of these dimensions, as follows:

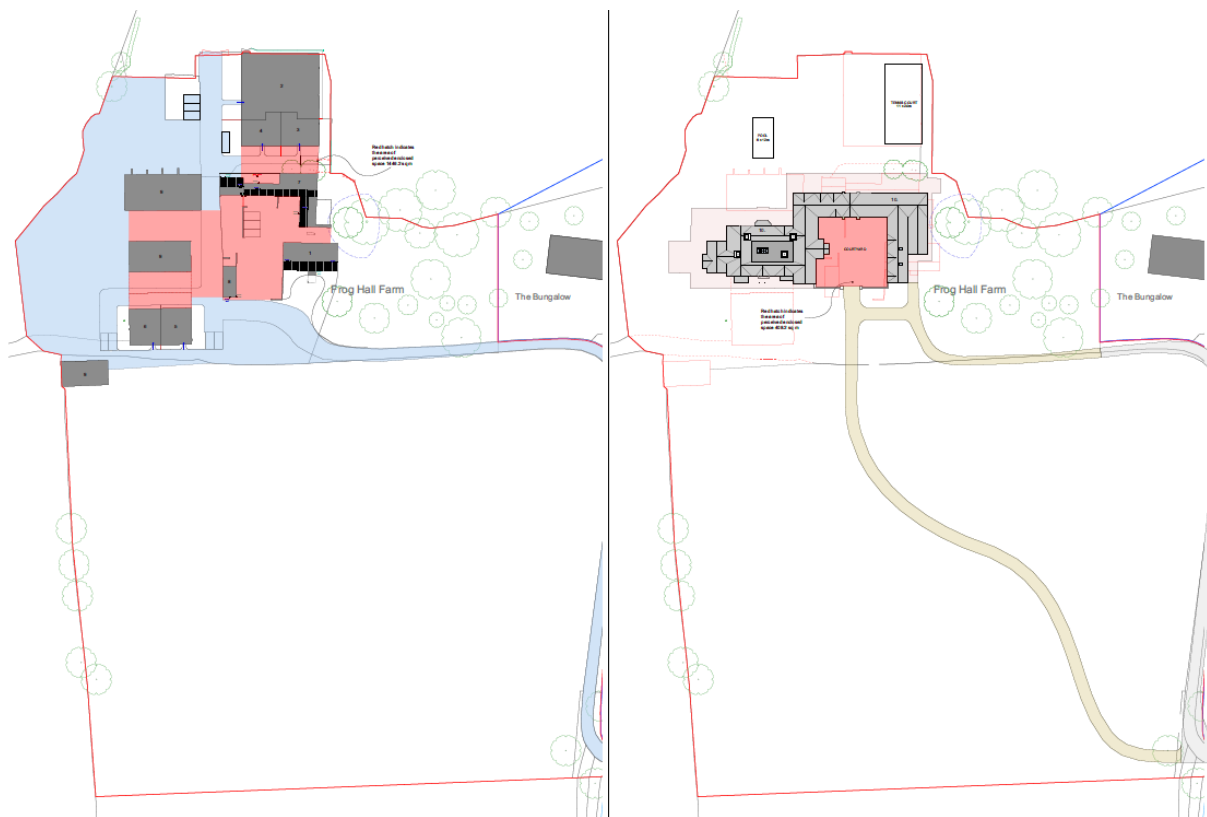
"The approximate height of the existing buildings range from between 8.46m (Farm house ridge height excluding chimneys) to 4m (outbuildings) tall. Agricultural barns 01 and 02 have a significant height of approximately 6m and 7m respectively. The proposed design has a maximum ridge height of 10.9m (excluding chimneys), however, the height across the proposed design varies with the ridge height dropping to 9.71m, 8.86m, 6.6m and 5.3m in places. So although a portion of the house is taller than the existing farm house, a significant amount of the footprint is similar or shorter.

The existing buildings have a visibly wide spread across the site; approximately 81.7m East to West and 98.6m North to South. The proposed replacement dwelling has a spread

of 66.7m East to West and 26.4m North to South. The proposed design therefore provides a significant reduction to the visibility of buildings on site."

It is acknowledged that the tallest part of the proposed new dwelling is taller than the tallest building currently on the site by circa 2.4m. However, the proposed new dwelling with its proposed outbuildings varies in height along its length such that a significant part of the proposals is comparable to the existing farmhouse and the two larger agricultural buildings which themselves are relatively tall.

What is more revealing is the visible extent of buildings across the site. Along its principal axis the proposed new dwelling with its proposed outbuildings is some 66.7 m long (east to west). Along the same axis, the extent of existing buildings is some 81.7m. Along its north to south axis the proposed new dwelling with its proposed outbuildings is some 26.4m long whereas the extent of existing buildings is some 98.6m. These considerable reductions in the extent of built form are best illustrated on the submitted Comparative Area Plans (Drawings 2568-2102 A and 2568-2103 A) reproduced below.



[Extract from Drawing 2568-2103 A – Existing with Class Q and Proposed Comparative Area Plans]

Whilst the maximum height of buildings will increase, there will be reductions in footprint, volume and the extent of buildings across the site. In our view, taking all of the dimensions/measurements together, we believe the proposed new dwelling with its proposed outbuildings is proportionate to the size, scale, mass and footprint of the original dwelling plus the other retained/converted buildings.

In addition, the curtilage of the proposed new dwelling with its proposed outbuildings is more-or-less identical to the curtilage of the farmhouse, outbuildings, Class Q buildings and retained buildings.

In our view, the proposals comply with the requirements of Policy DM14(b).

The design of the new dwelling and heritage considerations

It may be more difficult to argue in favour of the proposed new dwelling if it is of a design that did not improve on the appearance of the existing farmhouse and the consented Class Q dwellings.

Yiangou Architects have referred to The Good Design Guide 2020 and also to the design guidance in the Sheepy Parish Neighbourhood Plan Review 2018-2036, made in 2022 to understand the vernacular style of domestic architecture in Leicestershire and locally. They are also familiar with the palette of materials found on these properties.

With the above in mind, a clear understanding of the site context and the need to provide a new dwelling that meets the client brief, the architects have created a truly inspirational design that is influenced by the local vernacular, but which is essentially a bespoke farmhouse.

The slight asymmetrical style incorporating pitched roofs with varying ridge heights, gables, chimneys, bays and the presence of strong window and door detailing, all add to the intricacy and interest of the building. There is less of this detail on the proposed outbuildings which are also not as tall so that their subserviency is obvious.

The proposed palette of materials as outlined on the submitted plans and in the Design and Access statement, is plainly complementary to and forms an indivisible part of the overall design.

The design of the proposed dwelling and its outbuildings is undoubtedly of a high quality as demanded by Site Allocations & Development Management Policies DPD Policy DM10, the Sheepy Parish Neighbourhood Plan Review, the Good Design Guide and the NPPF.

On the other hand, the appearance of the existing barns once converted is far from representative of the traditional vernacular or other dwellings nearby. The local planning policy, NPPF and national design guidance all call for high quality design. The proposed new dwelling represents a significant opportunity to vastly improve the design and appearance of the dwelling(s) that will be constructed on the application site. We believe the proposals achieve that objective.

The Design and Access Statement notes that the proposed solid masonry construction with a fully insulated ground floor with integrated heating, will allow the thermal mass of the structure to absorb and regulate heat as well as insulate against hot weather. Roofs and walls will be highly insulated. Windows will comprise of double glazing with high specification casement windows which will be weather-sealed. The thermal efficiency of the dwelling will exceed current building regulation standards.

The orientation of the buildings layout and window design will all serve to take advantage of aspect and solar gain to the principal rooms, with shading where needed to prevent overheating and cross-ventilation to avoid the need for mechanical cooling.

These passive elements will be supported by a suitable power source which will feed the underfloor heating on each floor. Potential power source to be Geothermal heat pumps (GTHP) to a neighbouring field within the ownership boundary. The proposed power source plant will be contained to an internal insulated plant room to avoid any plant noise impacting the neighbouring bungalow.

The external lighting will be designed to minimise light spill and will be further shielded via soft landscaping and placement of light fittings.

The proposal will incorporate sustainable urban drainage measures.

Yiangou Architects provide a commentary on the heritage significance of the older buildings on the site, namely the farmhouse and the brick outbuildings, in the Design and Access Statement.

They conclude that the farmhouse and outbuildings hold some interest, primarily as a group of buildings evidencing post-enclosure farming practices. Individually, they are ordinary and are commonplace. The buildings have been significantly altered/adapted and their condition, in places, is terrible.

They certainly do not meet the criteria for listing and we note that they are not on the list of Features of Local Heritage Interest included in Sheepy Parish Neighbourhood Plan Review 2018-2036. This list includes non-designated heritage assets across the Neighbourhood Area.

In our collective view, the farmhouse and the brick outbuildings hold very little heritage significance. Moreover, given their level of alteration and condition, their loss can be appropriately sanctioned in terms of the balancing exercise required by paragraph 209 of the NPPF. The quality of the replacement dwelling is considerably greater.

As a result of the above, the proposals comply with the requirements of Policy DM14(c).

The immediate setting and general character of the area

The application site sits within the Sence Lowlands Landscape Character Area as defined in the Hinckley & Bosworth Borough Landscape Character Assessment (LCA), dated September 2017. The LCA notes that the area is strongly rural, agricultural and sparsely populated with a sense of remoteness. Scattered farmsteads, hamlets and linear villages are dispersed across this flat, low lying landscape with a rectilinear field pattern flanked by hedgerows and infrequent hedgerow trees, copses and spinneys.

The area around the application site is highly reflective of the prevailing character across the Sence Lowlands. The proposals will not alter any of the constituent parts of the landscape such that the general character of the area will remain unchanged.

The application site consists of a number of large buildings sitting on an expansive area of hardstanding. Although there is a mix of older and newer buildings there is a prevailing air of neglect and physical decay across the site – the older buildings have particularly deteriorated. The proposed new dwelling will replace all of the existing buildings and hardstanding with a fresh, new development that exudes beauty.

Notwithstanding the above, the pre-application response suggests that the proposed development is likely to be prominent from Footpath T19. The response continues by saying *"Given the existing typically rural and verdant experience of this Public Right of Way, the proposed size, scale, massing, and bulk of the proposal will appear as an uncharacteristically large dwellings that is likely to have a significant adverse impact on the intrinsic value, beauty, open character, landscape character of the countryside and ultimately the experience of this footpath."*

In view of this response, we instructed David Hickie Associates (DHA), local Chartered Landscape Architects, to design an appropriate landscape setting for the new dwelling and to critically assess the likely impact of the proposals on the landscape and users of the public footpath.

DHA have produced a Landscape Masterplan, Landscape Mitigation Plan, Landscape Protection Plan and a Landscape Management Plan, all submitted as part of the application documentation. In addition, DHA has also undertaken a Landscape and Visual Appraisal (LVA) of the proposed development.

The LVA notes that the Sence Lowlands Landscape Character Area "*retain a rural, remote character, with small villages, red brick farmsteads and occasional historic parkland and country houses.*" [our underlining]

Following an extensive desktop and visual assessment, the LVA summaries the baseline analysis on page 54 as follows:

- The site is located within the open countryside but the built form is concentrated in a small area around the C19 farmhouse. With C20 barns to the west – partly screened from some directions by mature trees;
- The landform of the site and surrounding context is relatively flat and views are limited by existing established vegetation
- Visual receptors are mostly limited to those along the public footpath running north south on the eastern boundary of the site. Distant and very distant views of part of the farmstead C20 barns can be glimpsed occasionally from the B5000.

Some of the proposed landscaping is as a direct result of the baseline findings.

The LVA then looks at resulting landscape impacts noting that most are neutral, no change or some beneficial change. After that it provides a thorough visual impact assessment looking, inter alia, at views from various vantage points including along the nearby public footpaths. Helpfully, the LVA provides before and after images for each of the viewpoints 1-7 along footpath T19 noting that the experience from viewpoints 1-6 will be slightly improved/beneficial. There will be a negligible impact on views from viewpoint 7.

The summary of landscape and visual impacts is provided on pages 82 and 83 of the LVA. In brief, these can be described as:

- A small enclave of new housing will result in an adverse change and is not characteristic of this rural area.
- Localised farmhouses and even country houses are a feature of this Landscape Character Area.
- The viewing experience of walkers along the public footpath will be slightly improved as a result of what is a natural and acceptable change.
- Within the wider landscape, the general amenity value of the wider landscape will not change.
- The proposals will improve the overall ecological value of the site.
- There will be no significant change in the tranquillity of the site.
- The presence of large open rural fields will not change.

DHA conclude that the proposed development will protect the intrinsic value, beauty and open character of this countryside location as required by Policy DM4 of the Site Allocations & Development Management Policies DPD 2016. As a result, we stand by our view that there will be a significant improvement in the quality of the immediate setting while retaining the characteristic elements of the landscape such that character of the area will remain unchanged with a building of considerable architectural merit replacing the tired farmstead. As such the proposals comply with the requirements of Policy DM14(a).

Highways

The application site includes a driveway which itself has good forward visibility at its access onto Crow Lane. This access is also already wide enough to allow a vehicle to turn off the highway and onto the driveway while another vehicle is waiting to leave. No alterations are proposed to this driveway or to the access other than to create a spur which will lead only to the proposed dwelling, leaving the adjacent bungalow with its own approach.

Given the existing Class Q consent which could result in six dwellings on the application site (including the farmhouse) we do not foresee an issue with highway safety or transport sustainability.

Sufficient spaces will be provided for secure and sheltered car parking and cycle storage. EV charging points will be provided within/adjacent to the garages. A position for bin collection will remain adjacent to the site entrance off Crow Lane and the proposed new dwelling will include areas for discreet bin storage within one of the proposed garages.

Ecology, Trees and Biodiversity Net Gain

The applicants have been mindful to consider ecology from an early stage. Baker Consultants undertook a phase 1 habitat survey and a preliminary roost inspection in June 2021. Four specific bat surveys were undertaken during May-August 2022. Their Ecological Appraisal and Nocturnal Bat Survey Report forms part of the application submissions.

The application site falls within the 'impact risk zone' for the Birches Barn Meadows SSSI but the proposals are not within any of the development categories that would affect it.

The site contains improved grassland, hardstanding, buildings, a small area of mixed woodland, hedgerows and scattered trees. A common pipistrelle day roost exists in the farmhouse. The area is used by small numbers of common bats species for commuting and foraging. 11 species of birds were observed during the surveys including house sparrow, song thrush and yellowhammer.

As advised in section 6 of the Ecological Appraisal and Nocturnal Bat Survey Report, Baker Consultants will advise on the scope of mitigation measures required in line with the stated recommendations. Suitable enhancement measures will also be incorporated within the scheme proposals to go hand-in-hand with the numerous and extensive biodiversity enhancements planned by the applicants across the farm.

A Tree Survey Plan and Tree Constraints Plan dated April 2023 prepared by Outline Trees accompanies the application.

Outline Trees recommend the removal of 2 Category U and several Category C trees and groups as shown on the Tree Constraints Plan at Appendix C of the report. The removals are recommended due to either the longevity or the physiological or structural condition of the trees, or to maximise the development space available. Outline trees conclude that the planting of new trees will mitigate the loss of canopy cover and any perceived amenity value associated with the tree removals.

Also forming part of the application submissions is a Biodiversity Net Gain Feasibility Report dated February 2024, prepared by Baker Consultants. The report has been prepared based on detailed ecological surveys to support the calculations, which make use of the Defra Statutory Biodiversity Metric calculator (File ref: 1486.03 calc 01 JWKC.xlsm). Post-development calculations have been undertaken based on the submitted Landscape Management Plan provided by David Hickie Associates.

Baker Consulting note the lack of the presence of valuable habitat on the existing site and determine that there will be no loss. The proposed development includes adequate areas of greenspace including species-rich grasslands, lawns and tree/hedgerow planting. The report concludes that there will be a 72.40% net gain for habitats and a 54.44% net gain for hedgerows. As a result, the proposed development will achieve and greatly surpass the required level of biodiversity net gain.

Flood Risk

The Environment Agency Flood Maps indicate the farmhouse, outbuildings and agricultural buildings are entirely within Flood Zone 1.

There is to be no change in vulnerability, particularly if the Class Q consent is also taken into account.

Contamination

A Contamination Report prepared by Argyll Environmental forms part of the application documentation. The report concludes that the property poses an acceptably low contamination risk and no further investigation is required.

Planning Obligations, Conditions and CIL

We do not believe that any specific planning obligations are necessary. However, we are more than happy to discuss any obligations or conditions which the Council considers may be appropriate.

We are aware of and have had regard to the requirements of the National Planning Practice Guidance and the Community Infrastructure Levy (CIL) Regulations.

Notwithstanding the above, we cannot find any reference to an adopted or draft CIL Charging Schedule on the Council's website or any specific information on community infrastructure levy. As a result, we believe that CIL is not yet chargeable.

Summary

This is a rare opportunity to rejuvenate a tired farmstead by providing a new farmhouse while enabling the agricultural use of the surrounding land to continue unaffected. The proposed new dwelling displays high quality in its layout, orientation, design and use of materials while securing positive enhancements to the landscape and biodiversity.

We are very grateful for the largely positive pre-application advice provided in June last year. We have sought to constructively address the one area of concern which related to possible impact on the landscape through the provision of a landscape masterplan and management plan as well as a thorough Landscape Visual Assessment. The latter confirms that the proposed development will protect the intrinsic value, beauty and open character of this countryside location.

It is our view that the proposals respond positively and appropriately to current local and national planning policy as well as to the surrounding context.

We look forward to hearing from you in due course. If you require any further information at this stage, please contact David Keyte on 01453 798390 or david@dkplanning.co.uk.

Yours faithfully



DK Planning & Development Ltd

Encs

cc Mr & Mrs Fisher
Yiangou Architects