

Delegated Report

Planning Ref: 23/00843/FUL

Applicant: Mr Robert Beaumont

Ward: Newbold Verdon, with Desford and Peckleton

Site: The Oaks, Main Street, Botcheston

Proposal: Conversion and alteration to existing garage and store into a separate dwelling and associated parking



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 change of use from a previously approved garage and store into a separate dwelling.

3. Description of the site and surrounding area

- 3.1. The Oaks is a two storey residential property which is located off Main Street, and set bet significantly (approx. 60m). The building which is subject to this proposal is a detached building located to the south-east of the site. The site is located within the Countryside, with residential properties located to the North and towards Main Street. The building in question has been used and an ancillary annexe.

4. Relevant planning history

23/00530/HOU

Proposed single storey rear extension and retention of existing timber shelter
Planning Permission
18.07.2023

14/00446/COU

Change of use of land to form part of the existing residential curtilage including demolition of outbuilding and reconstruction of garage and store
Planning Permission
04.09.2014

5. Publicity

- 5.1. The application has been publicised by sending letters to neighbours.
- 5.2. One comment was received neither supporting nor objecting. The comment stated that the garage has been used as residential for a while and that therefore the would be no changes, however, raised concern that this wasn't noticed by the planning department.

6. Consultation

- 6.1. HBBC Pollution: No objection.
- 6.2. Desford Parish Council: Comments suggesting the building is already in residential use.
- 6.3. HBBC Drainage: No objections, notes to applicant provided.
- 6.4. HBBC Waste: No objections, notes to applicant.
- 6.5. LCC Highways: No objection, note to applicant.

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 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) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

7.5. Desford Neighbourhood Plan

- Policy H1: Settlement Boundary
- Policy H7: Housing Design

8. Appraisal

8.1. Key Issues

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

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. Policy DM4 of the SADMP supports development in the countryside where it is considered to be for the change of use, re-use or extension of existing building which lead to the enhancement of the immediate setting. The planting of new native hedgerow will lead to both visual and biodiversity enhancements to the immediate setting, being a welcomed addition. The structure if not approved for the change of use would remain the same visually but would not have the inclusion of this planting/landscaping, as such the proposal is considered to improve the immediate setting.
- 8.7. The following sections of this report will assess the proposal in relation to its impacts upon the setting and as such will be assessed against Policy DM4 of the SADMP. This will also be assessed against Policy H1 of the DNP.

Design and impact upon the character of the area

- 8.8. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. 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.
- 8.10. Policy H1 of the DNP confirms that land outside of the settlement boundary and within the Countryside will be controlled in line with local and national policies.
- 8.11. Policy H7 of the DNP seeks to ensure that new housing developments follow the design principles set out within the policy. These include reflecting the character of the area, with contemporary materials, and where possible the inclusion and enhancement of biodiversity and landscaping should be included.
- 8.12. The proposal seeks to change to the use of a garage and store to a residential dwelling. The overall design is remaining the same as the existing structure, with the majority of amendments occurring internally, the minor changes relate to the amended windows and doors which are considered acceptable. The overall design retains that of the original garage structure, which responds well to the agricultural setting and appears to set in well with the rural character of the area.
- 8.13. Therefore, it can be considered that the proposed design is acceptable and the proposal does not have a negative impact on the character of the area. As such, it is considered to be in accordance with Policy DM4 and DM10 of the SADMP and H1 and H7 of the DNP. Considering the development is in the countryside and is

acceptable on the basis of a sympathetic conversion PD right removal is judged to be necessary to preserve the intrinsic character of the countryside and appearance of the proposed dwelling.

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 existing building is located approx. 25m to any neighbouring property, and with a change in land levels sloping away from the neighbours towards the building in question. No neighbouring properties are anticipated to be within close proximity, or impacted, other than the host property.
- 8.16. When considering the impact upon the host dwelling, we can understand that the front elevation of the proposed new dwelling would face towards the rear garden of the host dwelling, however as this is at ground floor level only and with the presence of an existing hedgerow and boundary treatment, there would not be a significant adverse impact in terms of loss of privacy. It is also considered that the proposed change of use and minor alterations, would have no impact upon overbearing impacts or loss of light.
- 8.17. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP and the guidance set out within the Good Design Guide.

Impact upon highway safety

- 8.18. 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.
- 8.19. The proposed block plan, indicates sufficient off-street car parking to cater for the development. In addition, when understanding that the garage has been occupied and used as a residential annexe, that there is not expected to be any major or significant increases in the number of journeys made to and from the property, as such it is not considered to have a significant adverse impact on highway safety.
- 8.20. 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.

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 highways safety. The proposal therefore complies with Policies DM4, DM10, DM17 and DM18 of the SADMP.
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:

Proposed block plan Drg No. 14.110.SK04
Site location plan Drg No. 14.110_OS1_1:1250
Proposed floor plans and elevations Drg No. 14.110.SK03

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 landscaping (new native hedgerow) included within the 'Proposed block plan Drg No. 14.110.SK04' shall be planted prior within one year of the date of this approval. The hedgerow and associated landscaping shall be maintained for a period of five years from the date of planting. During this period any planting which die or is damaged, removed or seriously diseased shall be replaced with planting of a similar size and species to those originally planted, at which time shall be specified in writing by the Local Planning Authority.

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

4. Notwithstanding the provisions of Schedule 2, Part 1, Classes A - E inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the local planning authority.

Reason: To safeguard the intrinsic character and appearance of the countryside and the satisfactory external appearance of the development in accordance with Policy DM4 and Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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.
2. 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. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
3. The Local Highways Authority believes that an area of land fronting the site immediately behind the existing footway and approximately four metres deep, covering the width of the Applicant's red line, falls within the extents of the public highway. It is unclear whether the Applicant is aware of this potential encroachment. The Applicant should contact HRE@leics.gov.uk in order to establish the precise extents of the public highway in this area.
4. The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please ensure there is adequate space on the property to store the waste containers and also space at the kerbside (where the property meets the public highway) for the placement of the containers on collection day. We do not travel along or collect from private roads or driveways. It would be advisable to include an area near to the roadside for safe placement of the various containers on collection day.