

Delegated Report

Planning Ref: 23/00831/FUL

Applicant: Mr E Taylor

Ward: Burbage Sketchley & Stretton

Site: New Farm Hinckley Road Cadeby



Hinckley & Bosworth
Borough Council

Proposal: Proposed steel portal framed storage building

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 application seeks full planning permission for the erection of a steel portal framed storage building at Leachmore, Workhouse Lane, Burbage. The proposed storage building has a footprint of 558.9sqm and measures 15.7m in width x 35.6m in depth. The roof of the proposed agricultural building has an eaves height of the proposal is 5.02m and a ridge height of 7.06m. The proposal utilises external green cladding with fibre cement roof sheeting in grey. The roof also incorporates 12 roof lights.

3. Description of the site and surrounding area

- 3.1. Leachmore is located within a large rectangular plot measuring approximately 50 metres in width x 70 metres in depth on the south west side of Workhouse Lane, Burbage. The site is surrounded by open fields in the countryside to the south, east and west, with recent new residential development on Flanders Close to the north.
- 3.2. The dwelling is a detached two storey house, set back approximately 12 metres from the front boundary. The front boundary of the plot currently comprises of a hedgerow with a brick pillared wall and iron gated access at the north west corner of the plot. To the rear of the garden there is hardstanding and storage buildings.
- 3.3. The land on which the building is proposed is currently used as a menage, and the purpose of the building is to provide secure storage for hay, a horse box, caravan, motor home and classic vehicles for personal use.

4. Relevant planning history

11/00652/FUL

- Extensions and alterations to dwelling, erection of detached garage and alterations to driveway
- Permitted
- 14.10.2012

11/00652/FUL

- Extensions and alterations to dwelling, erection of detached garage and alterations to driveway
- Permitted
- 14.10.2012

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2 No responses have been received.

6. Consultation

6.1 No objections from:

- HBBC Environmental Services Pollution
- LCC Highways
- Burbage Parish Council
- HBBC Waste
- HBBC Drainage

7. Policy

7.1 Core Strategy (2009)

- Policy 4: Development in Burbage

7.2 Site Allocations and Development Management Policies (SADMP) 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
- Policy DM19: Existing Employment Sites

7.3 Burbage Neighbourhood Plan

7.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.5 Other relevant guidance

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

8. Appraisal

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon Highway Safety

Assessment against strategic planning policies

8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) 2019 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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.

- 8.2 Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay subject to other material planning considerations.
- 8.3 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The Policy lists five primary criteria and proposals need to meet at least one of these criteria. A further five secondary criteria should then be met.
- 8.5 The building is situated upon the footprint of the existing menage, and its proposed use would be for storage of materials relating to equestrian activities along with personal vehicles. Although the proposal does not fully meet any of the primary criteria contained within DM4 of the SADMP, it is not considered that there is a direct conflict with any criteria of the Policy which would warrant refusal, when considering that the design and impact on the character of the area is acceptable as covered later in this report. Furthermore, this type of storage building is commonplace in this type of countryside location, and the intended private use would provide shelter and security for the applicant. As such it would be considered sustainable development, compliant with Policies DM1 and DM20 of the SADMP, and subject to fulfilling the design criteria of Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.6 Policy DM4 requires that development proposals in the countryside do not have any significant adverse effects on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials.
- 8.7 The proposed building has a rectangular footprint and is situated beyond the rear garden of the dwelling, outside the residential curtilage of the dwelling. The proposed building would be situated amongst existing small buildings associated with the existing equestrian activity and includes access and hardstanding from the main access from Workhouse Lane along the western side of the dwelling.
- 8.8 Workhouse Lane is bound by mature agricultural hedgerows at the site frontage, therefore views into the site from this main public vantage point are limited. Furthermore, the site is well contained by hedgerow along the northern and southern side boundaries which would further screen views into the site and of the proposed storage building.
- 8.9 The building due to its steel portal framed construction and limited ridge height would appear as an agricultural building, which would not be uncommon in this countryside location. Given the distance set back from the highway, and the presence of mature hedgerow which screen the site, limited glimpses and views of the development may be possible. However, given the proposed design and appearance, it would not result in an adverse impact upon the character or appearance of the countryside in its immediate context.

- 8.10 It is therefore considered that the proposal, by virtue of its siting and design, would not result in a detrimental visual impact upon the surrounding area, and would accord with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the SADMP requires development to not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.12 There are no neighbouring properties located in the vicinity of Leachmore and no objections or comments have been received. The closest neighbouring dwelling is 40m to the northeast on Flanders Close, however this is a new development which is very well screened by intervening foliage and the site boundary fence. It is therefore considered that the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties. The proposal is in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision and highway safety

- 8.13 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 requires all development to provide appropriate parking provision.
- 8.14 The proposal does not generate a significant increase in movement to the site and consequently does not have an adverse impact upon highway safety in accordance with Policy DM17 of the adopted SADMP. The site has adequate off-street parking for the employment site and is therefore considered to be in accordance with Policy DM18 and the adopted highway authority design guide. As such no condition regarding parking is required.

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 Although there is acknowledged conflict with DM4 of the SADMP in terms of the principle of development, the proposal is considered to constitute sustainable development by virtue of its proposed use, design, and siting. By virtue of the siting, location, design and appearance of the proposed building, the proposal is not considered to result in adverse harm to the surrounding landscape or countryside, nor would the development result in a material impact upon the existing highway or the amenity of neighbouring dwellings. The proposal is therefore considered to accord with Policies DM1, 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.

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 received by the Local Planning Authority as follows:

Anthony Construction Ltd drawings:

- Site Location Plan (received 01/09/23)
- Floor Plans (received 25/08/23)
- Block Plan (received 25/08/23)
- Elevations (received 25/08/23)

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

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. 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).