

Delegated Report

Planning Ref: 23/00250/FUL

Applicant: Robert Jones

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Old Farm House Lindley Lodge Farm Nuneaton Lane Higham On The Hill

Proposal: Erection of livestock 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 planning application seeks full planning permission for the erection of a livestock building at Old Farm House, Lindley Lodge Farm, Nuneaton Lane, Higham on the Hill.

2.2. The livestock building is 30m in width x 15m in depth, with an overall footprint of 450sqm. The structure has a dual pitched roof with a ridge height of 6.1m, and an eaves height of 4.9m. The development is constructed with concrete blocks and York boarding and grey fibre cement roof tiles.

2.3. The development is located towards the northwest of the application site, adjacent to other agricultural buildings to the east.

3. Description of the site and surrounding area

3.1. The application site is located with designated open countryside, outside of any identified settlement boundary. The application site is rural in nature, and wholly surrounded by agricultural land. However, adjacent to the southwest of the site is The King's Lodge, which is a selection of buildings that are part of the international Christian missions organisation, Youth With a Mission (YWAM). Higham on the Hill is to the north of the site and the A5 is to the south of the site.

3.2. The site is accessed via an existing track, which is served from Nuneaton Lane to the east of the site. Nuneaton Lane is an adopted and classified 'C' road, that is subject to the National Speed Limit. Higham Roundabout is to the southeast of the site, which is the confluence of the A5 to the east and west, with Nuneaton Lane to the north, and Higham Lane to the south.

4. Relevant planning history

23/00251/FUL

- Erection of agricultural storage building
- Awaiting decision
- TBD

23/00249/AGDO

- Proposed erection of portal framed fodder store
- General Development Order
- 03.05.2023

17/00573/FUL

- Demolition of existing livestock building and erection of replacement livestock building
- Permitted
- 08.08.2017

16/00907/FUL

- Erection of new grain storage building
- Permitted
- 12.12.2016

14/01264/COU

- Part change of use of agricultural building to A1
- Permitted
- 14.07.2015

14/00865/GDO

- Erection of an agricultural building (revised scheme)
- General Development Order
- 06.10.2014

14/00725/GDOD

- Demolition of portal framed farm building
- General Development Order
- 01.09.2014

14/00724/GDO

- Erection of an agricultural building
- Withdrawn
- 29.08.2014

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.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer

6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- N/A.

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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - National Design Guide (2019)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

- 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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6. Paragraph 84(a) and (b) of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings; and the

development and diversification of agricultural and other land-based rural businesses respectively.

- 8.7. Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside 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
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; 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”.
- 8.8. Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.9. The development is outside of any identified settlement boundary in the designated open countryside. However, the scheme is for, and is within a site that is utilised for, agricultural purposes and is considered to support the economic growth of a rural business. Whilst this contribution to economic growth may not be considered significant, given the requirement to support the sustainable growth and expansion of all types of businesses in rural areas, the proposal is considered acceptable in principle in accordance with Policy DM4 of the SADMP, and Paragraph 84 of the NPPF, subject to the assessment of all other material considerations.

Design and Impact upon the Character of the Area

- 8.8 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.9 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.10 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.7 The development is for an agricultural use that is located towards the northwest of the application site that is utilised as a farm. The proposal is adjacent to other agricultural buildings to the east, and the development is the same size and scale as the existing agricultural structure adjacent to the scheme. The development also utilises materials that are common within the existing agricultural structures on site. Therefore, the development is considered to be in keeping with the agricultural vernacular of the site and therefore the character of the surrounding area.
- 8.8 The proposal is not visible from the site's access to the public highway, which is over 347m east of the development. Although the scheme may be visible from certain views along Nuneaton Lane to the northeast, and Wood Lane to the northwest, these views are from over 400m and 535m respectively and are likely to be largely experienced fleetingly during vehicular journeys. In addition, the development is considered to represent an extension of the agricultural site. In this site-specific context, this is not considered to cause significant harm to the countryside. Consequently, the scheme is considered to respect the rural and agricultural character of the site and the surrounding area.
- 8.9 By virtue of the distance from the highway, the design, the proposed use of external materials, the scale and the limited prominence of the development, the proposal respects the character of the site and surrounding area in accordance with Policies DM4, and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.10 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.11 The development is located to the northwest of the application site, and there are no residential dwellings to the north, east, or west of the site. However, there appears to be a residential bungalow that is associated with The King's Lodge, to the south of the site. Nevertheless, the development is nearly 70m north of this dwelling and the agricultural buildings adjacent to the proposal are also utilised to accommodate livestock. Given this distance, the existing presence of livestock within the site, and the existing agricultural use of the site, which is closer to this residential dwelling, the provision of one new agricultural building is not considered to result in any significant adverse harm to neighbouring residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.12 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.13 The development is not considered to have a material impact on the off-street vehicle parking arrangements, nor highway safety in 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 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon the amenity of neighbours.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate 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 received by the Local Planning Authority as follows:
 - Block Plan (submitted: 29.03.2023)
 - Proposed Block Plan and Elevations (submitted: 31.05.2023)
 - Site Location Plan (submitted: 29.03.2023)

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).

3. The materials to be used on the external elevations of the proposed agricultural building shall be as detailed in the accompany application form (submitted: 21.03.2023).

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).

4. The building hereby permitted shall be used for agriculture and for no other purpose (including any other purpose in Class Q or R; Schedule 2; Part 3 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended), or in the Town & Country Planning (Use Classes Order) 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the existing land uses are, for the most part, undisturbed in order to make sure that any new development is only permitted if it meets the requirements of the criteria of Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), to protect the character of the rural area in accordance with Section 15 of the National Planning Policy Framework (2021).

a. **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.