

Delegated Report

Planning Ref: 23/00245/FUL

Applicant: Martin Sansom

Ward: Ambied

Site: Temple Hall Farm, Bosworth Road, Wellsborough

Proposal: Change of use of agricultural building to commercial storage (B8) (retrospective)



Hinchley & 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 It is proposed to convert the end portal frame building to B8 (storage use) with additional cladding to the sides. This does not involve the alteration of the exterior of the buildings. Approval was granted under 20/00354/FUL for the alteration of the access which has been carried out and the building will be the final building converted to commercial use.

2.2. Additional car parking was permitted under the previous development and there is ample spaces for this proposal.

2.3. No additional external lighting is proposed and a landscaping scheme was approved under the previous application. The building is required for the storage of racking materials by the tenant of unit 1.

3. Description of the site and surrounding area

3.1. Temple Hall Farm consists of a range of modern agricultural farm buildings set within the hamlet of Wellsborough. The original farmhouse is to the southeast of the site and is now occupied, along with the traditional buildings, as an independent school. The modern buildings have until recently been used for the housing of cattle and part of a dairy farm. The site is generally level and is accessed off the Bosworth Road adjacent although the buildings are set back approximately 60 metres from the Bosworth Road. There is a linear row of houses to the southwest of the site and open countryside to the north. The surrounding land is in agricultural use and is owned by the applicants.

4. Relevant planning history

21/01337/FUL

Change of use of agricultural building to commercial storage use (retrospective)

Approved

20/00354/FUL

Change of Use of agricultural building to commercial use (B8) and relocation of access (part retrospective)

Approved

5. Publicity

5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent out to neighbours.

5.2. One objection has been received, concerns raised included:

- Terms of use to the previous application, including opening hours are not being observed
- Access to site causes difficulties
- There has been an increase in lorries, including them waiting on the road
- Damaged verges
- The revering alarms on vehicles is intrusive and affects enjoyment of residents gardens.

6. **Consultation**

- 6.1. LCC Highways: No objections, conditions and notes to application provided.
- 6.2. HBBC Conservation: No objections.
- 6.3. Sheepy Parish Council: Objections received, acknowledgement that it is in line with policies however the application is retrospective and object on these grounds as it does not follow the correct processes.
- 6.4. HBBC Waste Management: No objections.
- 6.5. HBBC Drainage: No objections.
- 6.6. HBBC Pollution: No objections, conditions suggested.

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- 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)

8. **Appraisal**

8.1. **Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area and Listed Building
- 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), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Sheepy Neighbourhood Plan (2022).
- 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 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.

Design and impact upon the character of the area

- 8.7. Policies DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.8. 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.
- 8.9. This is a proposal for a change of use of an agricultural building to a commercial use at Temple Hall Farm, Bosworth Road, Wellsborough. The proposal is considered to be within wider setting of Temple Hall which is a grade II listed late-C18 red brick farmhouse located to the north-east of the building to be converted. Temple Hall and its associated ranges of former farm buildings have been used for educational purposes as part of the Dixie Grammar School since the early 2000s. The agricultural building subject to this application is a portal framed building

located further to the west of the complex of traditional farm buildings. It has a purely functional form and an appearance typical of a modern agricultural building, and as such it is considered to make a neutral contribution to the significance of the listed farmhouse and associated complex of buildings.

- 8.10. The proposal seeks to convert an existing barn retrospectively to B8 storage. The site is located within the countryside however, within Policy DM4 of the SADMP it is considered that for the change of use of existing buildings which lead to the enhancement of the immediate setting, it is an acceptable form of development. The proposal would allow for the longevity of the building of the site, providing an alternative use, and is therefore considered acceptable, due to the limited visual and design impacts of the development.
- 8.11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.12. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.13. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.14. Proposed alterations to the external appearance of the agricultural building to facilitate its change of use are limited to cladding side elevations to match the existing. For these reasons the proposal is considered to have a negligible visual effect and no adverse impact upon the setting of the listed buildings at Temple Hall and subsequently the proposal is considered to be compatible with their significance.
- 8.15. The proposal therefore complies with Policies DM4, DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.16. 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.
- 8.17. Given the proposal does not include significant alterations externally, and the change of use would be synonymous with other uses on the site, it is considered that the proposal would not lead to significant adverse impacts upon neighbouring amenity in terms of loss of light, loss of privacy or overbearing impacts. Comments received from HBBC Environmental Health include recommended conditions to safeguard local amenity with regard to noise pollution. One suggested condition relates to a loading door remaining closed, officers don't consider this is relevant or necessary to the proposal as the building is largely open to two sides.

- 8.18. As such it is considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.19. 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.
- 8.20. The County Highways department were consulted as part of the application, and have confirmed that whilst they are satisfied that the proposal would not cause detrimental impacts to parking provision or highway safety, conditions should be added to the application which have been set out at the end of this report.
- 8.21. It is acknowledged that an objection has been raised with regards to the site access and HGV movements. However, LCC Highways have determined that site access arrangements conditions as part of the previous 2021 application have been implemented and that parking is sufficient.
- 8.22. One condition suggested relates to a construction traffic management plan, however, given that the application is retrospective this would not meet the tests for planning conditions. Given the advice received from County Highways 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. The proposal seeks to change the use of agricultural building to commercial storage (B8) retrospectively. The proposal has limited impacts upon the setting of a listed building, the character of the area, neighbouring amenity and highways safety.

Therefore it is considered that the proposal would be in accordance with Policies DM4, DM10, DM11, DM12, 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan, Proposed Floor Plans and Elevations Drg No. 01
Design and Access Statement
Supporting Statement

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).

2. Within 3 months of the issuing of the approved decision notice the parking and turning facilities have been implemented in accordance with DCI Architecture, 'Site Layout' drawing number: MTS_ID_01. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

3. The use shall not take place other than between the hours:-
0800-1800 Monday-Friday
0900-1300 Saturdays
No opening Sunday or Bank Holiday

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The premises shall not be used other than for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 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 the proposed development is compatible with existing development in the locality in accordance with Policy 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.