

Delegated Report

Planning Ref: 23/01199/FUL

Applicant: Mr Clarke

Ward: Sutton Cheney



Hinckley & Bosworth
Borough Council

Site: Stud Farm, Sibson Lane, Shenton, Nuneaton, CV13 6DA

Proposal: Erection of a calf rearing building and lean-to workshop following the demolition of one bay of existing building

Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

Planning application description

- 2.1. This planning application seeks full planning permission for the erection of a calf rearing building and lean-to workshop following the demolition of one bay of existing building at Stud Farm, Sibson Lane, Shenton, Nuneaton.
- 2.2. There are currently 80 suckler cows with calves at foot on the farm with 3 stock bulls. The applicants would like the cattle enterprise to increase their numbers by keeping some of the heifers to run on into the sucker heard and are proposing the additional building to be able to achieve this. The cattle and calves are housed indoor during the winter.
- 2.3. The applicant states that the calf rearing building will enable the calving period to be condensed which will have a positive impact on the business in terms of cash flow and workload.
- 2.4. In addition to the calf rearing building this application is for a lean-to extension to an existing building to be used as an agricultural workshop for the farm. The workshop will be used for storage of tools and equipment used to fix the farm machinery. It will be an agricultural workshop. The lean-to will go onto an existing building that is currently used to house cattle. Due to the location of this building the applicant would like to demolish one bay to enable easier access to the farmyard. The loss of the bay will make deliveries easier for lorries delivering feed and supplies to the farm. Once the bay has been demolished the shed will not be big enough for the cattle but would be utilised as a much needed agricultural workshop for the farm.
- 2.5. The proposed calf rearing building (Building 1) has the following dimensions:
Length – 19.5 m
Width – 7.32 m
Height to top of eaves – 5.18 m
Height to front – 4.26 m
- 2.6. The building will be of steel portal framed construction, clad with timber space boarding and fibre cement roof sheets.
- 2.7. The proposed lean-to (Building 2) has the following dimensions:
Length – 9 m
Width – 4.5 m
Height to eaves – 4.26m
- 2.7. The lean-to will be a steel portal framed construction with concrete panelling and PVC coated slate blue steel sheeting and a roller shutter door. The proposed agricultural building is located within the centre of the site and is surrounded by other agricultural buildings.

Description of the site and surrounding area

- 3.1. Stud Farm is an 18th century Farmhouse and collection of agricultural buildings located on the edge of the small village of Shenton. The Farmhouse and red brick linear ranges of farm buildings are designated heritage assets, being a grade II listed building (NHLE ref 1361307) of special historic and architectural interest. The farm is also located within the Shenton Conservation Area, with its boundaries extending westwards from the farmhouse to incorporate most of the farmyard and a collection of modern farming buildings including a metal portal framed building which is subject to this proposal.
- 3.2. The farm's current workshop is located at their other farmstead, Top Farm. The Landlord of Top Farm is taking the workshop building back in hand which will result in a loss of a workshop for the farming enterprise. The loss of this shed for housing cattle adds to the need for the proposed calf rearing shed. The applicant farms a total of 478 acres (193.44 hectares) on various agreements as follows:
- Land at Stud Farm (let on an Agricultural Holdings Act tenancy, first succession) – 222 acres
 - Land at Top Farm (let on a Farm Business Tenancy 30 years left to run) – 116 acres
 - Land at Upton – 40 acres owned
 - Grasskeeping in the local area – 100 acres
- 3.3 The site is accessed via an existing track, which is served from Sibson Lane to the north & east of the site.

4.0 Relevant planning history

5.0 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. No responses have been received.

6.0 Consultation

- 6.1 There have been no objections from the following consultants:
- Environment Agency
 - HBBC Waste
 - LCC Ecology
 - HBBC Drainage
- 6.2 HBBC Pollution Officer: With regard to noise please can the applicant describe the likely use of the workshop?
- 6.3 Sutton Cheney Parish Council: No comment from the parish council in relation to this application.
- 6.4 HBBC Conservation Officer: Stud Farm is an 18th century Farmhouse and collection of agricultural buildings located on the edge of the small village of Shenton. The Farmhouse and red brick linear ranges of farm buildings are designated heritage assets, being a grade II listed building (NHLE ref 1361307) of special historic and architectural interest. The farm is also located within the Shenton Conservation Area, with its boundaries extending westwards from the farmhouse to incorporate most of the farmyard and a collection of modern farming buildings including a metal portal framed building which is subject to this proposal. Due to its special interest the listed building Stud Farm contributes positively to the character and appearance of the conservation area. Whilst the application

building is of no historic or architectural interest, it is a building typical of modern farming operations and has a functional appearance which is considered to sit comfortably within the rural context of the conservation area, and thus it is a neutral presence within the area.

The proposals seek to erect a new rectangular building for calf-rearing, add a lean-to to the existing building to be an agricultural workshop, and demolish one bay of the same existing building to allow for easier access to the farmyard. The new buildings would be attached to or positioned close to the existing collection of modern farm buildings and have a scale, form, and appearance, including typical construction materials of metal frames, timber and metal sheet wall cladding and roofing, which would ensure a continuity of character with the existing buildings. Overall, it is considered that the proposal would result in a collection of buildings that continue to be a neutral presence within the Shenton Conservation Area, thus preserving its significance, and they would have no adverse impact on the significance of the listed building Stud Farm by virtue of the proposals being a neutral presence within its wider setting. Consequently, the proposal complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

7.0 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)
- Shenton Conservation Area Appraisal and Map (SCAA) (2008)

8.0 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. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.4. 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 states 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.
- 8.5. 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.
- 8.6. 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.
- 8.7. Paragraph 88(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.
- 8.8. 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”.

- 8.9. 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.
- 8.10. 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 88 of the NPPF, subject to the assessment of all other material considerations.

Design and Impact upon the Character of the Area and Heritage Assets

- 8.11 Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment with Paragraph 170 stating the planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character. 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. Policies DM11 and DM12 seek to protect and enhance the historic environment and heritage assets. If the impact of any proposal causes harm to a heritage asset it must be weighed against the public benefits of the proposal.
- 8.12 Paragraph 139 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.
- 8.13 The development is for an agricultural use that is located within the centre of the application site that is utilised as a farm. The proposal is surrounded by other agricultural buildings, which are similar in size, scale and use of materials to the development. Therefore, the development is considered to be in keeping with the agricultural vernacular of the site and therefore the character of the surrounding area.
- 8.14 Only the proposed only building 2 would be partially visible from the northern access to the public highway, which is approx. 25m from the proposed north elevation of this lean to and on a bend. The other proposed building would not be visible from the northern or eastern access points. Given the existing structures on site, the scheme is not considered to be readily visible from the eastern access along Sibson Lane. Whilst the development would be partially visible from the

northern access, given its siting within the application site in the middle of agricultural buildings it is high unlikely that the scheme will have a significant adverse impact on the character of the surrounding area. In addition, the development is considered to represent an infill development within an agricultural site. In this site-specific context, this is not considered to cause significant harm to the countryside. Consequently, it is considered the scheme would result in a collection of buildings that continue to be a neutral presence within the Shenton Conservation Area, thus preserving its significance, and they would have no adverse impact on the significance of the listed building Stud Farm by virtue of the proposals being a neutral presence within its wider setting

- 8.15 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, DM10, DM11 & DM12 of the SADMP and section 16 of the National Planning Policy Framework and the statutory duty of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Residential Amenity

- 8.16 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.
- 8.17 The development is located within the centre of the application site and it is surrounded by other agricultural buildings. The use of the building including the workshop would be ancillary to the wider use of the site and therefore unlikely to give rise to additional adverse noise impacts from the existing situation. Therefore, the development is not considered to result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.18 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.
- 8.19 The LHA considered that the proposals will not have an additional impact on the traffic movements to and from the site. 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.

Ecology and Biodiversity

- 8.20 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological

value including long term future management. Paragraph 180 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. LCC ecology have confirmed that they have no objections to the application as from the photographs provided, the area of works look unlikely to support protected species or notable habitats. The proposal therefore complies with Policy DM6.

Other Matters

- 8.21 Owing to the wide ranging permitted development rights which exist for the conversion of agricultural buildings to other uses, a condition is recommended restricting the use of the building to agricultural uses only. The unrestricted use of the building for other uses could result in neighbouring amenity or highway harm, the imposition of such a condition would enable future scrutiny for such future uses.

9.0 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).

10.0 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 Listed Building & Conservation Area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety

10.1 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.

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:

- Location Plan (submitted: 13.12.2023)
- Block Plan (submitted: 13.12.2023)
- Proposed Elevations New Calf Housing (submitted: 03.01.2024)
- Proposed Elevations New Lean-to Workshop (submitted: 03.01.2024)
- Proposed Floor Plan Calf Building (submitted: 03.01.2024)
- Proposed Floor Plan Lean-to Extension (submitted: 03.01.2024)
- Design & Access Statement (submitted: 05.01.2024)

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: 13.12.2023).

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 and DM10 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 (2023).

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. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.