

APPENDIX 1

Delegated Report

Planning Ref: 23/00356/FUL

Applicant: Mr And Mrs Wykes

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Barncroft Dadlington Lane Stapleton

Proposal: Replacement of existing stable block

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 provision of a replacement, six-bay, stable block at Barncroft, Dadlington Lane, Stapleton. This application is a resubmission of the previously refused planning application 22/00912/FUL.

2.2. The new stable block replaces an existing, much smaller, three-bay stable block, and externally measures 13.7m in width x 8.7m in depth, with a total footprint of 119.5sqm. The scheme utilises a dual pitched roof that has a ridge height of 5.8m, and an eaves height of 2.2m. Within this roof, three 0.8m x 1.2m rooflights are provided on the front and rear elevations.

2.3. The proposal is constructed with timber in a dark oak finish to match the existing stable block.

3. Description of the site and surrounding area

3.1. The 520.4sqm application site is on Dadlington Lane to the west of and outside of the settlement boundary of the rural hamlet, Stapleton. The existing stables accommodate three stables, which are associated with the large two-storey residential dwelling, Barncroft.

3.2. The existing structure externally measures 3.7m in width x 9.8m in depth with a total footprint of 35.6sqm. The stable has a pitched roof that has a ridge height of 3.3m and an eaves height of 2.4m. The materials of the existing building are not specified within the planning application; however, the stable appears to be constructed with timber and grey steel roofing sheets.

3.3. The application site is the closest structure along a string of residential ribbon development to the settlement boundary of Stapleton alongside the residential properties within it. The residential ribbon development extends to the west of the application and the properties are of a substantial scale, which utilise brick finishes and slate roofs. The application site is separated from the settlement boundary by 130m of open agricultural fields. There are also open agricultural fields to the north of the site. There are farms 80m to the east, 75m to the south, and 80m to the northwest of Barncroft with several residential dwellings extending to the west of the site. Beyond these farms and residences is open countryside.

3.4. It is considered that the existing stables are readily viewed from the public highway.

3.5. The previous planning application for a replacement stable block was refused for the following reasons:

1. The location of the development is in a very prominent position on the end of a row of residential development along Dadlington Lane, which has notably limited landscaping. The scheme exacerbates ribbon development, and by virtue of its size, scale, massing, volume, and use of materials, the proposal does not protect or enhance the rural vernacular of the existing stables or the surrounding area. As a result of these factors, the application is considered to result in a significantly detrimental adverse impact on the intrinsic value, beauty and open character and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).
2. The application is not considered sustainable development and it does not deliver any economic, social or environmental benefits that significantly and demonstrably outweigh the adverse impacts of this scheme. Therefore, the principle of the development is in conflict with Policies DM1, and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).

4. Relevant planning history

22/00912/FUL

- Replacement of existing stable block with new foaling boxes and offices associated to existing on-site businesses and storage over
- Refused
- 03.02.2023

20/00617/FUL

- Agricultural barn and new hardstanding – part retrospective
- Permitted
- 24.08.2022

19/00994/GDO

- Agricultural building to store machinery, hay and straw
- General Development Order
- 15.10.2019

16/00200/HOU

- Single storey front extension
- Permitted
- 09.05.2016

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 Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA)

6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 13: Rural Hamlets

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: Highway 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.

8.2 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.

8.3 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.

- 8.4 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.
- 8.5 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."
- 8.6 This is supported by Policy DM4 of the SADMP, which 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".
- 8.7 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 application is within the open countryside, for the replacement of existing private stables. The principal use of stables is regarded as an equestrian use for the accommodation of horses, and not an outdoor sport or recreational use or an ancillary building relating to such a use. Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.10 Whilst the Agent has not formally confirmed in writing whether the proposal's equestrian use is for private or commercial use, the use of the scheme for the benefit of the Applicant could be secured via planning condition to prevent the intensification of the use of the site and the consequent harm to the protected countryside.
- 8.11 The Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material

considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.12 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.
- 8.13 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.
- 8.14 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.15 Since the previous application, the stables have been resized, the brickwork and brick detail has been changed to timber, and rooflights and windows have been added. The new use in timber materials within this development is considered to improve its integration with the character of the open countryside.
- 8.16 In comparison to the previous application, the stables are now smaller. In addition, the roof ridge and eaves heights of the new scheme are lower.
- 8.17 Nevertheless, this current proposal represents a significant 83.9sqm increase in overall footprint, which is nearly three times the size of the existing stables on site. This is due to the 10m increase in depth in comparison to the existing stables. Moreover, the roof ridge height of the scheme is 2.5m higher than the existing stables, which is also almost double the existing roof ridge height.
- 8.18 Whilst the proposal is set back 15.8m from the highway, the proposal is highly visible from Dadlington Lane, and from the settlement boundary of Stapleton. There is notably very limited landscaping between the proposal and the settlement boundary. Whilst the development retains a single storey massing, the ridge height of the structure still almost doubles in height in comparison to the existing stables. Given the increases in height, scale, volume, and overall size and massing in comparison to the existing stables, the development is considered to be very prominent in the surrounding area and ultimately result in a significant adverse effect on the character of the site and the surrounding open countryside.
- 8.19 To summarise, the location of the development is in a very prominent position on the end of a row of residential development along Dadlington Lane, which has notably limited landscaping. The scheme exacerbates ribbon development, and by virtue of its size, scale, massing, and volume, the proposal does not protect or enhance the rural vernacular of the existing stables or the surrounding area. As a

result of these factors, the application is ultimately considered to result in a significant adverse impact on the intrinsic value, beauty and open character and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).

Impact upon Residential Amenity

- 8.20 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.
- 8.21 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.22 The development is approximately 30m northeast of the closest residential property, Bancroft. Due to the distance from the Bancroft, it is considered that the application does not result in any overbearing, loss of privacy or loss of light impacts that negatively affect neighbouring residential amenity. Furthermore, due to the existing stables on the site and the nature of an open office space, it is not regarded that the application will result in any significant adverse impacts in relation to noise pollution.
- 8.23 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the SADMP and the adopted Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.24 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.26 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.27 The development is for the Applicant's own use, and due to this, the scheme is unlikely to create an intensification of the use of the site's access. This could be secured via planning condition to ensure that the development is only utilised for the enjoyment of the residents of Bancroft. Given that this proposal is smaller in scale

than the previously refused application, 22/00912/FUL, the Local Highway Authority do not consider the developed to have a material impact on the public highway. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 not considered to be compliant with the relevant national and local policy as it:

- Is not an appropriate scale and design.
- Has an adverse impact upon the character and appearance of the area and the intrinsic value, beauty, open character and landscape character of the open countryside.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused, subject to the planning reasons below.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

11.2 Reasons

1. The location of the development is in a very prominent position on the end of a row of residential development along Dadlington Lane, which has notably limited landscaping. The scheme exacerbates ribbon development, and by virtue of its size, scale, massing, and volume, the proposal does not protect or enhance the rural vernacular of the existing stables or the surrounding area. As a result of these factors, the application is considered to result in a significantly detrimental adverse impact on the intrinsic value, beauty and

open character and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).

2. The application is not considered sustainable development and it does not deliver any economic, social or environmental benefits that significantly and demonstrably outweigh the adverse impacts of this scheme. Therefore, the principle of the development is in conflict with Policies DM1, and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).

a. **Notes to Applicant:**

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 12.04.2023)
 - Proposed Site Location, Block Plan, Drg No. 22/60 06C (submitted: 12.04.2023)
 - Proposed Stables – Scheme 2, Elevations, Floor Plans, Drg No. 22/60 05E (submitted: 12.04.2023)
 - Survey Drawing, Elevations, Floor Plans, Drg No. 22/60 01 (submitted: 12.04.2023)