

Planning Department,
Hinckley & Bosworth Borough Council,
Hinckley Hub,
Rugby Road,
Hinckley,
Leicestershire,
LE10 0FR

Our ref: 2521767.1
Your ref: PP-12993566

7th June 2024

Dear Sir/Madam,

Section 73 Application for the Variation of Condition 2 (Approved Plans) of Planning Permission Ref: 21/00283/FUL ('Conversion and external alteration to former agricultural barn to create dwelling') to allow for Minor Material Amendments

Barn at Groby Lodge Farm, Slate Pit Lane, Groby, Leicestershire, LE6 0GN

Introduction

1. Further to the receipt of planning permission ref: 21/00283/FUL on the 22nd March 2022, we are instructed by our client, Mr John Barker of Groby Lodge Estate Limited (C/O Biroman Limited), to submit a variation of condition application under Section 73 of the Town and Country Planning Act 1990 (as amended) pursuant to condition 2. The condition lists the two approved plans, being the Proposed Site Plan (drawing no. 18-80.2) and Proposed Floor Plans & Elevations (drawing no. 18-80.4).
2. The application is being submitted as a Section 73 request and seeks to amend the approved drawings, to comprise the following:
 - Proposed Site Plan, drawing no. 23-102.2 rev D
 - Proposed Floor Plans, drawing no. 23-102.4 rev D
 - Proposed Elevations, drawing no. 23-102.5 rev D
 - Proposed Garage, drawing no. 23-102.7 rev D
3. A BACS payment for the sum of £293.00, plus the £70.00 administration fee, has been sent via the Planning Portal today.

Background

4. The application site in its current form comprises a vacant former agricultural building, constructed in the 1950s. The existing building has a rectangular footprint and is constructed from concrete blockwork, with a dual pitched roof constructed from corrugated cement fibre

sheeting. The western gable steps up in height, providing a modest amount of existing accommodation at first floor level (approx. 37.6m²). The building is positioned centrally in an area of hardstanding, with a copse of trees to the north-west and agricultural fields to all other aspects.

5. Planning permission was initially granted for the conversion of the agricultural building to a 4-bed dwellinghouse under ref: 21/00283/FUL on 22nd March 2022. This application proposed retaining the existing footprint and form of the barn, with external alterations comprising only the 'blocking up' and creation of openings in the walls for windows and doors, and the cladding of the exterior in a mixture of light grey standing seam zinc and charred timber. Internally, a number of partition walls were proposed to create the individual rooms, as follows:
 - Entrance hall to the SW corner of the dwelling;
 - Open-plan kitchen, living and dining area, from which a utility room is accessed;
 - 2no. en-suite bedrooms at ground floor level, one of which is the 'Master Suite' complete with dressing room;
 - 2no. further bedrooms at first floor level, with a 'Jack and Jill' style bathroom.
6. This permission has not yet been implemented but remains extant, and the Applicant seeks to alter the approved plans as described in the following section of this Letter.

The Proposal

7. The purpose of this S73 application is to vary Condition 2 attached to planning permission ref: 21/00283/FUL, to amend the approved plans. Condition 2 reads as follows:

"The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Floor Plans & Elevations Drg No. 18-80.4 – received 01/03/2021

- Proposed Site Plan Drg No. 18-80.2 – received 01/03/2021

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)."

i. Assessment of Condition 2: Approved Plans

8. The above explains that the condition was attached for one reason, being to ensure that the development accorded with Policy DM10 of the SADMP DPD. Policy DM10 is titled "Development and Design", and the condition is therefore a design-focussed one. The suite of plans submitted with this S73 application unequivocally demonstrate that the revised design of the dwelling would also comply with Policy DM10, providing high quality design with minimal changes to the approved scheme. The amendments to the dwelling can be summarised as follows:

- Front, (southern elevation):
 - Small extension to the south-western corner of the building, providing approx. 29m² of additional floorspace internally. This is to provide a new kitchen area which is attached to the existing building via a glazed link with a green roof;
 - Previous vertical velux eaves window to be replaced with 1no. rooflight.
 - Side, (western elevation):
 - Previous small window proposed to be replaced with door;
 - 2no. additional narrow full-length windows to first floor.
 - Rear, (northern elevation):
 - Previous vertical velux eaves window to be replaced with 1no. rooflight and 1no. window;
 - 2no. rooflights were previously proposed, now only 1no. rooflight is proposed;
 - 2no. additional windows proposed.
 - Internal reconfiguration of rooms (not resulting in any net increase of bedrooms).
9. In addition to the design changes to the dwelling itself summarised at paragraph 8 above, this S73 application also proposes the construction of a pond and a 3-bay detached garage on the application site.
 10. The pond measures just under 11m in length (at its longest point) by 3.4m in width, and is to be sited to the south of the dwelling. Whilst a man-made structure, no chemicals are to be utilised in its maintenance and the water is filtered and purified by plants and a biological filtration system. The pond will therefore have no adverse environmental impacts as a result of chemical use, and will serve to enhance biodiversity onsite through the creation of new habitat.
 11. The proposed garage is to be sited just to the west of the dwelling, upon an area of existing hardstanding. The garage will provide weatherproof storage for 3 vehicles, with the remaining driveway area capable of accommodating *circa.* 3 further vehicles. In terms of materials, the garage will be constructed from blockwork with zinc standing seam cladding to the walls and roof to match that of the adjacent dwelling. A dual pitched roof is proposed, with a modest eaves height of 2.31m and a ridge height of 3.97m.
 12. Evidently, the proposals would result in a high-quality dwelling that assimilates well with the surrounding countryside.

Planning Policy Context and Assessment

i. The Development Plan

13. The Planning and Compulsory Purchase Act 2004 (Section 38(6)) requires that applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

14. The Development Plan for the application site consists of the relevant policies of the Hinckley & Bosworth Core Strategy (adopted December 2009) and the Site Allocations and Development Management Policies DPD (“SADMP DPD”) (adopted July 2016). The National Planning Policy Framework (December 2023) and The Good Design Guide Supplementary Planning Document, (GDGSPD), are also relevant material considerations in the determination of this S73 application.
15. The Core Strategy is aged, and its adoption predates all versions of the Framework. The adoption of the SADMP DPD predates the latest five revisions to the Framework. In accordance with Annex 1, paragraph 225 of the Framework, due weight will be given to the policies contained within the Development Plan according to their degree of consistency with the Framework (the closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given).
16. Given that this application seeks to replace an extant consent and involves consideration purely of the differences between the two schemes only the policies below are considered to be of any relevance.

A. Site Allocations and Development Management Policies DPD (adopted 2016)

17. The following policies from the SADMP DPD are considered to be relevant to the determination of this planning application:
 - Policy DM1 – Presumption in Favour of Sustainable Development
 - Policy DM4 – Safeguarding the Countryside and Settlement Separation
 - Policy DM6 – Enhancement of Biodiversity and Geological Interest
 - Policy DM10 – Development and Design
 - Policy DM18 – Vehicle Parking Standards

B. The National Planning Policy Framework (adopted December 2023)

18. The following sections of the Framework are considered to be relevant to the determination of this planning application:
 - Section 2 – Achieving sustainable development
 - Section 11 – Making effective use of land
 - Section 12 – Achieving well-designed and beautiful places
 - Section 15 – Conserving and enhancing the natural environment
19. The principle of conversion of the existing agricultural building to residential use has already been established by the grant of extant planning permission ref: 21/00283/FUL. Although this application under section 73a seeks a new planning permission which would sit parallel to the existing consent, it is only the amendments which the varied condition seeks to make which stand to be assessed against the relevant policies of the Development Plan.

ii. Assessment

A. Principle of Development

20. The principle of development has already been established by way of extant planning permission 21/00283/FUL. The alterations proposed via the variation of condition do not change the established principle that converting the existing building to a dwelling in this location is acceptable.
21. The proposal now includes a small extension, a pond and a detached garage and the principle of the acceptability of these also needs to be considered.
22. At paragraph 11(d) of the Framework, it is stated that: *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*
23. The Development Plan for the Borough is over 5 years old and there are no specific policies within it relating to the erection of extensions or ancillary residential buildings in the countryside. The additional extension and garage block elements should accordingly be granted planning permission provided there are no adverse impacts which would outweigh the benefits of the scheme.
24. Despite having limited weight, Policy DM4 of the SADMP DPD considers development in the countryside to be sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
25. The kitchen extension is modest in size and would be wholly subservient to the existing building. Read against the backdrop of this building there would be no resultant harm to the character and appearance of the countryside by way of either the extension or the resultant enlarged building. The green roof to the small glazed link would further soften the visual impact of the proposal.
26. The proposed garage is to be sited immediately adjacent to the western elevation of the dwelling, with an established copse of trees to the north, west and south. It is therefore sited in a location where the character is not perceived to be ‘open’, and would also be viewed cohesively with the adjacent dwelling from outside of the application site.
27. The proposed pond is at ground level and is a landscape feature compatible with a rural location. It would provide an enhancement of the rural environment.

28. In totality there is limited, if any, impact upon the rural character of the area arising from any of the additional elements either in themselves or cumulatively. The additional elements do not therefore conflict with the objectives of Policy DM4 of the SADMP DPD and are acceptable in principle.
29. Furthermore section 11 of the Framework seeks to ensure that development proposals make effective use of land. Paragraph 124 highlights that the re-use of previously developed land should be encouraged; the proposed development is evidently in accordance with this as all three additional aspects of the amended proposals (being the small extension, pond and triple garage) are to be sited upon existing areas of hardstanding.
30. There is no conflict in terms of principle, (including conflict with the Development Plan), relating to these additional elements which would outweigh the benefits of the proposal and accordingly planning permission should be granted unless any other areas of harm (resulting from the changes) is identified which outweighs this.

B. Design

31. The design of the proposal is little changed from that approved under the extant consent. There are minor changes to fenestration which simplify the elevations but do not represent a significant change. In addition the small extension, new garage and pond, (again all minor additions), need to be considered in design terms.
32. Paragraph 135 of the Framework reads as follows:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.*

33. This notion is supported within local policy, at Policy DM10 of the SADMP DPD and the guidance contained within The Good Design Guide SPD.
34. The siting of the garage, immediately adjacent to the western elevation of the dwelling, will serve to create a small physical and visual cluster of built form typical of a rural setting. This, coupled with the established copse of trees to the north, west and south will ensure that the new garage is not visible from the public realm and that when it is viewed from other locations it is in keeping with a rural area. The application site is located along a private lane with no public access and the closest public vantage point (bridleway 'R36') is located over 430m to the south. The distance, coupled with the intervening natural environment, ensures that there are no public views into the site, as acknowledged within the Officer's Report for planning permission ref: 21/00283/FUL.
35. The extension proposed to the southern elevation of the dwelling is small-scale, with a GEA of only 29m². The external appearance of the extension, utilising the same materials that the existing building will be clad in, will ensure that it ties in visually with the remainder of the dwelling. The modest glazed link with a sedum roof will also blend seamlessly into the rural surroundings.
36. The Good Design Guide SPD states that the ridge height of the extension should be lower than the existing, which the submitted 'Proposed Elevations' drawing illustrates compliance with. There are no residential amenity issues with the amended proposals, as the nearest property is sited over 170m to the east with an agricultural field intervening. Overlooking and overshadowing as a result of the extension will not therefore be an issue, as there are no neighbouring properties in proximity.
37. Policy 21 of the Core Strategy is concerned with protecting and enhancing the National Forest. Proposals that contribute to the delivery of the National Forest Strategy will be supported provided that *"the siting and scale of the proposed development is appropriately related to its setting within the Forest"* and it *"respects the character and appearance of the wider countryside"*. Whilst the Strategy is not of direct relevance to the proposals, the proposed development would not conflict with its aims (being *"increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments"*). As stated above, the garage and natural pond are to be sited immediately adjacent to the dwelling which will serve to respect the character and appearance of the surrounding countryside by forming a visual and physical cluster of built form, and retaining the openness of the surrounding countryside.
38. Overall, the high quality design approved under LPA Ref: 21/00283/FUL will demonstrably be retained and enhanced by the revised proposals presented under this S73 application. Similarly, the open nature of the surrounding countryside will not be impacted upon by the proposals, in accordance with sections 11 and 12 of the Framework, Policy 21 of the Core Strategy, Policy DM10 of the SADMP DPD and The Good Design Guide SPD.

C. Other Matters

39. The alterations sought by way of the varied condition do not give rise to any new impacts or conflicts with the Development Plan.
40. As previously developed land, the baseline biodiversity value of the site is considered to be negligible as the amended proposals continue to make effective use of existing areas of hardstanding.
41. The **site is exempt from the legislative requirement to demonstrate a 10% Biodiversity Net Gain**, as *“the original permission which the section 73 relates to was...granted before 12 February 2024”* (NPPG paragraph Reference ID: 74-003-20240214). Notwithstanding this there will be biodiversity gain arising from both the new pond and green roof.
42. As with the extant consent the existing copses of trees on the wider site will all be retained and unaffected by the proposals. The proposed garage, despite being located under the canopy of 2no. trees, will not encroach upon their RPAs as the structure is to be sited upon an existing area of hardstanding with no excavation below the existing pad required to erect the structure. The height of the aforementioned canopies entails that no pruning will be required to facilitate the development. The proposals can therefore be said to be in accordance with the objectives of section 15 of the Framework, and Policy DM6 of the SADMP DPD.
43. In terms of parking provision, the proposals will not alter the level of provision approved under LPA Ref: 21/00283/FUL as the proposed garage will be capable of accommodating 3no. vehicles, whilst the remaining existing hardstanding area is capable of accommodating approximately 3no. further vehicles. This level of provision is in compliance with the Council's adopted parking standards set out at Policy DM18 of the SADMP DPD for a 4-bed residential dwelling, and will not therefore generate any concerns from a highways perspective.
44. The amendments sought via a variation of condition 2 are considered to comply with the Development Plan as a whole. Despite the reduced weight this document has, this means there are no areas of conflict that must be weighed in the decision. Given that there are no areas of significant or demonstrable harm to outweigh these Development Plan compliant amendments planning permission should be granted without delay.

Suggested Amendment to Condition 2

45. We hereby suggest that condition 2 is amended as follows:

“The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- *Proposed Site Plan, drawing no. 23-102.2 rev D*
- *Proposed Floor Plans, drawing no. 23-102.4 rev D*
- *Proposed Elevations, drawing no. 23-102.5 rev D*

- *Proposed Garage, drawing no. 23-102.7 rev D*

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)."

Conclusion

46. We would be grateful if you could confirm receipt of this S73 application and subsequent validation. The application seeks to amend the approved drawings listed at condition 2 of planning permission ref: 21/00283/FUL, to enable a revised design to the dwelling. The proposals include some minor elevation changes, a small extension, the creation of a natural pond and the construction of a 3-bay detached garage within the curtilage of the associated dwelling. Whilst the minor elevation changes would be considered as a non-material amendment to planning permission ref: 21/00283/FUL, it is considered that the other aspects of the proposal would amount to a 'material' amendment.
47. Notwithstanding the above, it has been demonstrated throughout this Covering Letter that Condition 2 can be amended to reflect the revised proposals with no adverse impact arising as a result of the revised proposals.
48. Should you require any further information or clarification however, please do not hesitate to contact Karen Brightman or Megan Simpson using the details provided below.

Yours faithfully

Karen Brightman

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