

Delegated Report

Planning Ref: 24/00091/FUL

Applicant: Mr Robert Beaumont

Ward: Newbold Verdon, with Desford and Peckleton

Site: The Oaks, Main Street, Botcheston

Proposal: Erection of a single storey detached garage, single

storey stables and change of use of land for the keeping of horses (Sui Generis)



Hinckley & 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 proposal seeks the erection of a single storey detached garage, single storey stables and change of use of land for the keeping of horses (Sui Generis).

3. **Description of the site and surrounding area**

- 3.1. The Oaks is a two storey residential property that is set back from Main Street by around 60 metres. The main property benefits from a detached building located to the south-east which has recently been granted planning permission to be converted into a separate dwellinghouse. To the south, the site abuts the open countryside, with residential properties to the north. The site gradually slopes away to the south from Main Street. There is a fenced public footpath which runs north/south to the west of the site.

4. **Relevant planning history**

23/00843/FUL

Conversion and alteration to existing garage and store into a separate dwelling and associated parking

Planning Permission

23.10.2023

23/00530/HOU

Proposed single storey rear extension and retention of existing timber shelter

Planning Permission

18.07.2023

14/00446/COU

Change of use of land to form part of the existing residential curtilage including demolition of outbuilding and reconstruction of garage and store

Planning Permission

04.09.2014

5. **Publicity**

- 5.1. The application has been publicised by sending letters to neighbours and a site notice posted within the vicinity of the site.

- 5.2. No comments received.

6. **Consultation**

- 6.1. HBBC Pollution: No objection.

- 6.2. Desford Parish Council: No objections, condition recommended to ensure garage use remains as a garage.
- 6.3. HBBC Drainage: No objections, notes to applicant provided.
- 6.4. HBBC Waste: No objections.
- 6.5. Environment Agency: No objections.
- 6.6. LCC Highways: No objection, conditions included at the end of this report.
- 6.7. LCC Drainage: No objections following additional information submission.

7. **Policy**

7.1. **Desford Neighbourhood Plan (2021)**

- H1: Settlement Boundary
- H7: Housing Design

7.2. **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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. **Core Strategy (2009)**

- No relevant policies

7.4. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. **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 Conservation area
- 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) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. With the exception of the garage, 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 H1 of the DNP relates to settlement boundaries. The site is located out of the settlement boundary and as such is required to be assessed in line with National and Local Planning Policy.
- 8.7. Whilst the development does not strictly fall within any of the above uses, previous appeals and decisions have considered that the change of use within this proposal for the keeping of horses can be attributed to outdoor recreation purposes. The use of fields for the keeping horses is judged to be an acceptable use in the open countryside and associated, functional and well designed stables are not an unusual site. The stables appear to be functional in design and well related to the proposed use of the site for horses, there is no reason to suggest the building would be used for other non-equestrian uses and in such circumstances, Inspectors have found compliance with Policy DM4 of the SADMP. 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.
- 8.8. As the garage is located within the curtilage and settlement boundary it is judged to be acceptable in principle.

Design and impact upon the character of the area

- 8.9. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside. Furthermore, development should not undermine the physical and perceived separation between settlements and should not create or exacerbate ribbon development.

- 8.10. 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. Policy DM10 also seeks to safeguard the amenity of future occupiers of the development.
- 8.11. Policy H7 of the DNP (2021) states that new development should enhance local distinctiveness and the character of the area, and care should be taken to ensure development does not impact the visual amenity of the streetscene.
- 8.12. The proposal seeks to change the use of the land for the keeping of horses with the erection of a stable building. The change of use of the land would not alter the character/appearance of the area. The stables would be sited in reasonably close proximity to the existing outbuildings and dwellings associated with 'The Oaks' which helps group built form and prevent sprawl into the open countryside. The stables will likely be visible from the PRoW located approximately 50m to the east of the site. The stables are large in terms of their footprint, however, do include a Corner Box and Hay Barn thus should limit the need for additional built form elsewhere on the site. The design is L-shaped in form around the concrete hardstanding which is both functional in design and reduces the length of built form. The external elevations are to be timber clad which is appropriate for stables within the countryside. No details of the roof covering have been provided. It would not be necessary for full details of the roof covering to be submitted, providing the roof covering is dark grey/black in colour- a condition is required to that effect. Overall, whilst some views of the stables may be visible (mainly from the PRoW) the building would be viewed in the context of existing outbuildings to a degree and its design is appropriate
- 8.13. In addition, the proposal seeks to erect a detached garage structure.
- 8.14. The proposed detached garage is located to the rear of the host dwelling and would not be highly visible from the street scene. The garage structure is proposed to be covered with timber cladding to reduce any visual impacts on the countryside.
- 8.15. As such the proposals are considered acceptable and in accordance with Policy DM4 and Policy DM10 of the SADMP.

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. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.17. The proposed stable block and detached garage structures are single storey in nature and would not be considered to detrimentally impact neighbours when considering the existing boundary treatments. As such would not be considered to cause detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overbearing or noise impacts.
- 8.18. The proposed change of use of the land for the keeping of horses is also considered to have no impact on neighbouring residents owing to the distance of the land from neighbouring properties. The Planning Statement also confirms the site would be used in connection with the residential dwelling and a condition is proposed to ensure the stable block and land are not used for livery or commercial purposes. Subject to this condition the equestrian elements should not lead to any significant increased traffic movements and associated noise/disturbance. HBBC Pollution were consulted as part of the application consultation, and confirmed they have no objections to the proposal.

- 8.19. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP and the guidance set out within the Good Design Guide.

Impact upon highway safety

- 8.20. 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.
- 8.21. The proposal includes the erection of a single storey detached double garage. The proposal for the change of use for the keeping of horses and associated stable block is not considered to impact highway safety or have detrimental impacts on vehicular parking. A sufficient number of parking spaces are afforded to the host dwelling.
- 8.22. The development is not considered to cause detrimental impacts to highway safety nor vehicle parking and as such 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. It is considered that the proposal has limited impacts on the character of the area and countryside, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM4, DM10, 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 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, as follows:

Site Location Plan Drg No. 22.302_OS2_1:1250

Proposed Site Plan Drg No. 22.302.12

Proposed Site Plan Drg No. 22.302.13

Proposed Stable Drg No. 22.302.14

Proposed Garage Floor Plans and Elevations Sheets 1-8

Illustrative Storm Drainage Plan Drg No. 22.302.DP

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).

3. The development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with R3 Design Developments Ltd drawing number 22.302.13. 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 Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

4. The stable block and equestrian land hereby permitted shall be used for the private stabling of horses incidental to the enjoyment of the dwelling house known as The Oaks, Main Street, Botcheston, and shall not be used for livery or any commercial purpose.

Reason: Although the level of traffic likely to be generated by stables is acceptable in highway safety terms, more traffic-intensive livery within the site would be inappropriate due to the limitations of the vehicular access, could cause adverse noise and disturbance and in accordance with Policy DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

3. The roofing material of the stable block hereby approved shall be dark grey or black in colour.

Reason: In the interests of visual amenity and to safeguard the intrinsic character of the countryside in accordance with Policy DM4 and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and 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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).