

Delegated Report

Planning Ref: 24/00508/NMA

Applicant: Mr & Mrs Smith

Ward: Cadeby, Carlton, M Bosworth & Shackerstone

Site: Deans Farm, Main Road, Bilstone



Hinckley & Bosworth
Borough Council

**Proposal: Non material amendment to planning permission 23/00037/FUL.
Amendment to the barrel vaulted roof**

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 23/00037/FUL.

2. Planning Application Description

2.1. This application proposes a non-material amendment to planning permission 23/00037/FUL, which was for the approval of the conversion of a barn to holiday let accommodation with associated private amenity space and parking at Deans Farm, Main Road, Bilstone.

2.2. The proposed non-material amendment seeks to replace the barrel-vaulted roof which was originally set to be retained as part of the scheme. This amendment is required to comply with Building Regulations and to work within the existing main structure.

3. Description of the Site and the Surrounding Area

3.1. The application site consists of a Dutch barn located at the northern edge of Bilstone, within the Conservation Area, and forms part of a collection of buildings associated with the Deans Farm complex. The Barn is detached from the farm complex by a gravel courtyard with the gated access for the farm to the east on Main Road. A tall hedgerow with intermittent trees runs along the eastern boundary of the site, flanking Main Road, whilst the northern and western setting of the site is open to small agricultural fields.

3.2. The Dutch barn has a long rectangular plan consisting of 3 open bays. It has a steel frame and columns with rounded metal sheet roof and is largely open to the sides with metal sheeting enclosing the ends. It dates from the inter-war period and is a good example of a functional agricultural building reflective of the style and form of such buildings from this period. The barn is therefore considered to be of some historic and architectural interest. To the western and eastern ends of the barn are two smaller shallow pitched roof metal framed and clad structures erected as additions to the barn.

4. Relevant Planning History

15/00955/HOU

- Demolition of garage and erection of two storey side and rear extensions
- Approved
- 30.10.2015

17/001098/FUL

- Extension and conversion of existing agricultural barn to form storage and workshop space ancillary to the existing dwelling and change of use from agricultural land to residential garden
- Withdrawn
- 20.12.2017

23/00037/FUL

- Proposed conversion of a barn to holiday let accommodation to include upper floors, ground floor side store, first floor side and rear balcony, new brick wall and sliding gate and associated private amenity space and parking.
- Approved
- 08.03.2023

5. Publicity

- 5.1. No publicity is required for a Section 96A application, and none has been undertaken.

6. Consultation

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this instance, the LPA consulted its Conservation Officer as the site lies within the Bilstone Conservation Area and the barn is recognised as an important local building.

- 6.2 The Conservation officer has commented stating:

"In my opinion the replacement of the roof to a slightly increased ridge height but same barrel roof profile will maintain the character and appearance of the Dutch Barn to be converted and have no adverse effects upon the significance of the Bilstone Conservation Area."

7. Policy

- 7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.
- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the development plan that would be material to the outcome of the assessment of the application in this case.

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Assessment against strategic planning policies
 - Conditions

Assessment against Strategic Planning Policies

- 8.2 Section 96A of the Town and Country Planning Act, 1990, allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of “non-material”; this is because it is so dependent on the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the Local Planning Authority to be satisfied that the amendment sought is non-material in order to grant an application under Section 96A.
- 8.3 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale. The planning permission 23/00037/FUL approved for the conversion of barn to holiday let accommodation to include upper floors, ground floor side store, first floor side and rear balcony, new brick wall and sliding gate and associated amenity space and parking.
- 8.4 Whilst the replacement of the barrel-vaulted roof would result in a slightly taller ridge height, and slightly altered curvature, the amendments to the scheme are not considered to materially alter the approved development, and the roof would maintain the same profile and eaves height. It is not considered that any significant adverse impacts to the character of the building or Conservation Area would arise, and there would be no significant harm to neighbouring residential amenity.

Conditions

- 8.5 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. However, it is necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.6 Planning permission 23/00037/FUL was subject to eight planning conditions, none of which have been discharged.
- 8.7 No additional conditions are necessary, and this application cannot grant further planning permission. Due to the amended plan submitted for the amended roof, the plans provided are to be read in conjunction with the plans submitted as part of the extant planning permission.

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. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to the approved full planning application at Deans farm, Main Road, Bilstone permitted under planning reference 23/00037/FUL are non-material in the context of the overall scheme.
- 10.2. It is considered that the proposed alterations do not have a material impact on the development as a whole and are non-material in the context of the overall scheme.
- 10.3. This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 23/00037/FUL.

11. Recommendation

11.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 23/00037/FUL.

11.2 Conditions and Reasons

1. This non-material amendment is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:
 - Proposed Floor Plans & Elevations – Job 7406, Drawing 270A (received by the LPA on 20.05.2024).

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).