

Delegated Report

Planning Ref: 23/00460/FUL
Applicant: Mr Anthony Teal
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: White House Farm Ashby Road Stapleton

Proposal: Proposed erection of stable/tack room

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 stable and tack room in the existing paddock adjacent to, and to the north of, White House Farm, Ashby Road, Stapleton.
- 2.2. The stable and tack room building externally measures 7.3m in width x 3.7m in depth, with an overall footprint of 27sqm. The scheme utilises a dual pitched roof with a roof ridge height of 3.2m, and an eaves height of 2.3m. The structure is constructed with timber boarding and tile effect profiled metal sheeting on a concrete floor base.

3. Description of the site and surrounding area

- 3.1. The application site is situated to the north of, and outside of the identified settlement boundary of, the rural hamlet Stapleton in the designated countryside. The site is adjacent to, and to the north of two residential properties; Field View Farm is the south-western corner of the application site and White House Farm is to the south-eastern corner of the application site. The application is bordered by hedging and beyond this, and beyond the two residential dwellings to the south, the application site is surrounded by open agricultural land.
- 3.2. White House Farm was originally approved as a dwelling via planning permission 04/00817/COU for the conversion of redundant buildings to form a new dwelling alongside the creation of a new access onto Ashby Road. The property's Permitted Development Rights were removed within this original application.
- 3.3. The access onto Ashby Road is to the south of the site via White House Farm. Ashby Road is an adopted and classified 'A' road that is subject to a 40mph speed limit, which increases to 50mph to the north of the site. White House Farm is in a prominent position from the north and south of Ashby Road.

4. Relevant planning history

23/00504/NMA

- Non material amendment to planning permission 21/01200/HOU. Change double ridge with valley main roof to single ridge, single span roof
- Permitted
- 19.06.2023

21/01200/HOU

- Two storey side and rear extensions, with single storey front extension, and alterations to roof
- Permitted
- 17.12.2021

05/00140/FUL

- Erection of detached garage and alterations to access
- Permitted
- 11.04.2005

04/00817/COU

- Conversion of redundant buildings to form dwelling and creation of new access
- Permitted
- 24.08.2004

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 On 08 June 2023, the Local Highway Authority (LHA) requested further information about the scheme following concerns of the intensification of the use of the site's access. The Local Highway Authority also requested amendments to the red line boundary of the application site.

6.3 The Applicant stated that the scheme was for the private use of White House Farm, and therefore the development does not lead to the intensification of the use of the site's access. The Local Highway Authority were reconsulted and responded on 22 June 2023 to confirm that they do not consider the scheme to have material impact on the highway.

6.4 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: 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)
 - National Design Guide (2019)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)

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 of the SADMP 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 Ultimately, the proposed development does not relate to, or comply with, any of the criteria of Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.10 Given the above, 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

- 8.11 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.
- 8.12 Paragraph 174(a) of the NPPF states that planning policies and decisions should protect and enhance valued landscapes, sites of biodiversity, or geological value and soils in a manner commensurate with their statutory status or identified quality in the Development Plan. Paragraph 176 of the NPPF states that:
- “The scale and extent of development within... designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”*
- 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 Within Policy DM4, Paragraph 13.11 of the SADMP states that:
- “In order to protect the intrinsic value, beauty and open character of the countryside, the policy sets criteria to ensure that any development which takes place does so in a way which is sensitive to its setting.”*
- 8.15 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.
- 8.16 The application site is not within a designated area such as a National Park, the Broads, or any Areas of Outstanding Natural Beauty. Therefore, in line with Paragraph 174(a), this demonstrates that development may be acceptable within the application site if it avoids or minimises its impact to natural environment.
- 8.17 The application site is also not within and does not have any of the features of Paragraphs 180 or 181 of the NPPF. Given the existing use of the site as an open agricultural field, the application site is not known to feature any evidence of protected species. Therefore, the application has a minimal impact to the natural environment.
- 8.18 Given the limited scale and massing of the proposal, it is considered that the scheme does not contribute to unacceptable levels of soil, air, water or noise pollution or land instability in accordance with Paragraph 174(e) of the NPPF. Moreover, as the stable tack is for private use, it is considered that the creation of the structure does not create a significant intensification of the use of the site. The private use of the development is secured via planning condition.
- 8.19 Furthermore, the development is located over 85.2m west of the public highway. Whilst the structure is visible from the public highway, it is experienced fleetingly as part of a vehicular journey along Ashby Road. The impact the scheme is further reduced by its limited scale, height, and massing.
- 8.20 In addition, the scheme is constructed with timber boarding and by virtue of this and the proposal’s height, scale, size, volume, and massing, the development is considered to appear rural in character and it does not result in significant harm to the intrinsic value, beauty, landscape character, and open character of the countryside.
- 8.8 To summarise, although the application does not comply with any of the criteria of Policy DM4(a, b, c, d, and e) of the SADMP, the proposal is sensitive to its setting, which complies with Paragraph 13.11 of the SADMP and therefore the Policy DM4(i, ii, iii, iv, and v) of the SADMP. By virtue of these factors, it is considered that, on balance, the application does not result in unacceptable harm to the character of countryside, subject to conditions, in accordance with Section 15 of the NPPF, and Policies DM1, DM4, and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.21 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.

- 8.22 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.
- 8.23 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.
- 8.24 There are only two residential properties within 80m of the development: White House Farm and Field View Farm. The Applicant has confirmed that the proposal is for the private use of the residents of White House Farm. In order to safeguard the residential amenity of neighbouring properties such as Field View Farm, this is secured via planning condition.
- 8.25 Given the size, and scale of the development, the scheme is not considered to result in any significant adverse light or noise pollution impacts on neighbouring residential amenity.
- 8.26 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any significant adverse harm to the residential amenity of neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.27 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.
- 8.28 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)).
- 8.29 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.30 The Applicant has stated that the development is for the private ancillary use of White House Farm, and as a result, it does not result in the intensification of the use of the existing site access. This is secured via planning condition in the interests of highway safety. Given the ancillary nature of the proposals no additional trips are anticipated. As such, there would appear to be no material impact on the public highway.
- 8.31 To conclude, the provision of one stable and tack room structure, which is for the sole benefit of the Applicant is not considered to result in an unacceptable impact

on highway safety or the road network 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 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 area.
- Does not have a significant adverse impact upon the amenity of neighbours.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 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.

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 received by the Local Planning Authority as follows:
 - Existing Block Plan (submitted: 14.06.2023)
 - Proposed Floor Plans and Elevations 881 – 04 (submitted: 10.05.2023)
 - Site Location Plan (submitted: 14/06/2023)

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 proposed stable shall be used only in connection with the Applicant's own livestock and no livery/riding school nor other business nor commercial use is permitted.

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, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

a. **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 soakaways will be subject to the approval of the Building Control Surveyor.
3. Any 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).
4. The development is within an existing paddock that currently has an agricultural use. Therefore, residential uses and residential paraphernalia, such as goal posts, are not considered to be incongruous uses to the site. If the Applicant wishes to utilise the paddock for residential uses, a planning application is required for the change of use of the site.