

## Delegated Report

**Planning Ref: 25/00746/CONDIT**  
**Applicant: Mrs Barbara Clinton**  
**Ward: Twycross, Sheepy and Witherley**



Hinckley & Bosworth  
Borough Council

**Site: Meadowside Cottage, Sibson Road, Sheepy Parva, Leicestershire**

**Proposal: Application to vary condition 2 of planning application 22/00887/HOU to allow independent occupation of the annex**

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### 1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions detailed at the end of this report

### 2. Planning Application Description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

- 2.2. In this case, planning permission for application 22/00887/HOU granted full planning permission for the erection of a single storey ancillary annex (Class C3) associated with Meadowside Cottage. The application was retrospective. As it set out in previous report the annex is a prefabricated unit measuring 12.3 metres by 4.4 metres with an eaves height of 2.9 metres and a ridge height of 4 metres. It has white external walls, dark grey roof tiles with the base screened with white painted timber skirting.

- 2.3. Condition 2 of the previous permission states:

The annexe hereby permitted shall be used only as ancillary accommodation to the dwelling known as Meadowside Cottage, Sibson Road, Sheepy Parva and shall not be occupied as an independent or commercial unit of residential accommodation at any time.

Reason: To ensure the annexe is not occupied as an independent or commercial unit of accommodation or result in the unacceptable fragmentation of the curtilage of the host dwelling which may have additional impacts in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 2.4. The application does not seek to remove the condition but to vary it to allow independent commercial occupation. The annex would remain as ancillary to Meadowside Cottage with no independent utilities, services, vehicular access, address or separate garden or curtilage.

- 2.5. The applicant has sought to justify the application on the grounds that the accommodation would remain an ancillary annex and will not have its own postal address, will not have any services (all remaining connected to the main residence), will not have its own vehicular access from the highway, and will not have any private garden of its own. It is understood that the annex was formerly lived in by the applicant's elderly mother who has since died.
- 2.6. In addition, the applicant has stated that the person in question wanting to rent the annex works in Sheepy and has no form of transport, being totally reliant on work colleagues for transport to and from the village and that by living locally he would be able to walk to and from work.

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site is located within the countryside on the south-east edge of Sheepy Parva. Sheepy Parva is located to the east of Sheepy Magna which is identified as a rural village within the Site Allocations and Development Management Policies Development Plan Document (SADMP). Sheepy Parva is not identified as a rural hamlet within the SADMP, but it is intended to be identified as such within the upcoming Local Plan. Meadowside Cottage is a detached bungalow that occupies a large plot that was extended to include an area of land previously occupied by a detached single timber outbuilding through the grant of a Certificate of Lawful Use. That building was demolished, and it is on this land that the annex sits approximately 1.6 metres from the main dwelling. The plot provides extensive garden space and has off-street parking for a minimum of five cars.
- 3.2. The application site is surrounded by agricultural fields and while there is a dwelling located to the north east of the site on the opposite side of Sibson Road, it too is separated from the built up area of Sheepy Parva by a field. It is considered unlikely therefore that the application site would form part of the built-up area of Sheepy Parva in the future.
- 3.3. Approximately 32 metres to the north of the site is the site of a dismissed appeal for a new self-build dwelling (24/00872/OUT). A new application on the site has been submitted and is awaiting determination (25/00883/OUT).

### **4. Relevant Planning History**

22/00887/HOU – Erection of single storey ancillary annex (Class C3) associated with Meadowside Cottage (Retrospective). Approved November 2022

22/00542/CLA – Certificate of Lawfulness for Existing Use to establish domestic use of the land and existing building (Re-submission following refusal of 21/01298/CLE). Approved October 2024

21/01298/CLE – Certificate of Lawfulness for existing use to establish domestic use of the land and existing building. Refused April 2022. The application was refused due to a lack of evidence having been submitted

07/00217/FUL – Extensions and alterations to dwelling. Approved April 2007

05/00788/FUL – Extension to dwelling. Approved September 2005

98/00431/UT – Erection of one dwelling. Refused July 1998

## **5. Publicity**

- 5.1. The application has been publicised by sending out a letter to the occupiers of the neighbouring dwelling opposite the site and by posting a site notice.
- 5.2. No responses have been received to the application publicity.
- 5.3. Cllr Sutton, the ward councillor, has written in support of the application due to their being no changes to the physical appearance of the structure or to the access and that it would be a perfect use for the annex.

## **6. Consultation**

- 6.1. Sheepy Parish Council – Objects to the application on the following grounds:
  - The application is contrary to policies S1 (Countryside) and S10 (Housing Development) of the Sheepy Parish Neighbourhood Plan (SPNP)
  - When the Parish Council objected to the earlier application it also requested that if permission was granted then the annex should not be allowed to be used as a self-contained dwelling, which was noted and added as condition 2. This application would represent the removal of condition 2 to allow the annex to be used as a separate dwelling
  - The annex was originally intended for use by an elderly relative and while there is sympathy for the personal circumstances of all parishioners, all applications should be dealt with fairly and consistently
  - Two applications have been refused on this short stretch of road – the one on the site in 1998 and the site to the north in October 2024. The reasons given were that the development would be unjustified residential development in the countryside that would have an irreversible and detrimental urbanising effect on the countryside contrary to both the SPNP and the Site Allocations and Development Management Policies Development Plan Document. The most recent refusal was supported at appeal
  - For the above reasons this application should be refused
  - If permission is granted it should be ensured that the dwelling does not have: its own postal address; separate utility services; its own access from the highway; and that all necessary safety measures and regulatory requirements are in place before the annex is rented out

6.2. LCC Highways – No objections

## **7. Policy**

7.1. Core Strategy (2009)

- No relevant policies

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. Sheepy Parish Neighbourhood Plan (2022)

- Policy S1: Countryside
- Policy S8: Design
- Policy S10: Housing Development

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (2024)
- National Design Guide (2019)

## **8. Appraisal**

8.1. The principle of development, siting and design of the proposed extensions and alterations have already been established through the earlier grant of the extant planning permission 22/00887/HOU on the site. The Parish Council though objects to the application and therefore although this application relates only to the variation of Condition 2 to allow independent occupation of the annex, the key issues in respect of this application is therefore:

- The Principle of the Development
- Impact upon the Character of the Area
- Impact upon Residential Amenity
- Parking
- Other Issues
- Conditions

*The Principle of Development*

- 8.2 Policy S1 of the 'made' SPNP states that the countryside will be protected for the sake of its intrinsic character, beauty, heritage and wildlife and the wealth of its natural resources so that it may be enjoyed by all. Criteria B of the policy identifies householder development as being sustainable in principle subject to the caveats within Policy DM4 of the adopted SADMP. Policy S10 of the 'made' SPNP relates to new housing development in the countryside, rather than householder development.
- 8.3 Policy DM4 of the SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside. These include proposals for the extension of existing buildings which lead to an enhancement of the immediate setting and where, amongst other matters, the proposal does not have a significant adverse effect on the appearance and open character of the countryside.
- 8.4 Notwithstanding that the site lies outside of the settlement boundary and within the countryside, permission has been granted for the annex. The key issue is whether in the circumstances set out it can be occupied as an self-contained dwelling that remains ancillary to Meadowside Cottage or whether it cannot
- 8.5 The annex was always self-contained to a certain degree. The approved plans for planning permission 22/00887/HOU show a living area, a dining area, a kitchen area, a bathroom and a bedroom.
- 8.6 Condition 2 attached to permission 22/00887/HOU required that the annex must not be occupied as an independent or commercial unit of residential accommodation and that it must remain ancillary to Meadowside Cottage
- 8.7 The applicant is not seeking to remove Condition 2. The applicant is seeking to vary Condition 2 so that the annex can be rented out and can continue to be occupied by a person in need of the accommodation. It must be remembered that the particular circumstances of whoever lives in the annex are not relevant to the planning considerations.
- 8.8 Given the approved layout plan it is considered that Condition 2 is flawed with regard to the issue of whether or not the occupation of the annex was independent or not. Clearly the provision of all the facilities enabling independent occupation were known and it is considered that a close and elderly relative could have readily lived in the annex independently from the main dwelling.
- 8.9 The reason for Condition 2 being imposed is also a key material consideration. There were two parts to the reason, firstly that it should not be occupied as an independent or commercial unit of accommodation and secondly that it should not result in the fragmentation of the curtilage of the host dwelling.

8.10 The question now is whether the renting out of the annex complies with local and national planning policy. The annex would remain as ancillary accommodation to Meadowside Cottage without its own separate garden, without any separate utilities; without its own address; without its own access from the highway and therefore it is considered that providing that these circumstances remain then the occupation of the annex on this basis would be acceptable in principle.

8.11 The applicant is fully aware that the removal of condition 2 and the occupation of the annex in any circumstances other than those set out above would not be acceptable and would represent unjustified development in the countryside that would have a significantly detrimental urbanising effect contrary to local and national planning policy.

#### *Impact on the Character of the Area*

8.12 Policy S8 of the SPNP seeks to ensure that the design of development proposals respond positively to the character of the area in which they are located and the features of its setting, and work with the scale, form and character of the location and make a positive contribution.

8.13 Policy DM4 of the adopted SADMP supports proposals for the extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where, amongst other matters, the proposal does not have a significant adverse effect on the appearance and open character of the countryside. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally

8.14 Given that the variation of Condition 2 involves no changes in the design of the annex it is considered that there is no impact to the character of the surrounding area.

#### *Impact upon Residential Amenity*

8.15 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

8.16 Policy DM10 states that 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.

8.17 The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances to provide and protect acceptable levels of amenity.

- 8.18 The proposed variation of Condition 2 involves no changes in the design of the annex. Windows in the annex look on to the side elevation of the main dwelling and there are no habitable room windows in this elevation. The garden is considered large enough so that its shared use would be acceptable
- 8.19 Subject to the condition set out below regarding obscure glazing it is considered that sufficient amenity will be provided for future occupiers of the annex and of the main dwelling in accordance with paragraph 135 of the NPPF and Policy DM10 of the SADMP respectively.

#### *Parking*

- 8.20 Policy DM18 requires that all new development provides sufficient parking. For a dwelling with four or more bedrooms three parking spaces should be provided. The existing forecourt to the main dwelling easily accommodates parking space for five cars. This level of provision is considered to be adequate to serve the existing dwelling and one bedroomed ancillary residential annexe and therefore be in accordance with Policy S8 of the 'made' SPNP, Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

#### *Other Issues*

- 8.21 The Parish Council has requested that safety and regulatory measures with regard to the renting out of the annex be in place via condition, but these are not material planning considerations as they are dealt with by separate legislation.

#### *Conditions*

- 8.22 Planning permission 22/00887/HOU was granted retrospectively and so there are just two conditions – a plans condition and Condition 2 as detailed above. They are assessed as follows:
- C1 – Approved plans – updated condition required
  - C2 – Ancillary occupation – the revised condition is detailed below
- 8.23 The conditions are reasonable and necessary to ensure satisfactory occupation of the annex.
- 8.24 It is not considered that any additional conditions are required.

### **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 acceptable as it:

- 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 and provides future occupiers with adequate amenity.
- Does not affect the sufficient provision of off-street vehicle parking.
- Allows an existing independent ancillary annex to be occupied by a person in need of the accommodation

10.2. Taking National and Local Planning Policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to the amended condition. No additional conditions are considered necessary.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions detailed below

### **11.2 Conditions and Reasons**

1. The development hereby permitted shall be in complete accordance with the following details: Site Location Plan at scale 1:1250, Block Plan at scale 1:500 and Hayden Classic Floor Plan and Elevations Drawing Sales No. Q21000809 received by the local planning authority on 27 September 2022 under planning permission 22/00887/HOU.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The annex shall only be used as ancillary accommodation to the dwelling known as Meadowside Cottage, Sibson Road, Sheepy Parva and shall not have its own address; separate utilities; access from Sibson Road or curtilage.

**Reason:** To ensure the annex is not occupied as anything other than ancillary accommodation to the main dwelling that would otherwise result in the unacceptable fragmentation of the curtilage of the host dwelling which may have additional impacts in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies S1 and S10 of the Sheepy Parish Neighbourhood Plan and the requirements of the National Planning Policy Framework (2024).