

Delegated Report

Planning Reference 26/00604/P3CQ
Applicant Mr T Knapp
Ward Burbage, Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site Brooklands Farm, Lutterworth Road, Burbage

Proposal Notification to determine if prior approval is required for the conversion of agricultural buildings to form 1 bed 1 person dwelling

1. Recommendations

1.1. Prior Approval Required and Granted

2. Planning Application Description

- 2.1. This application seeks to determine if prior approval is required for the conversion of three agricultural structures into a one-bedroom, one-person, dwellinghouse including a detached studio and store at Brooklands Farm, Lutterworth Road, Burbage.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the east of Lutterworth Road ('B578'), to the south of Burbage in the designated open countryside in Mineral and Airfield Safeguarding Areas. The site comprises pastoral land, a 2.6m high Nissen hut that is 6.2m wide by 9m in depth, a 2.4m timber outbuilding that is 2.9m wide by 2.9m deep, and a 4m high brick-built water tower that is 1.9m wide by 1.5m in depth. To the east of the site is open countryside, including Public Footpath U73, which runs north-to-south approximately 25m to the east of the site. Beyond Lutterworth Road to the west is two Grade II Listed lodges associated with Burbage House and further open agricultural land, which separates the site from the DPD and Amazon industrial estate, which is over 650m to the west. The site is separated from the residential property, Brooklands Farm, to the north by further open pastoral land. To the south of the site is Parklands Farm, a fishery, and then further open countryside.

4. Planning History

- 4.1 There is no relevant planning history within this application site that would be applicable to the current development proposals.

5. Publicity and Consultation

- 5.1 In accordance with Clause 8 of Paragraph W of Part 3 of Schedule 2 of the GPDO, the Local Planning Authority must give notice of the proposed development by site notice for not less than 21 days, and by serving notice on any adjoining owner or occupier, and any owner or occupier of the other part or parts of the building. No responses were received from neighbouring properties or members of the public.
- 5.2 Whilst Burbage Parish Council did not consider it within their power to decide if prior approval would be required to the proposed scheme, the Parish Council strongly objected to any development within the site should it be deemed that prior approval is required for the scheme.
- 5.3 No objections were raised by the Council's Drainage or Environmental Health Departments. Leicestershire County Council as the Local Highway Authority referred to standing advice and Table 13 of the Leicestershire Highway Design Guide.
- 5.4 No further responses have been received.

6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990
- 6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO')
- 6.3 National Planning Practice Guidance ('PPG')

7. Appraisal

- 7.1 Development consisting of a change of use of a building and any land within its curtilage from a use an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and building operations reasonably necessary to convert the building referred to, to a use falling within Class C3 (dwellinghouse) of that Schedule can be considered to represent Permitted Development, subject to the proposal meeting the limitations of Class Q of Part 3 of Schedule 2 of the GPDO.
- 7.2 Section 6(c) of the Interpretation Act 1978 confirms that in any Act, unless a contrary intention appears, words in the singular include the plural and words in the plural include the singular.

- 7.3 The main considerations in respect of this application are therefore whether the proposed change of use meets the limitations for the change of use of an agricultural building to a Class C3 use under Class Q of Part 3 of Schedule 2 of the GPDO.

Development Not Permitted by Class Q of Part 3 of Schedule 2 of the GPDO

- 7.4 The proposal would be on a site that has been part of an established agricultural unit since before 24 July 2023. The application site is not under an agricultural tenancy, and an agricultural tenancy was not terminated less than one year before the date development would begin. As such, the proposal would comply with Paragraphs Q.1(a), (b), (e), and (f) of this Class.
- 7.5 The site is not on Article 2(3) Land, and it is not a Listed Building. The site does not contain a scheduled monument, nor does the site form part of a Site of Special Scientific Interest, a Safety Hazard Area, or a military explosives storage area. Therefore, the proposal complies with Paragraphs Q.1(k), (l), (m), and (n) of Class Q of Part 3 of Schedule 2 of the GPDO.
- 7.6 No Class Q developments have previously been undertaken within this established agricultural unit, and the proposed development would consist of one dwelling, and its associated floor space would not exceed 150sqm. The scheme would therefore accord with Paragraphs Q.1(c), (d), and (g) of this Class.
- 7.7 The proposed development would not include any extensions, nor any protrusions beyond the external dimensions of the existing building beyond 0.2m at any given point. The proposed internal floor space of the converted Nissen hut would be 37.6sqm, which would exceed the Nationally Described Space Standards' minimum standards for a one-person, one-bedroom dwelling where a shower room is provided instead of a bathroom. As such, the proposal would be in accordance with Paragraphs Q.1(h), (i), and (o) of this Class.
- 7.8 The application is supported by a Structural Survey that concludes that the buildings are structurally sound and capable of conversion with works limited to repair, upgrading, and internal adaptation without alteration to the primary structural systems. The Structural Survey is accompanied by a schedule of works and structural calculations that confirm the proposed works to convert the structures would be limited to insulation, the installation of ridge and eaves ventilation, internal wall and ceiling finishes, the provision of a floating timber floor construction to the Nissen hut, and the retention and localised repair of the existing structures.

- 7.9 On this basis, it is considered that the building operations would be limited to those included detailed at Paragraph Q.1(j) of this Class, which would be considered to be reasonably necessary to convert the building into a dwellinghouse. Any deviation from the method statement provided may constitute the development falling outside the scope of Class Q and failing to be permitted development.
- 7.10 The development would utilise the existing vehicular access onto Lutterworth Road that serves the wider established agricultural unit, which would be considered to a suitable access to the public for the purposes of Paragraph Q.1(p) of this Class.
- 7.11 Given the above, the proposal would be considered to comply with the limitations of Paragraph Q.1 of this Class.

Conditions of Class Q of Part 3 of Schedule 2 of the GPDO

- 7.12 Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required for the following.

Transport and Highways Impacts of the Development

- 7.13 The proposal would utilise the existing vehicular access onto Lutterworth Road. Leicestershire County Council as the Local Highway Authority raised no concerns with this proposal and referred to standing advice. Ultimately, it is not considered that the provision of a new independent dwelling in this location would result in an unacceptable impact on highway safety, nor a severe impact upon the road network when considered cumulatively with other developments.

Noise Impacts of the Development

- 7.14 The Council's Environmental Health Department raised no objections to the development. It is therefore not considered that the noise impacts of the development would have a significant adverse impact on neighbouring residential amenity or the amenity of the future occupiers of the scheme.

Contamination Risks of the Site

- 7.15 The Council's Environmental Health Department raised no objections to the scheme. It is therefore considered that the scheme would not result in any significant adverse contamination risks.

Flooding Risk of the Site

- 7.16 According to the Environment Agency's website, the application site is within Flood Zone 1, which is designated as at low probability of flooding rivers and seas, and is at very low risk of flooding from surface water. Therefore, the principle of residential development in this location in relation to its risk of flooding is acceptable. This position is supported by the Council's Drainage Department.

Whether the Location or Siting of the Development makes it otherwise Impractical or Undesirable for the Building to Change from Agricultural Use to a Use Class C3 Use

- 7.17 The application site is not associated with an operational agricultural farm, and the site is within the vicinity of other residential uses. As such, the development would not be considered to be located in an impractical or undesirable location in these site-specific circumstances.

The Design and External Appearance of the Building

- 7.18 No extensions are proposed to the existing buildings, and the scheme would retain and utilise where necessary materials to match those of the existing structures. Therefore, the proposed design and external appearance of the building would not be considered to have a significant adverse impact on the rural character of the building or the surrounding area.

The Provision of Adequate Natural Light in All Proposed Habitable Rooms

- 7.19 The proposed development includes a window to every habitable room. It is noted that the land to the west of the Nissen hut is not within the red line boundary of the application site. Therefore, no land in front of the proposed window to the bedroom would be in the red line boundary of the site. This proposed window would then be within 1.8m of the boundary of the agricultural field, which is defined by large and high well-established vegetation. These factors would be considered to significantly reduce the provision of natural light to this habitable room. Nevertheless, it is considered that on balance the proposal would be provided with an adequate provision of natural light in all habitable rooms of the dwellinghouse in these site-specific circumstances.

8. Equality Implications

8.1 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; and

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 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.

8.3 There are no known equality implications arising directly from this development.

8.4 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).

9. Conclusion

9.1 The proposal would be considered to comply with the limitations and conditions of Class Q of Part 3 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and it is recommended that whilst prior approval was required to fully determine the impacts of the development, prior approval should be granted.

9.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 30.06.2026)
- As Proposed – Class Q (submitted: 30.06.2026)
- Site Location Plan (25 125 22A) (submitted: 05.08.2026)
- Structural Survey (Issue 3) (submitted: 03.09.2026)
- 25 125 Class Q Statement – Merged (submitted: 30.06.2026)
- 25 125 03 – Structure 1 – As Existing (submitted: 30.06.2026)
- 25 125 04 – Structure 2 – As Existing (submitted: 30.06.2026)
- 25 125 05 – Structure 3 – As Existing (submitted: 30.06.2026)
- 25 125 06 – Structure 4 – As Existing (submitted: 30.06.2026)
- 25 125 07 – Site Plan – As Existing (submitted: 30.06.2026)

10. Recommendation

- 10.1 **Prior Approval Required and Granted**, subject to reasonably related planning conditions in accordance with Clause 13 of Paragraph W of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Conditions

1. 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:

- As Proposed – Class Q (submitted: 30.06.2026)
- Site Location Plan (25 125 22A) (submitted: 05.08.2026)

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).

2. Prior to the first occupation of the development hereby permitted, the access drive (and any turning space) shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the first occupation of the development hereby permitted, one vehicular parking space and any necessary associated turning facilities shall be provided within the site. 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 DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The conversion of the existing agricultural buildings into a dwellinghouse hereby permitted shall be undertaken in accordance with the details contained in the Schedule of Works detailed at Appendix B of the Structural Survey (Issue 3) (submitted: 03.09.2026).

Reason: To ensure that the development complies with the limitations of Paragraph Q.1(j) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended.)

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.
3. The proposals show that the Applicant may need to remove a section of grassed highway verge. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge/footway fronting the site; the Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises because of this work would be entirely at the Applicant's expense.

4. The surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site and ensure that surface water runoff does not increase flood risk elsewhere.
5. The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy. 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.
6. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy. It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.