

Delegated Report

Planning Ref: 23/00698/FUL

Applicant: Mr R Pugh

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Willow Barn, Wykin Lane, Stoke Golding

Proposal: Extension and conversion of existing barn to form garage and workshop

1. Recommendations

1.1. Refuse planning permission for the following reason:

- The application proposal to extend the existing barn is considered unacceptable in design terms. The extension is not subordinate to the existing barn and the extensions would result in the loss of the historic form of the former agricultural building. As such the proposal is in conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the Councils Good Design Guide (2020).

2. Planning application description

- 2.1. The proposal seeks extend the existing building, including a conversion of existing barn to form a garage and workshop. The proposal includes demolishing and relocating an existing wall.

3. Description of the site and surrounding area

- 3.1. The site is located outside of the settlement boundary of Stoke Golding and is within the Countryside. The site is set back from the road, with a small parcel of garden land, containing a pond, between the building and the highway. The building is a single storey former agricultural building with a small courtyard area.

4. Relevant planning history

18/01196/HOU

Single storey front extension to serve integral garage
Planning permission
16.01.2019

12/00208/COU

CHANGE OF USE FROM AGRICULTURAL BUILDING TO FORM ONE
DWELLING INCLUDING ALTERATIONS
Planning permission
30.05.2012

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and a site notice posted within the local vicinity.
- 5.2. 1 objections received. The concerns raised relate to:
- Development extending beyond original wall on site.
 - Concerns relating to noise from workshop.
 - Structural concerns of works damaging neighbouring property.

6. Consultation

6.1. Comments have been received by:

- LCC Highways: No objections.
- HBBC Drainage: No objections, notes to applicant.
- HBBC Waste Management: No comments received.
- HBBC ES Pollution: No objection.
- Stoke Golding Parish Council: No comments received.
- LCC Ecology: Recommended refusal until the submission of a bat survey, mitigation or enhancement methods and a light assessment, under The Conservation of Habitats and Species Regulations 2017.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

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 DM6: Enhancement of Biodiversity and Geological Interests.
- 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)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology
- Planning balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states 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 consideration in determining applications. Paragraph 12 of the NPPF confirms 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.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (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. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.4. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Development in the countryside is considered sustainable where;

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

and:

i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

- 8.5. The proposal can be considered under Policy DM4 (b) whereby the proposal involves the extension of existing buildings, however, the proposal is required to be assessed to determine if the proposal would lead to an enhancement of the immediate setting.

Design and impact upon the character of the area

- 8.6. Policy DM10(c), (d) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings.

- 8.7. Policy DM4 of the SADMP, seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Development in the countryside will be considered sustainable where it does not have a significant adverse effect of the intrinsic value, beauty, open character, and landscape character of the countryside. It confirms that development in the Countryside is sustainable where the proposal relates to the extension of an existing building which leads to the enhancement of the immediate setting.

- 8.8. The Good Design Guide (2020) confirms that former agricultural buildings previous purpose often leads to a specific appearance and layout. It states that retaining features characteristics is of importance. The Guide states that it is usually not appropriate to extend an agricultural building in its curtilage, as this risks losing the historic form of the building and its own status as an ancillary building. The guide does however note that in certain circumstances a very high-quality extension might be appropriate. The guide states that extensions should generally be simple, unobtrusive and respect the plan-form of the building and group layout. The guide goes on to state that the scale should be subordinate, that the siting should in no way impact the spatial and historic relationship of the farmstead and consider the orientation, form and method of connection.

- 8.9. The proposal seeks to extend the existing building along the South West, towards Wykin Lane. This would include demolishing and relocating an existing stone wall to cater for the development. The development would then be changed from the existing L shape structure to a horseshoe, facing away from the highway, towards

Willow Farm.

- 8.10. A previous extension, 18/01196/HOU, was approved at the site, however it was addressed and stated within the assessment that this was considered acceptable as the extension does not extend forward of the existing brick wall and the building retains its existing characteristic L shape.
- 8.11. Conversely, the proposed extension under this application would extend at a right angle to the existing living/dining/kitchen wing of the dwelling creating a U shaped plan form to the dwelling. Whilst U-shaped barns are not uncommon, the barn conversion in question has retained its L shape and it is this plan form which is perceived from the wider countryside and nearby road. The proposal does not respect the plan form of the existing building. This harm is further exacerbated through the wider width of the proposed extension compared to the original barn, the matching ridge height of the extension, asymmetric roof style and loss of the brick wall to the front of the dwelling. Furthermore, whilst large garage doors are found on the garage extension, the addition of the large garage doors and their siting on the gable end are not considered to draw inspiration from the existing building. This is considered to further domesticate the appearance of the dwelling, contrary to the advice contained within the Good Design Guide which highlights the paramount importance that the building does not become domestic in appearance and retains the agricultural character regardless of its new use.
- 8.12. The development is therefore considered unacceptable in design terms, due to the scale of the development not being subordinate to the existing structure and the loss of the historic form. These works would not lead to the enhancement of the immediate setting and would close off the structure to the public highway and public vantage points.
- 8.13. As such, it is considered that the proposal is not in accordance with Policy DM4 and Policy DM10 of the adopted SADMP, and it is not in accordance with the Good Design Guide (2020).
- Impact upon neighbouring residential amenity
- 8.14. 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.
- 8.15. The proposal is for the extension of the existing structure and conversion to form a workshop. Details of the activities conducted within the workshop have not been submitted as part of the application, however, Environmental Health have confirmed that they have no objections in terms of pollution caused by this proposed use.
- 8.16. The proposed extensions are not considered to cause detrimental impacts to neighbouring residential amenity, in terms of loss of light, loss of privacy or overbearing impacts, by way of the single storey nature of the design and location of windows and doors in relation to existing boundary treatments.
- 8.17. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.18. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.19. Following a consultation with LCC Highways, it has been confirmed that there is not expected to be any impact upon highway safety or vehicle parking standards from this proposal. As such it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

Ecology

- 8.20. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value.
- 8.21. Following a consultation with LCC Ecology, it was confirmed that due to the proposed conversion and extension of the structure, additional information is required in relation to roosting bats. Without the submission of an acceptable Preliminary Roost Assessment and any further surveys recommended by the licensed ecologist (e.g. Presence/Absence Survey and Roost Characterisation Survey), a site plan showing any mitigation and enhancements being offered for bats (e.g. bat box locations, bat loft locations with measurements and internal details) and a lighting plan showing location and specification for any proposed lights on the site, the application should be refused.
- 8.22. It is acknowledged that the applicant was made aware of this information and request, and was forthcoming in supplying the information, however, due to concerns outlined on the design of the proposed extensions the application has been recommended for refusal prior to the submission of this information. The proposal therefore remains not in accordance with Policy DM6.

Planning Balance

- 8.23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.24. Whilst the proposal does not have significant detrimental impacts upon neighbouring amenity and is considered to be an extension to an existing building within the Countryside, the proposals are not considered to be acceptable in design terms, due to the non-subordinate nature and the loss of historic form of the building. Furthermore insufficient information in the form of a Preliminary Roost Assessment and any further subsequent surveys and mitigation has been submitted to substantiate that the proposal would not harm protected species.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

10.1 Refuse planning permission for the following reasons

11. Reasons

1. The application proposal to extend the existing barn is considered unacceptable in design terms. The extension is not subordinate to the existing barn and the extensions would result in the loss of the historic form of the former agricultural building and would not lead to an enhancement of the immediate setting. As such the proposal is in conflict with Policy DM4 and Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the Councils Good Design Guide (2020).
2. Insufficient information in the form of a Preliminary Roost Assessment and any further subsequent surveys and bat mitigation has been submitted to substantiate that the proposal would not harm protected species. Such a proposal would thus be contrary to Policy DM6 of the adopted Site Allocations and Development Management Policies DPD 2016 and to guidance in the NPPF.