

Delegated Report

Planning Ref: 24/00859/CONDIT
Applicant: Mr & Mrs Robertson
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Coton View, Bosworth Road, Wellsborough, Nuneaton
Leicestershire, CV13 6PD

Proposal: Application to vary condition 2 (plans) attached to planning permission 19/00669/FUL. Vary design of dwelling.

Recommendations

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

Planning Application Description

- 2.1. Application 19/00669/FUL for the 'Change of use and extension to agricultural building to create a dwelling, creation of residential curtilage and erection of detached double garage' was granted approval at Committee on 06/09/2019.
- 2.2. Application 24/00859/CONDIT is for the variation of condition 2 for an amendment to vary the design of the dwelling. The proposed description was changed on 31/10/2024 with changes to the garage no longer part of the proposal.
- 2.3. Plans submitted for the current application are:
- Proposed Plans and Elevations Drg No. 3851-03F-A1 received on 31/10/2024
- 2.4. The proposal seeks minor material changes to permission 19/00669/FUL. The proposal is to build on the same footprint as the previously approved scheme which included a 4m deep extension on the western end of the extant structure which it is proposed to retain and integrate into the proposed new internal layout.
- 2.5. The height of the eaves of the building is retained at the current level and the choice of external materials is intended to retain the agricultural appearance of the structure. The external appearance of the property is a result of the retained structure being used to form the core of the new dwelling. The large opening in the eastern elevation is retained in the principal elevation of the proposed dwelling as shown on the previously approved schemes.
- 2.6. The proposed dwelling would be 100sqm which is lower than that of the proposal submitted for the pre-application enquiry & 26sqm less than what was recently refused in application 23/01166/CONDIT. The approved application (19/00669/FUL) was 84sqm. The original building measured 70sqm. In addition, when compared to what was submitted for 19/00669/FUL the angle of pitch has been reduced to lower the proposed new ridge height and the resulting volume.
- 2.7. The extant garage is to remain as constructed under the approved application 19/00669/FUL which is a further difference when compared to the refused application 23/01166/CONDIT, which included a large 3 bay garage with a pitched roof and 1st floor area. The large garage has been removed from this proposal following concerns raised by officers with regards to its scale and visual impact.

Description of the Site and Surrounding Area

- 3.1. The application property was a redundant agricultural building of approximately 64 square metres granted permission in 2019 for 'Change of use and extension to agricultural building to create a dwelling, creation of residential curtilage and erection of detached double garage'. The application site is approximately 1,512 square metres but the application owns land surrounding the site which makes up a wider area of 0.4 hectares.
- 3.2. There is one neighbouring dwelling to the east of the site. The application site is set back from the highway by approximately 80 metres. The site is within the open countryside. The application site is approximately 3 kilometres outside the settlement boundary of Sibson and approximately 5 kilometres outside of the settlement boundary of Sheepy Magna.

4.0 Relevant planning history

18/00045/RPAGDO	Prior Approval for change of use of an existing agricultural building to a dwelling (C3) and associated building operations	Appeal Allowed	19.12.2018
17/01164/CQGDO	Prior approval for change of use of an agricultural building to a dwelling (C3) and associated building operations	Prior Approval Refused	15.02.2018
18/00343/CQGDO	Prior Approval for change of use of an existing agricultural building to a dwelling (C3) and associated building operations.	Prior Approval Refused	06.07.2018
19/00669/FUL	Change of use and extension to agricultural building to create a dwelling, creation of residential curtilage and erection of detached double garage	Approved	22.08.2019
23/01166/CONDIT	Variation of condition 2 (plans and elevation) of planning permission 19/00669/FUL. Amendment to the dwelling and garage	Refused	27.02.2024

Publicity

- 5.1. Neighbouring properties have been notified of the application.
- 5.2. No representations have been received in response to the neighbour notification.
- 5.3. Sheepy Parish Council- Support the proposal

Consultation

- 6.1. All those consulted on the original full application (19/00669/FUL) have been re-consulted.
- 6.2. Conservation- No comment to make on this application.
- 6.3. HBBC Drainage- No objection on sustainable drainage grounds
- 6.4. HBBC Pollution- No objection
- 6.5. LCC Highways- No objection

Policy

- 7.1. Sheepy Parish Neighbourhood Plan 2018-2036
 - Policy S1: Countryside
 - Policy S8: Design
 - Policy S10: Housing Development
 - Policy S15: Car Parking and new housing development
- 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 DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

Appraisal

- 8.1 This application should be read in conjunction with the previously approved application and in particular a comparison made between the 'existing plans Drg No. 2860/02' & 'proposed plans Drg No. 2860/03C' associated with 19/00669/FUL & the amended proposed plans for the current proposal 'Drg No. 3851-03F-A1'. The key issues are therefore:

- Whether the principle of development is still acceptable with regards to the conversion element of the proposal
- Design and impact upon the character of the area
- Impact on neighbouring residential amenity
- Drainage
- Pollution

Principle of Development

- 8.2 The principle of development has been established under application 19/00669/FUL where it was determined that the original application met the criteria of the relevant policies regarding the conversion/re-use of redundant buildings. As the amendments seek to alter the design and structure of the building in this case a fresh assessment must be made as to whether the amendments still accord with the relevant policies for the conversion of redundant buildings.
- 8.3 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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.
- 8.4 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 Core Strategy (2009), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Sheepy Parish Neighbourhood Plan (2018).
- 8.5 The Council has published an updated 5yr housing land supply calculation on 29th July 2024. This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five year period.
- 8.6 For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 8.7 Due to the sites countryside location Policy DM4 is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where

the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting.

- 8.8 Policy SC1, of the Sheepy Neighbourhood Plan states that the countryside, will be protected for the sake of the intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. In principle, subject to the caveats within the Hinckley and Bosworth SADMP Policy DM4, the following types of development may be considered sustainable in the countryside:-

A. The re-use and adaptation of buildings in accordance with the Site Allocations and Development Management Policies DPD Policies DM14 and DM15;
B. Dwellings in accordance with Policy S10; ...

- 8.9 Policy S10 of the Sheepy Neighbourhood Plan goes on to state that within Sheepy Magna and Sibson settlement boundaries infill housing will be supported subject to the proposals being of a scale appropriate to each settlement. Outside those settlement boundaries permission will be limited to:

“...D. The re-use and/or adaptation of redundant rural buildings in accordance with Site Allocations and Development Management Policies DPD Policy DM15;...

- 8.10 Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where:

- a) The applicant demonstrates the building is no longer viable in its current use; and
- b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
- c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
- d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance.

- 8.11 All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.

- 8.12 The supporting text to Policy DM15 recognises that *‘buildings in the rural area are often attractive, frequently constructed from local materials and often reflect the local vernacular, which in turn contribute significantly towards the character and diversity of the area in their existing form’*. It goes on to state that *‘It should be recognised that not all buildings in the countryside are suitable for conversion or adaptation to new uses as they may be poorly designed and constructed.’*

- 8.13 The proposed alterations present, on balance, an acceptable variation from those previously approved, with the eaves height of the proposed remaining as per the approved and the original structure forming the core of the proposed converted building. An updated structural survey has been submitted demonstrating that the building is capable of conversion in this manner and the proposed alterations are judged to be an acceptable alteration to the existing building. The resultant scale of the building is considered to be proportionate to the single storey, low height size, scale

and mass of the original building. The garage is no longer proposed to be enlarged so will be subordinate to or ancillary in appearance to the original building.

- 8.14 A full assessment of the design and impact upon the character of the area and countryside is made later in the report. Therefore, in line with the above, subject to all other material considerations being satisfactorily addressed the re-use and proportionate extension of an existing redundant building is in principle acceptable in accordance with Policies DM1, DM4 and DM15 of the SADMP (2016) DPD and Policies S1 and S10 of the Sheepy Neighbourhood Plan.

Design and Impact upon the Character of the Area

- 8.15 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.16 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.17 Policy DM15 of the SADMP seeks to ensure that any proposed extensions or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage and that the building leads to an enhancement of the immediate setting.
- 8.18 Policy S8 of the Sheepy Neighbourhood Plan, seeks to ensure that proposals should be designed with evident care so as to:
- A. Be in keeping with the scale, form and character of its surroundings and make a positive contribution to the street-scene;
 - B. Protect important features such as traditional walls, hedgerows and trees;
 - C. Not significantly adversely affect the amenities of residents in the area, including daylight/sunlight, privacy, air quality, noise and light pollution;
 - D. Not significantly increase the volume of traffic through the Parish's settlements; and
 - E. Have safe and suitable access.
- 8.19 The design and scale of the dwelling would materially change when compared to the approved plans as the proposed would have a higher pitched roof & the footprint would be increased from 84 sqm to 100sqm (original was 70sqm). This represents an approx. 40 % increase over the original. The proposed would have 5 no roof lights on the front & rear elevation with ridge height increasing from 3.3m in the approved to 5.6m for the proposed. The eaves height would remain as approved and the increase in volume here is considered acceptable.
- 8.20 It is proposed to retain the blockwork walls of the extant structure and externally clad them with stone at low level and timber cladding above. The roof is proposed to be a metal standing seam roof. Even though there would be a domestic element to the building the materials proposed would ensure the building was still viewed as rural building in keeping with the countryside, and as such would complement the character of the existing building, in accordance with Policy DM10 and DM15 of the SADMP.

- 8.21 The structural report identifies the building as being capable of conversion. From the site visit it was seen that the building is capable of conversion but is not in the best condition. It is therefore considered that the current condition of the building does not positively contribute to the character of the area and countryside.
- 8.22 Therefore the proposed works and materials, along with bringing a redundant building back into use, are considered to have a positive contribute to the character of the area and countryside. The resulting design, layout, scale and mass are not overtly different to the existing built form present on the site.
- 8.23 The application would also change the use of part of the land to provide residential curtilage for the proposed dwelling. There is already an access road from the highway to the garage and none of the existing boundary treatments are proposed to be changed. The land within the red outline is already enclosed by the boundary treatments of the neighbouring dwelling and includes hardstanding. To the south and west the application site is open and no boundary treatments are proposed. To protect the rural character of the site permitted development rights for means of enclosure will be removed. The land would therefore still keep its rural character.
- 8.24 It is considered reasonable and necessary to remove Permitted Development rights, via a condition, from the proposed residential dwelling and its associated curtilage. This would prevent further built form or residential paraphernalia from eroding the openness of the Countryside without assessment of its appropriateness by the Council.
- 8.25 Criteria ii) to v) of Policy DM4 are not relevant as the proposal would not undermine the perceived separation between settlements, does not exacerbate ribbon development and is not located within a green wedge or the National Forest. As such, it is considered the proposal would not have an adverse impact upon the open character or appearance of the countryside or surrounding area in accordance with Policies DM4, DM10 and DM15.

Impact on neighbouring residential amenity

- 8.26 In terms of neighbouring amenity impacts, the nearest neighbouring dwelling would be approximately 14 metres away from the application site and approximately 33 metres from the proposed dwelling. The approved garage would be sited between the proposed dwelling and the neighbouring dwelling to the east. There are also other intervening buildings within the neighbouring dwellings curtilage. The front elevation of the proposed dwelling would face towards the east and be largely fenestration. It is considered that due to the boundary treatments, separation distance and intervening outbuildings there would be no adverse impact upon the residential amenity of the neighbouring dwelling to the east in terms of overlooking, overbearing impact or loss of light. The proposal therefore accords with DM10 in this regard.
- 8.27 It is not considered that there are any other material considerations that are relevant to the determination of this application.
- 8.28 It is concluded that the proposed variation of condition 2 (plans) attached to planning permission 19/00669/FUL to vary the design of the approved dwelling is in accordance with national planning policy and guidance and Policies DM10 of the SADMP and S1 & S8 of the Sheepy Parish Neighbourhood Plan 2018-2036.

Highways

- 8.29 Policy DM17 of the adopted SADMP supports development that would seek to maximise the use of sustainable transport modes to access services and facilities, be located where the need to travel can be minimised and would not result in any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Policy S8 criterion E, seeks to ensure that developments provide a safe and suitable access with appropriate on site parking provision.
- 8.30 Bosworth road has a 60 mph speed limit. The access is an already existing access. The Local Highways Authority has no objections to the proposal. The access is already existing and the trips to and from the site are not considered to increase significantly so it is considered that to condition this would be unnecessary.
- 8.31 The approved garage provides 2 off street parking spaces to serve the dwelling and there are adequate turning facilities on site so that vehicles can leave the site in a forward gear.
- 8.32 Therefore the proposal complies with Policy DM17 and DM18 of the SADMP and Policy S8 of the Sheepy Neighbourhood Plan.

Drainage

- 8.33 Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated.
- 8.34. No objections have been raised from HBBC Drainage but a note will be added for the applicant regarding the management of the surface water and the materials that should be used for access drives, parking and turning area. As such it is considered that the development would comply with Policy DM7 of the SADMP.

Pollution

- 8.35. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.36. HBBC Environmental Health have no objections to the proposal. The site was use for agricultural purposes mainly for the storage of agricultural equipment, machinery, straw and hay. The building was also used for housing poultry in the past.
- 8.37. A land contamination condition will be added in case contamination not previously identified is found to be present at the site during the development. There would be no other adverse impacts from pollution from the proposal. The development is therefore in accordance with Policy DM7 of the SADMP.

Other matters

- 8.38. Street Scene Services (Waste) recommend a condition to require refuse and recycling storage and collection details to be submitted for prior approval should planning permission for residential use be approved.

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 relevant national and local policy and guidance as it:

- Is of an appropriate scale and design
- Would not have a harmful impact upon the character and appearance of the area
- Would not have a significantly detrimental effect on the amenity of neighbouring residents
- Provides suitable drainage

10.2. Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that the variation of condition be accepted.

10.3. Application 19/00669/FUL was approved subject to 6 conditions some of which require amending

Condition 1- Commencement of development- Development has commenced therefore this condition can be removed

Condition 2- Amended Plans- To be amended in line with this application

Condition 3- PD removed- To be retained

Condition 4- Contamination- To be retained

Condition 5- Waste and recycling- Details have been discharged so this will be amended to a compliance condition

Condition 6- Render details of the garage- To be removed the garage has been removed from the approved plans.

11 Recommendation

11.1 **Grant planning permission** subject to the conditions below.

11.2 Conditions

Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Plans and Elevations Drg No. 3851-03F-A1 received on 31/10/2024

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

2. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to H (inclusive) and Schedule 2, Part 2, Class A; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the character and openness of the countryside in accordance with Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to occupation a scheme the waste and recycling storage and collection point shall be implemented in accordance with the agreed details from application 20/00166/DISCON.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. 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).