

Delegated Report

Planning Ref: 24/00733/FUL

Applicant: Mrs Harvey

Ward: Newbold Verdon with Desford and Peckleton

Site: Cottage Farm, Kirkby Lane, Newbold Verdon

Proposal: Proposed replacement of residential dwelling, new fence and associated works



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application proposes the demolition of the existing detached dwelling and erection of a replacement two storey dwelling, with a new boundary fence and associated works. The proposal includes an off-street parking area.

3. Description of the site and surrounding area

- 3.1. The application site is located on Kirkby Lane, and is not located within the settlement boundary, as such is considered to be within the Countryside. The site is considered to be agricultural in nature, with various buildings associated to the agricultural works ongoing at the site. The site also contains an existing two storey dwelling and associated car parking. The site benefits from existing mature hedgerow boundary treatments to the highway.

4. Relevant planning history

22/00471/AGDO

Proposed erection of Agricultural Storage Building
GDO Prior Approval Not Required
10.10.2022

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. HBBC Drainage: No objections, notes to applicant included.
- 6.3. Newbold Verdon Parish Council: No comments received.
- 6.4. LCC Minerals: No objections.
- 6.5. LCC Highways: Standing advice – no objections.
- 6.6. HBBC Waste: No objections.
- 6.7. Coal Authority: No objections.

7. Policy

7.1. 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 DM10: Development and Design
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. Leicestershire Minerals and Waste Local Plan

- Policy M11: Safeguarding of Mineral Resources

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)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology/Biodiversity Net Gain
- Impact on mineral safeguarding
- Planning balance

Assessment against strategic planning policies

- 8.2. The 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, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The Council has published an updated 5yr housing land supply calculation on 29th July. 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.
- 8.5. 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.

- 8.6. 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;
- 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 diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/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
- 8.7. The proposal does not satisfy any of the criteria set out within Policy DM4 (a-e) and as such is not in accordance with this Policy. The impact upon the intrinsic value and beauty of the countryside will however be assessed within the design and impact of the character of the area section of this report.
- 8.8. Policy DM14 of the SAMDP states that a proposal for the demolition and rebuild of an existing dwelling outside the settlement boundary will be supported where:
- a) It leads to an enhancement of the immediate setting and general character of the area and;
 - b) The new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage; and
 - c) The proposed development accords with Policy DM10: Development and Design, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
- 8.9. The application proposes the demolition and rebuild of an existing dwelling and as such would be assessed within the confines of DM14. The dwelling is considered to be in accordance with b) and c) and section a) will be assessed within the design and impact on the character of the area section of this report.

Design and impact upon the character of the area

- 8.10. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.11. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.12. Policy DM14 states that proposals for the demolition and rebuild of dwellings outside of the settlement boundary must be of a proportionate scale, size, mass and

footprint to the original dwelling and lead to an enhancement of the immediate setting and general character of the area.

- 8.13. The existing and proposed footprint of the dwelling is staggered, and is two storey in height. The site contains a number of agricultural buildings and benefits from existing mature hedgerow between the site and the highway. The replacement dwelling is considered to be of an appropriate scale, massing and size in comparison to the existing dwelling as such to be considered in accordance with Policy DM14.
- 8.14. There is no overall prevailing character within this area, other than sporadic houses located along Kirkby Lane with associated agricultural land between and to the rear.
- 8.15. Amendments were requested throughout the application process to break up the massing on the approach to the dwelling from the North. The proposal is considered of an appropriate design drawing some inspiration from the agrarian context with materials consisting of brick and panelling – the details of which will be secured via condition. The proposed dwelling would not cause any detrimental impacts to the character of the area or countryside.
- 8.16. As such the proposal is considered to be in accordance with Policies DM4, DM10 and DM14 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.18. The proposed dwelling is located in the same location as the existing two storey dwelling which is to be replaced. The dwelling is isolated, and located centrally to its own sizeable plot. As such there are no neighbouring residential properties within a significant distance from the dwelling – and therefore no detrimental impact to neighbouring amenity would occur as a result of this proposal. In addition, the ongoing agricultural work surrounding the site will not be worsened for the occupiers of the dwelling when considering they occupy the existing house presently.
- 8.19. As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.20. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.21. The proposal seeks to retain the existing access to the dwelling, with the access gate relocated to be 5m behind the boundary to the highway to allow for safe access into the property off Kirkby Lane. The proposal also provides three off-street car parking spaces on the former tarmacked area of the site, which is to be replaced with permeable block paving. LCC Highways were consulted as part of this proposal and responded with their standing advice.
- 8.22. The proposal provides sufficient off-street car parking to cater for the development and utilises the existing access to the site, introducing improvements to the access gates. The proposal therefore is considered to have no detrimental impacts to

highway safety or detrimental impacts to vehicular parking and is in accordance with Policy DM17 and DM18 of the SADMP.

Ecology/BNG

- 8.23. The development is judged to be exempt from providing 10% mandatory BNG owing to the de-minimis exemption.

Mineral Safeguarding

- 8.24. The development site is located within a minerals safeguarding area for sand and gravel. However, given the nature, scale and context of the proposal it does not raise significant mineral safeguarding concern. Thus, LCC would not require a Minerals Assessment for this application and have no objections, the development complies with policy M11 of the LMWLP.

Planning Balance

- 8.24. Currently the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.25. Whilst the proposal does not comply with criteria contained in Policy DM4, it does comply with Policy DM14 which allows for replacement dwellings in the countryside. The overall design of the proposed replacement dwelling is acceptable and owing to the absence of any detrimental impacts to the character of the area or countryside, the proposal is considered acceptable.

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;
 - (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.
- 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**

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and country, and the amenity of neighbouring properties. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM14, DM17 and DM18 of the adopted SADMP.

10. **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, as follows:

Site Location Plan Drg No. 7757 / 50
Proposed Site Plan Drg No. 7757 / 55 Rev A
Proposed Floor Plans Drg No. 7757 / 56 Rev B
Proposed Elevations Drg No. 7757 / 57 Rev A

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).

3. Prior to the commencement of the hereby approved development, details of the external materials used on the replacement dwelling shall be submitted to in writing and approved by the Local Planning Authority.

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).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning as shown on Proposed Site Plan Drg No. 7757 / 55 Rev A have been implemented in full. Once provided, they shall be maintained and made available for use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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 general highway safety and in accordance with the National Planning Policy Framework (December 2023).

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 soakaway will be subject to the approval of the Building Control Surveyor. Any proposed 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).