

Delegated Report

Planning Ref: 24/00379/FUL

Applicant: Mr R Flavel

Ward: Markfield Stanton & Field Head

Site: Denbar Lodge, Hillside, Markfield



Hinckley & Bosworth
Borough Council

Proposal: Construction of portal framed building for the storage of vehicle equipment

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Description of application for existing use

- 2.1. The application seeks permission for the erection of a steel portal framed building for the storage of vehicle equipment.
- 2.2. The steel portal building has an overall height of 6.2 metres to the ridge, is 12.2 metres in width and 18.3 metres in length. It has a pitched roof and a rectangular plan form. The floor plan is open, is accessed via three roller shutter doors, as well as a customer door.
- 2.3. The building is to be constructed of box profile metal sheets in green, with natural grey fibre cement roof sheets.

3. Description of the site and surrounding area

- 3.1. The site relates to an area of hardstanding surrounded by dense hedgerow on its western and northern boundaries, with open countryside on all sides apart from the south where there is existing residential development. It is located off Hillside, a classified road on the western edge of Markfield. It is outside of the settlement boundary for Markfield therefore forming part of the countryside.

4. Relevant planning history

- 23/01202/CLE - Lawful Development Certificate for the existing use of concrete rear area for storage of vehicle equipment. Certificate of Lawful Use - 20.02.24.
- 23/00966/CLE - Lawful Development Certificate for the existing use of concrete rear area for storage of vehicle equipment. Refused Certificate of Lawful Use - 01.12.23.
- 23/00702/AGDO - Portal framed agricultural storage building. Refused Prior Approval - 09.08.2023.
- 23/00272/AGDO - Proposed steel portal frame building for general purpose storage. Refused Prior Approval 11.05.2023.
- 04/01199/FUL - Erection of general purpose agricultural building for storage of implements equipment and vehicles. Permitted – 26.11.2004.

5. Publicity

- 5.1. Neighbours were consulted and a site notice was posted on Hillside. No representations were received.

6. Consultation

6.1. No objections received from:

- LCC Highways
- LCC Archaeology
- LCC Minerals
- LCC Ecology
- Markfield Parish Council
- National Forest Company

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 21: National Forest

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 Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Markfield Neighbourhood Plan

- Policy M10: Design

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

8. Appraisal

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
- Other Matters

8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) 2023 states 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.

- 8.2 Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay subject to other material planning considerations.
- 8.3 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4 Policy DM4 of the adopted 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 lists 5 primary criteria and proposals need to meet at least one of these criteria. A further 5 secondary criteria should then be met.
- 8.5 The building would be situated on hardstanding which has been granted a Lawful Development certificate for the storage of vehicle equipment. Although the proposal does not fully meet any of the primary criteria contained within DM4 of the SADMP, the principle of storage use on this land has already been accepted and, as such, it would be considered sustainable development, compliant with Policy DM1 of the SADMP, and subject to fulfilling the design criteria of Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.6 Policy DM4 requires that development proposals in the countryside do not have any significant adverse effects on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials.
- 8.7 Policy 21 of the Core Strategy seeks to ensure that the siting and scale of the proposed development is appropriately related to its setting within the Forest and that the development respects the character and appearance of the wider countryside.
- 8.8 Policy M10 of the Markfield Neighbourhood Plan states that development must be sympathetic to local character and history unless it is of exceptional quality or innovative design. It must also be in keeping with the scale, form, and character of its surroundings.
- 8.9 The proposed building has a rectangular footprint which is set back, set back from Hill Lane to the northwest by approximately the highway by approximately 120 metres (north west). Given the distance set back from the highway, and the presence of mature hedgerow which screens the site, only limited glimpses of the building would be possible from this vantage point. In any case, these glimpses would be from motorists passing at speed.
- 8.10 Footpath R15 runs roughly parallel to the site from east to west at a distance separation of around 85m. Whilst the level changes are less pronounced as you move west towards Hill Lane, views of the building would still be limited to glimpses. Furthermore, the buildings steel portal framed construction and limited ridge height would appear as an agricultural building, which would not be uncommon in this countryside location.

- 8.11 The other key vantage point is from Hillside to the south (approximately 50m). There is a significant change in levels which means that Hillside sits in excess of 20m below the floor level of the site, therefore any views into the site are restricted.
- 8.12 Therefore, given its design and appearance, the proposal would not result in an adverse impact upon the character or appearance of the area, and would be reflective of its surroundings and other compatible uses.
- 8.13 It therefore considered that the proposal by virtue of its siting and design would not result in a detrimental visual impact upon the surrounding area and would accord with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the SADMP requires development to not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.15 The nearest neighbouring residential dwelling is situated 50m to the south of the application site. The B8 use has already been established, and the level of activity within the site is light. Therefore, it is not considered that the proposal would result in a material impact on neighbouring dwellings and would not result in any unacceptable levels of noise, disturbance or pollution, nor would it result in any overbearing or loss of light impacts. The proposal is therefore considered to comply with Policy DM10 of the SADMP and Policy M10 of the Neighbourhood Plan.

Impact upon highway safety

- 8.16 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 requires all development to provide appropriate parking provision.
- 8.17 The Applicant proposes no changes to the existing access onto Hill Lane which is an adopted unclassified road subject to a 60mph speed limit. The Applicant states in the submitted Application Form dated 17th April 2024 that the portal framed building will be used for the storage of 'vehicle equipment'.
- 8.18 The Applicant has indicated that the building is for the storage and protection from the weather for equipment currently stored at the site. As such, there would be no increase in trips to or from the site. Given the above, there would appear to be no material impact on the public highway and therefore the LHA has no comments to make in these site-specific circumstances.
- 8.19 There are no proposed changes to the access and the proposal would not result in an intensification of traffic movement into or out of the site. Therefore, it considered that the development would accord with Policies DM17 and DM18 of the SADMP.

Other Matters

- 8.20 Regarding ecological impact and BNG requirements, the site is an area of concrete which has no ecological value and it is therefore impossible to do a percentage increase in biodiversity when there is a base level of zero. LCC Ecology confirm that as the site is existing hardstanding there are no necessary ecological assessments, and there is no objection.

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 Although there is acknowledged conflict with DM4 of the SADMP, the development is sited on hardstanding which is currently used for the storage of vehicles, thus corresponding with a use and purpose which has previously been granted via 23/01202/CLE. The proposed building having regard to its siting, location, design and appearance, is not considered to result in adverse harm to the surrounding landscape or countryside, nor would the development result in a material impact upon the existing highway, therefore the proposal is considered to accord with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

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 (received 19/04/2024),
Proposed elevations (received 19/04/2024)

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).

3. The materials to be used for the construction of the building hereby approved shall accord with the details included within the approved Proposed elevations drawing (received 19/04/2024).

Reason: To ensure that the building has a satisfactory external appearance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. The premises shall not be used other than for purposes falling within Class B8; of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).