

Delegated Report

Planning Ref: 23/01138/FUL
Applicant: Mr Michael Gilders and Miss Leanne Carter
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: 30 Ratcliffe Lane, Sheepy Magna

Proposal: Change of use from agricultural use to residential garden (C3) amenity use, relocation of boundary gate and erection of new gate and hardstanding paving

1. Recommendations

- 1.1. **Grant planning permission subject to:**
- Conditions outlined at the end of this report

2. Planning Application Description

- 2.1. Permission is sought to change the use of a strip of agricultural land to residential garden. The land has been acquired from the farm by the applicant who also owns 30 Ratcliffe Lane.
- 2.2. The land subject of the planning application was an access to agricultural field that lies to the rear of a line of residential properties (6-34 Ratcliffe Lane). The applicant states that the access has not been used by agricultural vehicles or for agricultural use for many years.

3. Description of the Site and Surrounding Area

- 3.1. The site is within the settlement boundary of Sheepy Magna and therefore not considered to be the countryside. The strip of land runs between 30 and 34 Ratcliffe Lane. The strip is almost 7m at its widest and runs 49m from the pavement to the rear boundary. The agricultural fields to the rear are currently accessed from at least two other points from adjoining fields.
- 3.2. The proposals for the land include a block paved area at the eastern boundary of the access, running the width of the access and 8m deep. At the end of this block paving area will be a metal field gate, in the rural agricultural style of the local area. There will also be additional hedge planting in places to fill gaps and the removal of some existing hedging to increase vehicle visibility.
- 3.3. The applicant has erected boundary fencing, which has been inspected by the HBBC enforcement team. The enforcement team have afforded the applicant an opportunity to submit this planning application for consideration, which is common practice in enforcement matters where the breach is part retrospective.

4. Relevant Planning History

12/01113/HOU

- Erection of outbuilding
- Planning permission 05.03.2013

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. One objection was received on the grounds of access and overshadowing.

6. Consultation

- LCC Highways – No objection
- HBBC Drainage – No objection
- HBBC Pollution – No objection
- LCC Ecology – No objection
- Sheepy Parish Council – Neutral, stating:

“Sheepy Parish Council request that Hinckley & Bosworth Borough Council gives consideration to adding a caveat that ‘no further/ future development takes place, other than that specified on Drawing AVD-792-RLS-PL02 dated 22 November 2023’ so as to ensure the application complies with the Neighbourhood Plan made May 2022, Policy S8 Design regarding any impact on neighbouring properties (S8-F) together with the design guidance for the ‘Sheepy Magna - Main Road/Ratcliffe Lane Character Area’ in the Design Guide (Appendix 5).”

7. Policy

7.1. Sheepy Parish Neighbourhood Plan Review (SNP) Made May 2022

- Policy S8: Design
- Policy S10: Housing Development

7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- 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)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Plan Regulation 19 Draft (2022)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Visual impact on the character of the area
- Impact upon neighbouring amenity
- Impact on highway safety

Assessment against strategic planning policies

8.2. There is a presumption in favour of sustainable development under Policy DM1 of the SADMP and the wider policies of the NPPF. The sustainable principle of development is subject to all other material planning matters being appropriately addressed.

8.3. Policy S8 of the Sheepy Parish Neighbourhood Plan states that development proposals should, amongst other things, be designed with evident care so as to

respond positively to the character of the area within which it is located and shows appropriate regard for the amenities of neighbouring properties.

- 8.4. Policy S10 "Housing Development" of the Sheepy Parish Neighbourhood Plan 2019 (SNP) says that outside the Sheepy Magna Settlement Boundaries, permission for housing development will be limited to a set of instances: a) the allocation at Hornsey Rise, b) rural worker accommodation, c) replacement dwellings, d) re-use of redundant rural buildings and e) affordable housing exceptions. The site lies within the settlement boundary and therefore complies with Policy S10.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.6. The proposals as submitted are of suitable design and will not negatively impact upon the character of the area. It is considered that the proposals as submitted, would respect the character and appearance of the wider street scene and be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7. Policy DM10 of the SADMP and the GDG require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.8. The scale of the boundary fencing already erected, will not cause overshadowing at the neighbouring properties. This was further confirmed by a site visit by a planning officer on 09.01.2024.
- 8.9. By virtue of its siting, design and separation distances it is considered that the proposal would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring properties and would therefore be in accordance with Policy DM10 of the SADMP and the GDG.
- 8.10. It is relevant to note that in granting permission that does not mean that the site becomes part of the curtilage of 30 Ratcliffe Lane. The use of the land as part of the garden to no.30 is a different matter than it being part of the curtilage. A condition is attached clarifying that the site does not benefit from the permitted development rights that would otherwise result from land being part of the curtilage of a residential property.

Impact upon highway safety

- 8.11. As a change of use of open land, there are no design impacts associated with built structures and it is not considered that a larger garden would have a material impact on the need for additional car parking provision.
- 8.12. LCC Highways have no objections to the proposals. As such, the proposal would not conflict with policies DM17 and DM18 of the SADMP.

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.

10. Conclusion

10.1. By virtue of the appropriate scale, layout, form, design and proposed materials, it is considered that the proposed change of use complies with Policies DM1, DM10, DM17 and DM18 of the SADMP and the GDG.

11. Recommendation

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

- Planning conditions outlined at the end of this report

11.2. Conditions and Reasons / 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:

Proposed Plans & Elevations - Drg No. AVD-792-RLS-PL02 (Received on: 07/12/2023)

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).

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A and E and 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 30 Ratcliffe Lane that relates to any part of the application site shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character and appearance of the site and surrounding area in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. **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.