

Delegated Report

Planning Reference 26/00146/P3CQ
Applicant(s) Mr E Herrick
Ward Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Application Site Folly Farm, Shilton Road, Kirkby Mallory

Proposal Notification to determine if Prior Approval is required for the conversion of an agricultural building to a single dwellinghouse

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Prior Approval Required and Granted**, subject to reasonably related planning conditions in accordance with Clause 13 of Paragraph W of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. Planning Application Description

- 2.1. This application seeks to confirm whether prior approval is required for the change of use of an existing agricultural building into a single storey, two-bedroom dwelling (Use Class C3) at Folly Farm, Shilton Road, Kirkby Mallory via Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended ('GPDO')).

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the wider Folly Farm complex to the north of Earl Shilton and to the southeast of Kirkby Mallory in the designated open countryside. Folly Farm is accessed via a 520m long single-track access from Shilton Road to the west and is surrounded by open countryside. The application structure is located to the northwest of Folly Farm and is a 4.9m high steel framed agricultural structure.

4. Relevant Planning History

4.1 22/00217/AGDO

- Proposed erection of agricultural storage building
- Not Determined
- 04.01.2023

5. Publicity and Consultation

- 5.1. In accordance with Clause 8 of Paragraph W of Part 3 of Schedule 2 of the GPDO, the Local Planning Authority must give notice of the proposed development by site notice for not less than 21 days, and by serving notice on any adjoining owner or occupier, and any owner or occupier of the other part or parts of the building.
- 5.2. Due to the location of the structure, there are no adjoining owners to the application site. However, a site notice was posted in the vicinity of the site. Kirkby Mallory, Peckleton and Stapleton Parish Council, the Council's Drainage and Environmental Health Departments, Leicestershire County Council as the Local Highway Authority, and the County Council's Ecology Department were also consulted on the scheme.
- 5.3. No objections were received to the development from the statutory consultees, and no further responses were received.

6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990.
- 6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').
- 6.3 National Planning Practice Guidance ('NPPG')

7. Appraisal

- 7.1 Development consisting of a change of use of a building and any land within its curtilage from a use an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and building operations reasonably necessary to convert the building referred to, to a use falling within Class C3 (dwellinghouse) of that Schedule can be considered to represent Permitted Development, subject to the proposal meeting the limitations of Class Q of Part 3 of Schedule 2 of the GPDO.
- 7.2 The main considerations in respect of this application are therefore whether the proposed change of use meets the limitations for the change of use of an agricultural building to a Class C3 use under Class Q of Part 3 of Schedule 2 of the GPDO.

Development Not Permitted by Class Q of Part 3 of Schedule 2 of the GPDO

- 7.3 The proposal would be on a site that has been part of an established agricultural unit since before 24 July 2023. The application site is not under an agricultural tenancy, and an agricultural tenancy was not terminated less than one year before the date development would begin. As such, the proposal would comply with Paragraphs Q.1(a), (b), (e), and (f) of this Class.

- 7.4 The site is not on Article 2(3) Land, and it is not a Listed Building. The site does not contain a scheduled monument, nor does the site form part of a Site of Special Scientific Interest, a Safety Hazard Area, or a military explosives storage area. Therefore, the proposal complies with Paragraphs Q.1(k), (l), (m), and (n) of Class Q of Part 3 of Schedule 2 of the GPDO.
- 7.5 No Class Q developments have previously been undertaken within this established agricultural unit and the proposed floorspace of the development would not exceed 150sqm. Whilst an application for a new agricultural storage building received deemed consent following the non-determination of 22/00217/AGDO, this deemed consent has now expired and the structure has not been built on site. The scheme would therefore accord with Paragraphs Q.1(c), (d), and (g) of this Class.
- 7.6 The proposed development would not include any extensions. Whilst additional insulation and cladding would be added to the external walls of the structure, these protrusions would not exceed 0.2m. The proposed internal floorspace and bedrooms would be considered to comply with the minimum standards within the Nationally Described Space Standards (2015). As such, the proposal would be in accordance with Paragraphs Q.1(h), (i), and (o) of this Class.
- 7.7 The Applicant has submitted a Bar Structural Survey and a Conversion Method Statement. The Structural Survey concludes that the existing structure does not appear to have suffered any structural distress and it is the opinion of Geomex Ltd that there would not be any problems with the structural components carrying the loads necessary to facilitate the conversion of the building into a residential property. The Conversion Method Statement confirms that the existing frame, corrugated roofing, concrete floor, blockwork and metal cladding would be retained as part of this application, alongside the provision of new external insulation, metal and timber cladding, and internal timber studwork. As such, it is considered that the building operations would be limited to those included detailed at Paragraph Q.1(j) of this Class, which would be considered to be reasonably necessary to convert the building into a dwellinghouse.
- 7.8 The development would utilise the existing vehicular access onto Shilton Road that serves the wider established agricultural unit, which would be considered to a suitable access to the public for the purposes of Paragraph Q.1(p) of this Class.
- 7.9 Given the above, the proposal would be considered to comply with the limitations of Paragraph Q.1 of this Class.

Conditions of Class Q of Part 3 of Schedule 2 of the GPDO

- 7.10 Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required for the following.

Transport and Highways Impacts of the Development

- 7.11 The proposal would utilise the unamended existing vehicular access onto Shilton Road that serves the wider established agricultural unit. Leicestershire County Council as the Local Highway Authority raised no concerns with this proposal and referred to standing advice. Ultimately, it is not considered that the provision of a new independent dwelling in this location would significantly intensify the use of the site's access in comparison to the existing use of the site. By virtue of these factors, the impacts of the development on highway safety would not be considered to be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Noise Impacts of the Development

- 7.12 The Council's Environmental Health Department raised no objections to the development, subject to planning conditions that ties the use of the structure to the farm business. Subject to the application of this planning condition, it not considered that the noise impacts of the development would have a significant adverse impact on neighbouring residential amenity or the amenity of the future occupiers of the scheme.

Contamination Risks of the Site

- 7.13 The Council's Environmental Health Department raised no objections to the scheme, subject to a planning condition that secured the investigation of contaminated land within the site to protect the residential amenity of the future occupiers of the scheme.

Flooding Risks on the Site

- 7.14 According to the Environment Agency's website, the application site is within Flood Zone 1, which is designated as at low probability of flooding rivers and seas, and is at very low risk of flooding from surface water. Therefore, the principle of residential development in this location in relation to its risk of flooding is acceptable. This position is supported by the Council's Drainage Department.

Whether the Location or Siting of the Development makes it otherwise Impractical or Undesirable for the Building to Change from Agricultural Use to a Use Class C3 Use

- 7.15 The proposed development would be located within an operational agricultural farm, which may result in the siting of the proposed development being undesirable. However, Page 2 of the Planning Statement confirms that the development would be utilised by the Applicant who is connected to the existing farm business within this agricultural unit. Therefore, a planning condition that ties the use of the structure to the farm business would ensure that the development would not be considered to be located in an impractical or undesirable location in these site-specific circumstances.

The Design and External Appearance of the Building

- 7.16 No extensions are proposed to the existing building, and the scheme would feature timber and metal cladding on its external walls. Therefore, the proposed design and external appearance of the building would not be considered to have a significant adverse impact on the rural character of the building or the surrounding area.

The Provision of Adequate Natural light in All Proposed Habitable Rooms

- 7.17 The proposed development includes a window to every habitable room. In light of this and the location of the development, it is considered that the proposal would be provided with an adequate provision of natural light in all habitable rooms of the dwellinghouse.

8. 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; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (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

9.1 In conclusion, the proposed scheme would be considered to comply with the limitations and conditions of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form
- Barn Survey
- Conversion Method Statement
- Existing Ground Floor Plan, Elevations, Drg No. J1009094-03
- Planning Statement
- Proposed Block Plan (11A)
- Proposed Ground Floor Plan, Elevations, Drg No. J1009094-12
- Location Plan (01A)

10. Recommendation

10.1 **Prior Approval Required and Granted**, subject to reasonably related planning conditions in accordance with Clause 13 of Paragraph W of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Conditions

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

- Location Plan (01A) (submitted: 01.04.2026)
- Proposed Block Plan (11A) (submitted: 01.04.2026)
- Proposed Plans & Elevations (12) (submitted: 17.02.2026)

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).

2. Prior to the commencement of development, a scheme for the investigation of any potential land contamination on the site shall be submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Upon completion of the approved remediation works, a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. 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 site first 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the first occupation of the development hereby permitted, the parking and turning facilities shall be implemented in accordance with Proposed Block Plan (11A) (submitted: 01.04.2026). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: 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 highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. The conversion of the existing agricultural building into a dwellinghouse hereby permitted shall be undertaken in accordance with the details contained in the Table of Proposed Works at Pages 15 and 16 of the Conversion Method Statement (submitted: 17.02.2026).

Reason: To ensure that the development complies with the limitations of Paragraph Q.1(j) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended.)

7. All mitigation measures and/or works for birds and foraging and commuting bats shall be carried out in accordance with the recommendations contained in Pages 8 to 10 of the Preliminary Roost Assessment (submitted: 31.03.2026).

Reason: To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the agricultural business associated with the land at 'Folly Farm,' as identified within the Location Plan (01A) (submitted: 01.04.2026), or a widow or widower of such a person, or any resident dependant.

Reason: To ensure that the occupier of the dwelling hereby permitted is not subject to noise and odours, outside of their control, that would have an adverse impact on their amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. 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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.
3. In relation to Conditions 02, 03, and 04, advice from the Council's Environmental Health Department should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.

4. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
5. The surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site and ensure that surface water runoff does not increase flood risk elsewhere. The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance.
6. The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H.
7. The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy. 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.
8. 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.
9. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).

It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.