

Delegated Report

Planning Ref: 24/00186/FUL

Applicant: T SINNOTT

Ward: Cadeby, Carlton, M Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Site: Ivy House Farm, Bilstone Road, Congerstone

Proposal: Application for an agricultural track

1. **Recommendations**

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

- Planning conditions outlined at the end of this report

2. **Planning application description**

- 2.1. This application is for an agricultural track to allow for movement between the central farm buildings and the old lagoon.

3. **Description of the site and surrounding area**

- 3.1. The application site is set south of Bilstone Road, Congerstone. The site comprises of a dwelling, a number of buildings relating to agriculture, various buildings used for storage and distribution and an former barn structure converted to a holiday rental. The application site is distanced significantly from neighbouring properties.

4. **Relevant planning history**

18/00826/FUL

- Storage building for fodder and general agricultural equipment
- Planning permission granted
- 29.10.2018

20/00997/FUL

- Proposed self storage facility (Use Class B8) and access road
- Planning permission granted
- 09.07.2021

21/01433/AGDO

- Extension to existing agricultural building
- Not determined
- 18.11.2022

22/00321/HOU

- Single storey rear extension
- Planning permission granted
- 18.05.2022

22/00437/DISCON

- Application to discharge conditions 6 (Landscaping), 9 (Materials) and 10 (Construction Traffic Management Plan) attached to planning permission 20/00997/FUL
- Discharged
- 05.07.2022

22/01174/FUL

- Change of use, including partial reconstruction, and refurbishment of existing barn to Class C1 holiday let use including provision of ancillary hardstanding
- Planning permission
- 20.04.2023

23/00371/P3CR

- Change of use of agricultural building to B8 storage use
- Prior Approval Given
- 30.05.2023

23/00482/DISCON

- Application to discharge conditions 5 (Public Rights of Way) and 9 (Landscaping) of planning application 22/01174/FUL
- Discharged
- 18.08.2023

23/00798/FUL

- Change of use of an agricultural building (barn) to Class E(g)(commercial) and Class B8 (storage and distribution) and associated works
- Planning Permission
- 18.10.2023

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. LCC Highways: Standing advice.

6.2. HBBC Environmental Health – Pollution: No objections.

6.3. Natural England: Standing advice.

6.4. LCC Ecology: Note to application included.

6.5. Canal and River Trust: No comments to make.

6.6. Shackerstone Parish Council: No comments have been received.

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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

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

7.3. 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

Assessment against strategic planning policies

8.2. 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, 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 application site is located outside the settlement boundary of Congerstone and is therefore sited within open countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

8.5. According to Policy DM4 of the SADMP, development in the countryside will be 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 in line with Policy DM5 -Enabling Rural Worker Accommodation.
- 8.6. Policy DM4 outlines the development forms which are considered acceptable within the Countryside. The application is for an agricultural track which does not fall within the set categories. However, due to the nature of the development it is not considered to have detrimental impacts on the value, beauty, open character or landscape character of the countryside, and as such is considered to be acceptable in principle.

Design and impact upon the character of the area

- 8.7. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.8. 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.
- 8.9. The proposal seeks install an agricultural track consisting of hardcore and crushed stone, to provide access from the existing central farm buildings to the 'old lagoon'. The access will utilise an existing gated access onto Bosworth Road. The installation of the track will allow for improved efficiency for vehicle movements across the site benefitting the business function, especially during the winter months. The track is not considered to cause any detrimental impacts to the character of the area, nor have any negative visual impacts on the countryside. As such it is considered in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10. 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.
- 8.11. The proposed development is well contained within the site and is located sufficiently away from Bilstone Road. There are no neighbouring properties within close proximity to the site and the site is surrounded by arable land. Due to the location of the proposed track and the nature of the type of development, it is considered that there would be not detrimental impact caused to neighbouring residential amenity.
- 8.12. Overall, the proposed development would not cause detrimental impacts to neighbouring residential amenity and as such is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.19. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.20. The application proposed the installation of an agricultural track within the heart of the site. The track will consist of hardcore topped with crushed stone as a capping layer. The proposal also seeks to utilise the existing access from Bosworth Lane and no new access is proposed under this application. LCC Highways were consulted as part of this application and raised no objections, referring to their standing advice. The introduction of the track is not considered to significantly increase vehicular movement to and from the site, but to improve vehicle movement within the site as a whole. The proposal is not considered to cause any impact to highway safety.
- 8.21. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted 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.
- 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 proposal would not have any significant adverse impacts upon residential amenity, the character of the area and would not have an impact on vehicular or pedestrian safety. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 of the SADMP. Therefore, the proposal is recommended for approval subject to conditions.

11. 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:

Planning Statement
Site Location Plan Drg No. J008604-01
Proposed Block Plan Drg No. J008604-11
Track Details Plan Drg No. J008604-12

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).

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.
2. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, any vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.