

Delegated Report

Planning Ref: 24/00054/FUL

Applicant: Mr and Mrs A Gibson

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: 65A Newbold Road Barlestone Nuneaton

Proposal: Proposed new stable block with associated storage area, fence and landscaping (Resubmission 23/00392/FUL)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for a new stable block with an associated storage area at 65A Newbold Road, Barlestone. The scheme includes the provision of two stables, a store/workshop, a tack and feed room, and a tractor/trailer store. The Applicants state that the scheme is for the keeping of horses and the agricultural equipment required to maintain their owned and rented paddock land. To facilitate this development, an existing open fronted shed is removed from the site.

2.2. The structure externally measures 16.7m in width by 14.5m in depth, which creates a total footprint of 160.6sqm. The scheme features two hipped roofs that have a ridge height of 5.4m and 4.9m respectively. The building is constructed with timber cladding, timber doors and windows, and Marley Eternit slate roof tiles.

2.3. The development is supported by additional new tree planting along the site's boundary with Newbold Road to provide extra screening. The details of this planting have not been provided within this planning application.

2.4. This proposal is a resubmission of planning application 23/00392/FUL but with additional floor space as the Applicants claim that the previously approved scheme fails to provide a suitably accommodate their needs.

3. Description of the Site and the Surrounding Area

3.1. The application site comprises of 65A Newbold Road, which is an existing two-storey, red brick dwelling, as well as a detached garage, a single-storey stables, an existing open front shed, and paddock land.

3.2. The existing open front shed externally measures 7.4m in width by 7.4m in depth and features a mono-pitch roof which has a maximum height of 3.1m. The single storey stable block is to the northwest of the dwelling and externally measures 18m in width by 5.1m in depth. The existing stable block currently accommodates two stables and the storage of equestrian and agricultural equipment.

3.3. The existing paddock land, which is owned by the Applicants, is approximately 1ha in size, and the paddock land to the north, which is rented by the Applicants, measures in excess of 5ha. The paddock land owned by the Applicants is identified within the Barlestone Neighbourhood Plan (BNP) (2022) as a site of biodiversity significance and the paddock land to the north that is rented by the Applicants is

classified as a Local Wildlife Site within the BNP. Both sites are also highlighted within Figure 12 of the BNP as part of a wildlife corridor through the area.

- 3.4. The application site straddles the boundary between countryside and settlement but importantly the proposed building, the existing stable block and the open fronted shed are all located to the southeast of, and outside of, the identified settlement boundary for Barlestone, which is a Stand Alone Key Rural Centre. However, the residential property, 65A Newbold Road, and its garden lie within the identified settlement boundary.
- 3.5. The site is accessed via a part-shared drive onto Newbold Road, which is a classified 'C' road that is subject to a 30mph speed limit. The site's southern boundary is well screened from the highway by existing mature landscaping comprising predominantly of tall conifer trees, but views of the site can be seen on Newbold Road from the west.
- 3.6. The property is set back from the highway and occupies an elevated position in relation to it. The location of the proposed development is adjacent to the highway boundary and also occupies an elevated position in relation to it by approximately 2m in comparison to the public footpath. The paddock to the west of the site slopes down towards the two neighbouring dwellings, 61 and 63 Newbold Road. Beyond these neighbouring dwellings are allotment gardens.
- 3.7. To the north of the site there is Mill Farm cottage, which is separated from the site via a paddock, and beyond this are open agricultural fields. Further to the west of the site are more dwellings within Barlestone. To the east and south of the site there is a ribbon of residential development, but beyond this are further open agricultural fields.
- 3.8. Planning permission 23/00392/FUL approved a new stable block with an associated storage area that externally measured 10m in width x 10m in depth, with a total footprint of 88.4sqm. The scheme featured two hipped roofs that have a ridge height of 3.3m, and an eaves height of 2.9m. The building was constructed with timber cladding, timber doors and windows, and a metal roof covering. The scheme included the provision of one stable, and a store and tack and feed room. To facilitate this development, the existing open front shed was removed from the site.

4. Relevant Planning History

4.1 23/00392/FUL

- Proposed new stable block with associated storage area
- Permitted
- 10.11.2023

4.2 16/00349/CONDIT

- Variation of Condition 2 and 3 of planning permission 15/01197/CONDIT to amend the site access.
- Permitted
- 23.06.2016

4.3 15/01197/CONDIT

- Variation of Conditions 2 and 4 and removal of Condition 5 of planning permission 12/00954/FUL for alterations to the design and external materials and to remove the requirement to comply with the code for sustainable homes.

- Permitted
- 21.12.2015

4.4 **12/00954/FUL**

- Demolition of existing dwelling and erection of one new dwelling and detached garage
- Permitted
- 15.01.2013

4.5 **12/00006/FUL**

- Extension and alterations to dwelling and erection of garage
- Permitted
- 30.03.2012

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 One member of the public objected to the planning application for the following reasons:

- Harm to visibility splays of neighbouring property.
- Highway safety concerns.
- Proposed tree planting restricting visibility splays from site access.
- Site access concerns.

5.3 No further responses have been received.

6. Consultation

6.1 There have been no objections from the following consultees:

- Barlestone Parish Council
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Ecology Department
- Local Highway Authority (LHA) (subject to conditions)

Ecology

6.2 The County Council's Ecology Department advised that whilst no surveys are required, it is recommended that the proposed hedge planting is made up of locally native species.

Highways

6.3 Providing that the scheme is for the private use of the Applicants, the Local Highway Authority (LHA) advises that it has no objections to the use of the existing access. The existing site access is used to access the Applicants' land at present and the LHA do not consider it possible to demonstrate the proposal leads to an intensification in its use. Furthermore, on the basis that the proposal is for the private use of the Applicants, the LHA are satisfied that the vehicle parking and turning facilities within the site are sufficient.

6.4 Therefore, the LHA advised that, in its view, the impacts of the development on highway safety are not unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not severe, subject to two conditions ensuring that the parking and turning facilities are implemented prior to

the first use of the development, and to restrict the use of the development to the private use of the Applicants.

6.5 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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

7.3 Barlestone Neighbourhood Plan (2022):

- Policy H2: Settlement Boundary

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

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. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and the Barlestone Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Policy H2 of the Barlestone Neighbourhood Plan (BNP) states that land outside the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 8.9 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.10 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside 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
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; 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.

- 8.11 The Local Planning Authority acknowledges that that the riding of horses is widely regarded as a recreational pursuit. Whilst the riding of horses may entail a recreational activity that is undertaken by the rider, the principal purpose of stables is for the shelter and keeping of horses, which is not considered to be ancillary to a recreational use of land. This is because stables are considered to be an equestrian sui generis use. Fundamentally, the welfare of horses is not considered to be a recreational use.
- 8.12 Furthermore, the application site is not utilised for, nor associated with a commercial agricultural business to justify the provision of additional agricultural storage space in principle.
- 8.13 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.14 For example, the provision of an additional stable block that replaces the existing open front shed was approved within the application site via planning permission 23/00392/FUL.
- 8.15 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.16 Given the above, whilst the Council considers that the proposal is offered no support by Policy DM4 of the SADMP in principle, the principle of a replacement stable block is considered to be acceptable in these site-specific circumstances, due to the material consideration of the approval of planning permission 23/00392/FUL. All other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.17 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.18 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.19 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.

- 8.20 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.21 It is acknowledged that the scheme is for the private use of the Applicants, which could be secured via planning condition.
- 8.22 Furthermore, the scheme results in the provision of four stables within the application site, which is considered to be an acceptable capacity for a private residential use.
- 8.23 Within their Planning Statement, the Applicants accept that their proposed building is larger and taller than that previously approved within planning permission 23/00392/FUL.
- 8.24 The current development proposal is 6.7m wider, 4.5m deeper and almost twice the footprint of the approved structure within planning permission 23/00392/FUL. Furthermore, the current scheme has a ridge height that is 2.1m and 1.6m higher respectively than the approved structure. Therefore, this scheme results in a development that is over three-times the footprint of the existing structure within the site, and one that is also almost double the height of the existing structure. The Local Planning Authority note that this results in a structure that is larger than all other outbuildings within the application site. Ultimately, this significant increase in size, scale, and volume fails to complement or enhance the character of the surrounding area and is therefore considered to result in harm to the character of the wider area.
- 8.25 Moreover, the proposal utilises a slate roof that matches the existing residential dwelling within the site. This is considered to give the development a residential and domestic appearance that is contrary to the existing agricultural and rural appearance of the application site and its associated outbuildings. As a result, this is considered to result in further harm to the rural character of the application site.
- 8.26 The harm identified within this proposal is heightened by the significant level differences from the application site to the public highway to the south and southwest. As identified within the Existing Topographical Survey, the ground level of the existing open fronted shed is approximately 2 metres higher than the adjacent pavement. The ground level along the public footpath then falls to the west. Consequently, the proposal is considered to be highly prominent from the long views from the west along Newbold Road in an easterly direction. This is supported by the fact that the Applicants accept within their Planning Statement, that there are more open views of the application site from the west of Newbold Road. In addition, due to the size, scale, and ground level disparity between the application site and the public highway, it is considered that the built form and scale of the scheme is likely to be prominent from the south of the site along the adjacent public footpath on Newbold Road. This is considered to exacerbate the harm caused by the development.
- 8.27 In an attempt to address the concerns of these open views, the Applicants have proposed additional hedge planting to the north and west of the development. Nevertheless, vegetation cannot be relied upon to provide permanent or substantial buffers to views. This is because it can be removed without planning permission, it is susceptible to disease, and it is ever evolving and reliant on regular maintenance

to retain a consistent form. Furthermore, views of the development are likely to be visible from the south-western site boundary of the site via Newbold Road.

- 8.28 By virtue of the size, scale, volume, and use of materials, the development results in a structure that is domestic in appearance, as a result of its slate roof, and fails to complement or enhance the character of the surrounding area. This impact is likely to be exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the west. Whilst additional planting is likely to be beneficial, vegetation cannot be relied upon to provide permanent or substantial buffers to views, nor to overcome the impact of the development. Given the above, the scheme causes significant harm to the rural character of the application site, and the intrinsic value, beauty, open character, and landscape character of the countryside, which conflicts with, and is contrary to the Good Design Guide, Policy H2 of the BNP, Policies DM4 and DM10 of the SAMDP, and Section 12 of the NPPF.

Impact upon Residential Amenity

- 8.29 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.30 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.31 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.32 The development is 25m away from the host dwelling and over 60m from the nearest neighbouring dwelling to the west of the site. Therefore, it is not considered that the development results in any loss of light, overbearing or overshadowing impacts to neighbouring residential amenity.
- 8.33 To safeguard the residential amenity of surrounding neighbours, the development is limited to the private use of the Applicants, which is secured via planning condition.
- 8.34 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to residential amenity and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.35 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on

the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 8.36 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.37 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.38 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39 The development utilises the existing residential access onto Newbold Road, which is a part-shared access with 65 Newbold Road. The proposal makes no amendments to this access.
- 8.40 Based on the available records to the Local Highway Authority (LHA), there have been no recorded Personal Injury Collisions within 500m either side of the site access within the last five years.
- 8.41 On the basis that the stables are used for the private use of the Applicants, the LHA have no objection to the use of the existing access without any further works. This is because the existing access is used to access the Applicants' land at present, and the LHA do not consider it possible to demonstrate that a proposal for a private use is likely to lead to an intensification in the use of the access. However, to ensure that the scheme does not result in an unacceptable intensification of the site and its access, this secured via planning condition.
- 8.42 Furthermore, on the basis that the stables are used for the private use of the Applicants, the LHA consider the gravel yard shown within the Proposed Site Plan to be sufficient for vehicle parking and turning.
- 8.43 In light of the above, and subject to planning conditions, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.44 The Core Strategy and the SADMP were adopted some time ago and in some respects are out-of-date. It is necessary therefore to consider that 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. Paragraph 225 of the NPPF states though that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework and the closer

the policies in the plan are to the policies in the Framework the greater the weight that can be given to them.

- 8.45 Barlestone Neighbourhood Plan was made in June 2022 and so is considered up-to-date and its policies should be afforded full weight
- 8.46 Policy DM4 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework. Policy H2 of the BNP states that in the countryside development will be carefully controlled in line with local and national strategic planning policies.
- 8.47 Whilst the proposal is located outside of any identified settlement boundaries, in light of planning permission, 23/00392/FUL, the provision of a new stable block that replaces the existing open front shed is considered to be acceptable in principle in these site-specific circumstances, subject to the assessment of all other material considerations.
- 8.48 Furthermore, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity, highway safety, nor the road network. Nevertheless, as this proposal does not improve the existing situation, these factors are considered to have negligible weight in the planning balance.
- 8.49 By virtue of the size, scale, volume, and use of materials, the development fails to complement or enhance the character of the surrounding area, which is considered to result in significant harm to the rural character of the application site, and the intrinsic value, beauty, open character, and landscape character of the countryside. Therefore, the scheme conflicts with, and is contrary to the Good Design Guide, Policy H2 of the BNP, Policies DM4 and DM10 of the SAMDP, and Section 12 of the NPPF. This harm is considered to attract significant weight to the planning balance.
- 8.50 The Applicants have attempted to justify their development by referring to approved planning application 22/00115/FUL, which was for a structure hosting three stables, a tack room, and a hay barn, as well as the allowed appeal decision of planning application 22/00021/FUL, which was for an agricultural barn and a structure containing seven stables and a tack/ feed storage room for private and commercial uses. It is noted that there were no existing stables within both application sites, and both were adjacent to, or formed part of, former farm complexes.
- 8.51 As per Paragraph 7 of the appeal decision of planning application 22/00021/FUL, the Inspector considered the development to be acceptable due to its, *“Proximity to, and adjacent to, existing buildings on the site,”* which would, *“Not appear incongruous within the site complex in terms of massing and materials of construction.”*
- 8.52 In comparison, the current application site only features a residential dwelling and an existing stable block. The site, nor its character, form part of, or adjacent to, a farm complex or associated structures, and the proposed structure is larger than all existing outbuildings within the site.
- 8.53 The Applicants have also attempted to justify their development by stating that a development of this size is required to accommodate two stables and the storage of agricultural machinery and equipment including a tractor, a trailer, chain harrows, a

mower, a topper, a roller, a sprayer, a hedge cutter, fencing equipment, and storage for other sundry items.

- 8.54 For clarity, the Applicants' use of the site and the rented paddock is for their private use, and no commercial use has taken place, nor is proposed. Therefore, it is not considered that the scheme provides any material economic benefit.
- 8.55 As per the information provided by the Applicants within the previous application on 14 September 2023 and 16 October 2023 respectively, which the Applicants have not included within this application, the tractor has been utilised within the site since 2016 and the rented paddock land to the north of the site has been rented for over 20 years.
- 8.56 In addition, within their Planning Statement, the Applicants have highlighted that approximately half of the existing stable block is utilised for the storage of equestrian and agricultural equipment. However, the Applicants have suggested that the existing stable block is not suitable because it cannot accommodate storage for larger machinery and equipment due to its height. Notwithstanding this, as per the images on Page 25 of the Applicants' Planning Statement, it is noted that the tractor does not need to be stored inside and no other equipment highlighted within the Planning Statement is of a similar height.
- 8.57 Whilst it is acknowledged that there is a minor social benefit to the Applicants in keeping their additional two horses within the application site, the provision for stabling within this development only consists of a third of its total proposed footprint, which is half the footprint of the approved proposal within planning permission 23/00392/FUL.
- 8.58 Ultimately, whilst a new structure in this location is acceptable in principle, it is considered that the scheme fails to complement or enhance the character of the surrounding area, which is considered to result in significant harm to the rural character of the application site, and the intrinsic value, beauty, open character, and landscape character of the countryside. The Applicants have demonstrated that their required provision of stables can be accommodated in a third of their proposed design and that the use, management, and maintenance of their owned and rented paddock lands, including the storage of their tractor, can be, and has been, facilitated within the confines of their existing built structures for over 20 years. Therefore, given that there is no intensification or change in the use of this paddock land, it is not considered that the size and scale of the proposal is not justified in these site-specific circumstances. Therefore, it is not considered that the Applicants have provided sufficient justification to demonstrate that the scheme is acceptable in spite of its resultant significant harm to the character of the site and the wider area.
- 8.59 In light of the above, it is considered that the significant adverse impact of the development on the rural character of the area, and the intrinsic value, beauty, open character, and landscape character of the countryside significantly and demonstrably outweighs the minor social benefits of the scheme. Therefore, the proposal is in conflict with, and contrary to, the Good Design Guide, Policy H2 of the BNP, Policies DM4 and DM10 of the SAMDP, and Section 12 and the overarching ambitions of the NPPF.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

11.2 Reasons

1. The development fails to complement or enhance the character of the surrounding area as a result of its size, scale, volume, and use of materials. This impact is exacerbated by the significant ground level disparity between the development and the public highway, as well as the scheme's visual prominence from the public highway to the southwest. Given the above, the scheme causes significant harm to the rural character of the application site, the character of the wider area, and the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is considered to significantly and demonstrably outweigh any potential benefits of the scheme. As a result, the scheme is in conflict with, and contrary to the Good Design Guide (2020), Policy H2 of the Barlestone Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 12 of the National Planning Policy Framework (December 2023).

a. Notes to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - Block Plan, Roof Plan and Street Scene 11_2679_25 A (submitted: 17.01.2024).
 - Existing Elevations 11_2679_24 (submitted: 17.01.2024).
 - Planning Statement (submitted: 17.01.2024).

- Proposed Floor Plans and Elevations 11_2679_26 (submitted: 17.01.2024).
- Site Location Plan (submitted: 17.01.2024).
- Topographical Survey 11_2679_19 (submitted: 17.01.2024).