DELEGATED REPORT

Recommendation Made:

Reference:- **10/00880/FUL** **Parish:-** **Sheepy Parish Council**

Applicant:- **Mr Charles Smith**
Rye Hills Farm
Watery Lane
Sheepy Magna
Atherstone

Location:- **Rye Hills Farm Watery Lane Sheepy Magna Atherstone Leicestershire**

Proposal:- **CHANGE OF USE FROM AGRICULTURAL LAND TO RESIDENTIAL CURTILAGE AND THE CREATION OF A HARD SURFACED TENNIS COURT WITH SURROUNDING FENCING**

Introduction:-

This application seeks change of use of land at Rye Hills Farm, Watery Lane, Sheepy Magna from agriculture to residential curtilage together with the provision of a hard surfaced tennis court.

The site is accessed from a track off Watery Lane and is located in the countryside, there are two properties (former barn conversions) which form part of the farm complex located adjacent to the site, otherwise the area is characterised predominantly as countryside with isolated farms, stables and dwellings.

The land level slopes down from the north of the site.

Rye Hill Farm is no longer in agricultural occupation and was extended and altered under planning permission reference 04/01465/FUL. The curtilage was defined within that planning permission. This application seeks to extend the curtilage to the front of the site to regularise the layout that has been provided. The agricultural land beyond is separated by post and rail fencing.

The application also includes an extension of curtilage to the north western side of the existing rear garden. This piece of land is grassed and has hornbeam hedge planted to the north and west perimeter boundaries, it is not currently being farmed. The proposal includes the provision of a hard surfaced tennis court of dimensions 17 m x 34 m within this piece of land and part of the authorised rear garden area. The surface of the tennis court will be green painted tarmacadam. The boundary of the tennis court will be enclosed by a black chain link fence of a maximum height of 2.75 metres.

The application is submitted with a Design and Assess Statement which states that the current garden arrangements were already established by the end of 2005 when the current owner occupied the property. The chain link fencing will be finished in black which will blend with the back drop of trees and hedges and reduce visual impact. The construction of the court will require minimal alterations to the site levels because the land is already relatively flat and details of the base construction is included within the information submitted. No trees or shrubs are required to be removed as part of the proposal. Further shrub and tree planting is proposed to provide additional screening.

History:-

10/00589/FUL Construction of Tennis Court Application returned

04/01465/FUL Extensions and Alterations to dwelling and erection of carport Approved 12.04.05

Consultations:-

No objections received from:

The Director of Environment and Transport (Highways)

The Head of Community Services (Land Drainage)
The Head of Community Services (Pollution Control) subject to no lighting.

Development Plan Policies:-

Central Government Policy
PPS1
PPS7
PPG17

Hinckley and Bosworth Local Plan 2001

BE1
NE5
NE12
T5

Local Development Framework Core Strategy 2009

No specific policies apply

Appraisal:-

The main considerations with regards to this application are the principle and the impacts of the proposal on the character of the surrounding countryside and residential amenity.

Principle and impact on the Character of the Countryside

Policy NE5 of the adopted Hinckley and Bosworth Local Plan seeks to protect the countryside for its own sake, and is restrictive over the type of development it allows. However, subject to meeting strict criteria concerning design, scale, screening and character, certain development for the change of use or extension of existing buildings may be considered acceptable. The extension of residential curtilage is controlled to prevent residential sprawl impacting on the countryside.

Uses for sport and recreation are supported by Policy NE5 subject to meeting certain criteria, however, as this proposal is for a private tennis court, the main consideration in terms of principle in this application is the change of use of the land to residential curtilage.

The alterations to the curtilage occurred some 5 years ago since the land has not been in agricultural use. The boundary treatments provided, the hedge to the north western parcel of land and the post and rail fencing to the front of the dwelling are considered acceptable forms of enclosure in this location. The land is not prominent and formal change of use to residential curtilage in this instance, is unlikely to affect the quality and appearance of the countryside. Furthermore, the land is not readily visible from publically accessible areas.

Due to the topography and existing planting, the provision of a tennis court on the land to the north west does not represent a substantial encroachment and is not considered to provide an unduly prominent feature within the countryside location. The construction details for the base of the tennis court are acceptable. The Head of Community Services (Pollution) has no objections to the application subject to no floodlights being provided, none are included within the application and note to applicant has been included to remind the applicant that no lighting is approved as part of this application.

Neighbours Amenity

The nearest neighbour to the site is Rye Hills Barn which is within the applicants ownership, the rear elevation of this barn is located some 28 metres from the southern boundary of the tennis court. There is unlikely to be a significant effect on the amenity of the occupiers of this property. The boundary between this barn and the extended curtilage is provided by a post and rail fence. Additional planting is shown as proposed within the garden area to the barn to provide addition screening of the fencing structure of the tennis court, however it is not considered that it is necessary to require this planting to take place in order to make the proposal

acceptable.

Other Issues

The existing access and parking within the site is unaffected by the proposal.

Conclusion

The proposal involves a small extension to the curtilage to the front of the dwelling and a small paddock area to the north west of the rear garden with the provision of a tennis court enclosed by chain link fencing. The proposal does not involve a substantial encroachment into the countryside and is within a location which is not prominent within the surrounding area therefore will not result in significant impact on the countryside location or neighbours amenity. Therefore on balance the scheme is considered acceptable

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would not harm the overall appearance of the countryside and woould not harm the intrinsic value of local landscape, or highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, NE12 and T5

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawings figure 1 - 8 received on 3 November 2010.

Reasons :-

1 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The applicant is reminded that no lighting is permitted as part of this proposal.

Contact Officer:- Louise Forman Ext 5682