

Delegated Report

Planning Ref: 23/00726/FUL
Applicant: Mr James Watson
Ward: Hinckley

Site: Oak Tree House, Hinckley Fields Farm, Rogues Lane, Hinckley



Hinckley & Bosworth
Borough Council

Proposal: Proposed Installation of 3no PV panels and erection of equipment storage building

Recommendations

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

Planning application description

- 2.1. This application seeks full planning permission for a proposed installation of 3 No 32 Unit Solar Panel arrays and a connect cable that would lead to Oak Tree House, Hinckley Fields Farm, Rogues Lane. The proposed site is a field associated with Oak Tree House just to the south of a pond about 80m from the dwelling with existing hedgerow to the south and west. The PV array will provide renewable energy production for the dwelling. Also proposed is an equipment storage building about 70m south of the dwelling & a similar distance west of the proposed arrays. The proposed corrugated iron building would measure 14m by 13m & have a pitched roof with a ridge and eave height of 5.4m & 4.7m respectively. A small door is proposed on the north-east elevation and a large roller shutter door is proposed on the north-west elevation. The building is deemed necessary by the applicant to store the equipment required for immediate and long-term maintenance of the applicant's paddock land, hedgerows and trees as shown within the blue line included on the Site Location Plan. Additional landscaping is proposed immediately adjacent to the storage building and access is gained from the existing access to Oak Tree House, off Rogues Lane.
- 2.2. The 3x32 unit solar array is proposed to the east of the paddock land to create clean energy for Oak Tree House. The array will be suitably located south of the existing pond and will be screened from wider views by the existing hedgerows. Each row would be approx. 22m in length by 2.2m in height.

Description of the site and surrounding area

- 3.1. The application dwelling lies in the countryside to the north of Hinckley but south of Stoke Golding and forms part of a former farm complex of three dwellings. Oak Tree House is the original two storey farmhouse, the neighbouring houses Swallows Rest and Rogues Barn are converted 1½ storey and single storey former agricultural barns and there are also ancillary garaging and outbuildings. Oak Tree House is an attractive two storey dwelling with double apex gable sided roof form. It is constructed of red rustic facing bricks and grey plain clay roof tiles. It has three ground floor bay windows to the front elevation, two chimney stacks, corbelled eaves, string course and stone headers and cills to the front elevation windows and arched brick headers and stone cills to other elevations. It has a detached similar red rustic brick built double garage with dual pitched grey plain clay tiled roof. Access to the complex is along a 300 metres long shared farm track from Rogues Lane to the north leading to extensive tarmac surfaced hard-standing providing parking and turning space serving both Oak Tree House and Swallows Rest.

- 3.2. Planning permission 21/01423/HOU granted full planning permission for the erection of two single storey extensions to the side and rear elevations, a porch to the front elevation and an additional garage block to a dwelling.
- 3.3. Application 23/00230/CONDIT granted planning permission for the variation of condition 2 of that planning permission to enable the development to be implemented in accordance with amended plans which increased the size of and amended the design of the approved garage block and provided additional mezzanine floor space accessed via an external staircase. A new gated entrance was also proposed between the existing double garage blocks serving the application dwelling and neighbouring dwelling Swallows Rest.

Relevant planning history

21/01423/HOU

- Erection of two single storey extensions, erection of a porch and erection of a garage building
- Permitted
- 03.03.2022

23/00230/CONDIT

- Variation of condition 2 of planning permission 21/01423/HOU. Amendment to the size and design of the proposed garages
- Permitted
- 14/06/2023

Publicity

- 5.1. A site notice was posted within the vicinity of the site.
- 5.2. No responses have been received as a result of public consultation.

Consultation

- 6.1. There was no objection from Leicestershire County Council (LCC)'s Highways Officer, LCC Ecology, LCC Minerals Officer, Hinckley and Bosworth Council's (HBBC) Drainage Officer, Pollution Officer or Waste Officer.

Policy

- 7.1. Core Strategy (2009)
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - 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)

Appraisal

- 8.1. The key issues in respect of this application are:
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 8.2 The development relates to a site within the countryside, therefore policy DM4 is of most relevance to the development. Policy DM4 states that development in the countryside will be considered sustainable where it relates to the provision of stand-alone renewable energy developments in line with Policy DM2 amongst other considerations such as design and landscape impacts which are assessed later in the report.
- 8.3 Policy DM2 of the SADP outlines HBBC's commitment to reducing its environmental impact through the support of appropriately designed and sited renewable energy developments. The policy goes on to state that

Planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where:

- a) All reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts; and*
- b) The proposed development accords with other policies of this plan, with specific regard to DM11 and DM12.*

Subject to assessment of landscape, noise and visual impacts the provision of the solar panels complies with policy DM2 and DM4 in principle.

- 8.4 The proposal also includes an equipment storage building which the applicants state is required to store the equipment required for immediate and long term maintenance of the applicants paddock land, hedgerows and trees.
- 8.5 Policy DM4 of the Site Allocations and Development Management Policies DPD states that "to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development". The Policy then goes on to provide examples of sustainable development such as renewable energy generation as above.
- 8.6 The Applicant has not demonstrated that the proposed development would comply with criterion a-e of policy DM4. For example the Applicant has not demonstrated that

the development significantly contributes to economic growth, job creation, or the diversification of rural business. As a result, it is not considered that the development relates to, or complies with any of the criteria within Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable.

- 8.7 Section 6 of the NPPF states that, in order to build a strong, competitive economy, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 84 of the NPPF states that planning policies and decisions should support a prosperous rural economy by enabling the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. This ambition also includes enabling the development and diversification of agricultural and other land-based rural businesses. The supporting text for Policy DM4 sets out that the Borough is predominantly rural in nature and the countryside is hugely important to the character and identity of the area. The applicant's paddock contributes towards this important rural character, and it is important for this to be maintained and managed appropriately to ensure its contribution to the character of the area is maintained. The submitted floorplans indicate how the building could be used and it is judged to be commensurate to the required needs and land area in this case.
- 8.8 Given the above, it is considered that the development is considered acceptable in principle with regard to Policy DM4 of the SADMP, and Section 6 of the NPPF, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and impact upon the character of the area

- 8.2 Policy DM4 seeks to safeguard the countryside from unsustainable development in order to protect its intrinsic value, beauty, open character and landscape character. Proposed extensions of existing buildings in the countryside are considered sustainable where they lead to the enhancement of the immediate setting and:
- i) Do not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside
 - ii) Do not undermine the physical and perceived separation and open character between settlements
 - iii) Do not create or exacerbate ribbon development
- 8.3 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4 Policy DM2 of the Site Allocations and Development Management DPD states that 'the Council is committed to reducing its environmental impact through carbon reduction measures and through support of appropriately designed and sited renewable energy and low carbon developments'. It states that 'planning applications for the development of renewable and low carbon development installations at the domestic, community and commercial scales will be supported where: a) All reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts; and b) The proposed development accords with other policies of this plan, with specific regards to DM11 and DM12. The impact of ancillary structures included as part of the proposed scheme will also be assessed.

- 8.5 The proposed solar array has been sensitively located to benefit from site's existing substantial screening. The array will feature ground mounted units with a maximum height of approximately 2.2 metres. The land beneath will remain as grass and existing vegetation. The array will not be readily visible from ground level outside of the site either along Stoke Road to the west or Rogues Lane to the north. This element of the development would provide renewable energy creation to assist the Council's climate change aspirations as well as providing adequate protection to the character and appearance of the countryside. The development complies with Policy DM2 and DM4 of the Site Allocations and Development Management Policies DPD in this regard.
- 8.6 The proposed storage building is required to store the equipment required for immediate and long-term maintenance of the applicant's paddock land, hedgerows and trees and is considered an appropriate size and of suitable materials. The design approach is influenced by form and function of its intended use, whilst respecting the countryside character. The building contains simple elevations with one tall threshold for access in addition to a personal door. The roof pitch is shallow to allow for rainwater collection and to allow for the building height to be as low as possible. This building will be portal framed construction finished in metal cladding, painted in the colour to the satisfaction of the Local Planning Authority. The appearance of the building is akin to modern rural storage buildings and due to its proposed siting and additional landscaping, will not be visible to the surrounding public views either from the surrounding highway network or occupants living adjacent to Oak Tree House.
- 8.7 As a result of the application's massing, positive impact on the maintenance of the land, its lack of visibility from the highway, complementary design and utilisation of sustainable initiatives, the proposal is therefore considered to be in accordance with Policy DM2, DM4 and DM10 of the adopted SADMP, the NPPF and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.8 As stated the proposed would be largely unseen from the highway and is approx. 150m away from the nearest neighbouring residential property to the east with field boundaries in between, therefore there is no adverse impact upon neighbouring residential amenity and the proposed is compliant with Policy DM10. No objections have been received from any adjacent properties.

Impact upon parking provision and highway safety

- 8.9 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 level of parking provision to serve the development proposed.
- 8.10 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.11 The applicant states there will be no alterations made to any existing public or private highways, and no new public or private highways or connections are being proposed.
- 8.12 The Local Highway Authority (LHA) have been consulted on this full application and have no objections or recommended conditions.
- 8.13 It is considered this application complies with Policy DM17 and the adopted highway authority design guide.

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. For the reasons given in the report above, it is considered that the development respects the scale, character and appearance of the existing dwelling and surrounding area and it does not result in any significant adverse effects on the residential amenity or privacy of the occupiers of any adjacent dwellings. The development is thus regarded to represent a sustainable form of development enhancing green infrastructure and biodiversity net gain through the provision of new hedgerows. The proposal is considered to be in accordance with Policies DM1, DM2, DM4, DM10 and DM17 of the adopted SADMP and the general principles of the adopted Good Design Guide and is therefore recommended for approval subject to conditions.

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:
Site Location Plan Dwg No 211475-PL01 Rev C, Site Block Plan Dwg No 211475-PL102 Rev C, Proposed Elevations Dwg No 211475-PL103 Rev C, as received by the Local Planning Authority on 25th July 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. Written confirmation of the date of the first export of electricity from the solar array hereby approved shall be provided to the local planning authority within one month of the date of this taking place.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

4. The planning permission for the ground mounted PV panels hereby granted is for a temporary for a period of 30 years from the date of the first export of electricity from the solar array hereby approved. After such time the use shall cease and the solar array and associated equipment shall be removed from site in accordance with Condition 5.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty, open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

5. Not less than 12 months prior to the expiry of the permission for the ground mounted PV panels, a Decommissioning Method Statement & Site Restoration Scheme shall be submitted to and in agreed in writing by the local planning authority. This shall include details of:

- The works for the removal of the solar panels, ancillary equipment and structures
- works for the restoration of the site
- the management and timing of any works

The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme during the 12 months of the expiry of this permission.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty, open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

6. Should the solar array hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, a Decommissioning Method Statement & Site Restoration Scheme as per the requirements of Condition 4 shall be submitted to and agreed in writing by the local planning authority within 3 months after the end of the 6 months cessation period. The statement must also include the date the site first ceased to operate. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty, open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

7. Prior to first use of the development hereby approved a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, shall be submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: In the interests of protecting the intrinsic beauty and character of the countryside in accordance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8.1. 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. 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.
3. Any proposed access drives, parking and turning areas, paths and patios should be constructed in permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in

the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).