

## Delegated Report

**Planning Ref: 24/00196/FUL**

**Applicant: Coton Machinery**

**Ward: Ambien**

**Site: Temple Hall Farm, Bosworth Road, Wellsborough**

**Proposal: Change of use from B8 to commercial unit (Class E - retail counter and showroom area for the display and retail of horticultural machinery) (Retrospective)**



Hinckley & Bosworth  
Borough Council

### 1. Recommendations

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

- Planning conditions outlined at the end of this report

### 2. Planning application description

- 2.1. The proposal is for retrospective planning permission for the change of use from B8 to a commercial unit (Class E) including a retail counter and showroom area for the display and retail of horticultural machinery.

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

- 3.1. Temple Hall Farm consists of a range of modern agricultural farm buildings set within the hamlet of Wellsborough. The original farmhouse is to the southeast of the site and is now occupied, along with the traditional buildings, as an independent school. The modern buildings have until recently been used for the housing of cattle and part of a dairy farm. The site is generally level and is accessed off the Bosworth Road adjacent although the buildings are set back approximately 60 metres from the Bosworth Road. There is a linear row of houses to the southwest of the site and open countryside to the north. The surrounding land is in agricultural use and is owned by the applicants.

### 4. Relevant planning history

#### **21/01337/FUL**

Change of use of agricultural building to commercial storage use (retrospective)  
Approved

#### **20/00354/FUL**

Change of Use of agricultural building to commercial use (B8) and relocation of access (part retrospective)  
Approved

#### **23/00245/FUL**

Change of use of agricultural building to commercial storage (B8) (retrospective)  
Approved

### 5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent out to neighbours. A press notice was posted in the Atherstone Herald.
- 5.2. Two letters of objection have been received, these objections relate to:
- Increase in traffic and highways concerns
  - Lack of parking

- Hours of working
- Health and safety within the site
- Lack of privacy

## 6. **Consultation**

- 6.1. LCC Highways: No objections.
- 6.2. HBBC Conservation: No objections.
- 6.3. Sheepy Parish Council: Objections received, it is believed the application is not in accordance with the Sheepy NP, due to disturbance to neighbours caused by increased traffic. In addition, objections raised due to retrospective applications/
- 6.4. HBBC Waste Management: No objections.
- 6.5. HBBC Drainage: No objections.
- 6.6. HBBC Pollution: No objections, conditions suggested.
- 6.7. Historic England: No comments.

## 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.2. **Core Strategy (2009)**

- No relevant policies

### 7.3. **National Planning Policies and Guidance**

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

### 7.4. **Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)
- Sheepy Neighbourhood Plan (2022).
  - Policy S1: Countryside
  - Policy S7: Local Heritage Assets
  - Policy S8: Design

## 8. **Appraisal**

### 8.1. **Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area and Listed Building
- 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), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Sheepy Neighbourhood Plan (SNP) (2022).
- 8.4. Policy S1 of the SNP confirms that development in the countryside may be considered whereby it is for the re-use or adaptation of existing buildings.
- 8.5. The application site is located within the 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.
- 8.6. 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.
- 8.7. Policy DM4 of the SADMP supports development in the countryside where it is considered to be for the change of use, re-use or extension of existing building which lead to the enhancement of the immediate setting. The following sections of this report will assess the proposal in relation to its impacts upon the setting and as such will be assessed against Policy DM4 of the SADMP.

### **Design and impact upon the character of the area**

- 8.8. Policies DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. 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.
- 8.10. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the

setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

- 8.11. Policy S1 of the SNP confirms that development in the countryside may be considered whereby it is for the re-use or adaptation of existing buildings.
- 8.12. Policy S7 of the SNP confirms that development proposals that affect local heritage assets (as shown on the adjacent maps and collectively on the Policies Map) must balance the need for, and the public benefit of, the proposal against the significance of the asset and scale of any harm or loss; they must also have regard to other related Policies within the Development Plan.
- 8.13. Policy S8 of the SNP confirms that developments should be carefully designed and should respond positively to the character of the area.
- 8.14. This is a proposal for a change of use of an agricultural building to a commercial use at Temple Hall Farm, Bosworth Road, Wellsborough. The proposal is considered to be within wider setting of Temple Hall which is a grade II listed late-C18 red brick farmhouse located to the north-east of the building to be converted. Temple Hall and its associated ranges of former farm buildings have been used for educational purposes as part of the Dixie Grammar School since the early 2000s. The agricultural building subject to this application is a portal framed building located further to the west of the complex of traditional farm buildings. It has a purely functional form and an appearance typical of a modern agricultural building, and as such it is considered to make a neutral contribution to the significance of the listed farmhouse and associated complex of buildings.
- 8.15. The proposal seeks to convert an existing barn retrospectively from B8 storage to a commercial unit (Class E - retail counter and showroom area for the display and retail of horticultural machinery). The site is located within the countryside however, within Policy DM4 of the SADMP it is considered that for the change of use of existing buildings which lead to the enhancement of the immediate setting, it is an acceptable form of development. The proposal would allow for the longevity of the building of the site, providing an alternative use, and is therefore considered acceptable, due to the limited visual and design impacts of the development.
- 8.16. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.17. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.18. HBBC Conservation Area Officer confirmed that the proposals are not considered to cause detrimental impacts to the heritage asset and would not cause detrimental impacts to the character of the area.
- 8.19. The proposal therefore complies with Policies DM4, DM10, DM11 and DM12 of the SADMP, Policies S1, S7 and S8 of the SNP, section 16 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Impact upon neighbouring residential amenity**

- 8.20. 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.
- 8.21. Objections have been received in relation to the hours of operation, and concerns of lack of privacy due to the proximity of the existing access and the neighbouring properties. The existing site utilises the existing access and no new access points are proposed within this proposal. It is considered that whilst vehicular movements along this access are within a reasonable proximity to the neighbouring properties, the proposal is not likely to cause further significant detrimental impacts and therefore would not impact neighbours in terms of loss of privacy. The proposal by way of its very nature would also not give rise to neighbouring amenity issues in terms of loss of light, loss of privacy or overbearing impacts.
- 8.22. As such it is considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

### **Impact upon highway safety**

- 8.23. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.24. The County Highways department were consulted as part of the application, and have confirmed that they are satisfied that the proposal would not cause detrimental impacts to parking provision or highway safety. This is due to the unlikelihood that the proposal would have any impact on the road network and also sufficient parking being provided in site is in accordance with Leicester Highway Design Guidance. It is acknowledged that objections were received in relation to increased traffic and lack of parking, however, as the County Highways have confirmed, the impacts are not anticipated to be substantial and sufficient car parking on site can be afforded in accordance with the plans.
- 8.25. Given the advice received from County Highways it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the 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 seeks to change the use of from commercial storage (B8) to commercial unit (Class E - retail counter and showroom area for the display and retail of horticultural machinery) retrospectively. The proposal has limited impacts upon the setting of a listed building, the character of the area, neighbouring amenity and highways safety. Therefore it is considered that the proposal would be in accordance with Policies DM4, DM10, DM11, DM12, DM17 and DM18 of the SADMP, Policies S1, S7 and S8 of the SNP, section 16 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Floor Plan, Existing & Proposed  
Site Location and Site Plan Drg No. 01 Rev E  
Design and Access Statement  
Planning Statement

**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. The use shall not take place other than between the hours:-  
0800-1800 Monday-Friday  
0900-1300 Saturdays  
No opening Sunday or Bank Holiday

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The main loading door to the premises shall remain closed at all times except for when loading and unloading.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The hereby approved change of use to Class E shall only serve the retail counter and showroom area for the display and retail of horticultural machinery within the 221sqm floor area as shown on the 'Site Location and Site Plan Drg No. 01 Rev E'.

**Reason:** For the avoidance of doubt, to ensure the countryside and amenity of neighbouring residents is safeguarded from any future change of use within Class E, in accordance with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.