

Delegated Report

Planning Ref: 25/00277/CLP

Applicant: Mr Mee

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Barton Hill Fields Farm, Main Street, Barton in the Beans



Hinckley & Bosworth
Borough Council

Proposal: Erection of outbuilding

1. Recommendation

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

2.1. This application seeks a Certificate of Lawful Proposed Development to confirm that the erection of an ancillary outbuilding is lawful development at Barton Hill Fields Farm, Main Street, Barton in the Beans. The proposed outbuilding is 6m in width x 6m in depth, with an overall footprint of 36sqm. The proposal includes a twin gabled roof with four dormer windows, with a ridge height of 4m, and an eaves height of 2.5m. The outbuilding is proposed to be located approximately 20m south east of the dwelling, to the rear of the principal elevation.

2.2. The Applicant considers the development acceptable as they regard the scheme to fall within the residential curtilage of Barton Hill Fields Farm.

3. Description of the site and surrounding area

3.1. The application site measures 4.5 hectares and is located off Congerstone Lane/Main Street, to the west of the settlement of Barton in the Beans, it consists of paddocks with stable buildings and a manege located to the western end of the site.

3.2. The dwelling is a timber log cabin is single storey and set within large grounds, located to the east of the stable buildings, and measures 13.6m in length, 6.1m in width, with an eaves height of 2.3m and a ridge height of 3.2m. It is simple in its appearance and is considered to be in keeping with its rural surroundings.

3.3. The land falls gently from east to west and from south to north and is screened by mature hedges. The site is accessed along a track which runs parallel with a bridleway (S80).

4. Relevant planning history

24/00757/CONDIT

- Variation of condition 3 attached to planning permission 16/00640/FUL. To allow permitted development rights to be reinstated.
- Refused
- 23.12.2022

16/00640/FUL

- Retention of log cabin for permanent occupation as a dwelling
- Permitted
- 02.09.2016

15/00550/FUL

- Erection of six stables and tack room

- Permitted
- 07.07.2015

13/00910/CONDIT

- Variation of Condition 1 of planning permission 10/00920/FUL to allow siting of temporary occupation dwelling for an additional three years
- Permitted
- 10.12.2013

10/00920/FUL

- Siting of a temporary occupational dwelling (revised application)
- Permitted
- 02.03.2011

5. Publicity

- 5.1. The application is for a Certificate of Proposed Lawful Use and no publicity is necessary.

6. Consultation

- 6.1. The application is for a Certificate of Proposed Lawful Use and no consultation is necessary.

7. Policy

- 7.1. Section 192 of the Town and Country Planning Act (1990).

8. Appraisal

- 8.1. Section 192 of the Town and Country Planning Act (1990) provides a person with the opportunity to apply to the Local Planning Authority (LPA) for a Certificate of Lawfulness to confirm that a proposed use or building operation is lawful. There is no provision under Section 192 for the planning merits of what has been applied for to be considered within the application. National or Local policies also have no bearing on whether a development is lawful. It is therefore an evidence-based application.
- 8.2. Section 192(2) of the Town and Country Planning Act (1990) provides that if the LPA is satisfied on the evidence provided with the application that the proposed use or operations are lawful, they shall issue a certificate; or in any other case they shall refuse the application.
- 8.3. The Applicant proposes that the development is acceptable under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Class E of Part 1 of Schedule 2 of the GPDO allows for the provision of development, "Within the curtilage of the dwellinghouse," providing that the development is, "Incidental to the enjoyment of a dwellinghouse."
- 8.4. Some permitted development rights have been removed for the site, however, these refer only to extensions to the dwelling and thus Class E permitted development rights for outbuildings remain.
- 8.5. The proposed outbuilding is considered by the Planning Officer to be within the residential curtilage of Barton Hill Fields Farm, Main Street, Barton in the Beans. Whilst the proposal includes dormer windows, the applicant has confirmed that the development is single storey, 4m in height (more than 2m from the boundary), and

the height of the scheme's eaves is 2.5m in accordance with E.1(d), (e) and (f) of the Part 1 of Schedule 2 of the GPDO. The proposed outbuilding is to be used for the storage of ground care equipment according to the applicant, and would be ancillary to the use of the dwelling on this basis.

8.6. The proposed outbuilding lies behind the principal elevation of the dwelling, which is confirmed to be the northwest elevation, and the total area of ground covered by the building would not exceed 50% of the total area of the curtilage. The scheme is considered to comply with all other provisions of Class E of Part 1 of Schedule 2 of the GPDO.

8.7. Therefore, the application is considered lawful, and a certificate for the Proposed Lawful Development is granted.

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 proposed outbuilding at Barton Hill Fields Farm, Main Street, Barton in the Beans is considered to be lawful development, and therefore, a certificate for the Proposed Lawful Development is granted.

10.2. This conclusion is made on the basis of details provide by the applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 19.03.2025)
- Email from applicant confirming proposed ancillary use of the outbuilding (received 05.05.2025)
- Site Location Plan (submitted: 19.03.2025)
- Proposed Plan (submitted: 19.03.2025)
- Proposed Elevations (North, South, East and West (submitted: 19.03.2025)

- 11. Recommendation**
- 11.1 Grant Certificate of Proposed Lawful Development**