

## Delegated Report

**Planning Ref: 24/00136/FUL**  
**Applicant: Mr Paul Phillips**  
**Ward: Ambien**



Hinckley & Bosworth  
Borough Council

**Site: The Lake House Bosworth Road Wellsborough**

**Proposal: Erection of helicopter hanger**

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### **1. Recommendations**

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

### **2. Planning application description**

- 2.1. This planning application seeks full planning permission for the erection of helicopter hanger, which will consist of a barn like structure with a pitched roof and 4m high roller shutter door.

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

- 3.1. The application site is characterised by standalone residential development that is located to the south of Bosworth Road outside of any identified settlement boundaries within the open countryside. The site is accessed by a 105m long private unmade track and there are grassed paddocks for horses on both sides of the access track.
- 3.2. The wider site comprises a five-bedroom dwelling and a garage that includes an ancillary residential annexe to the southwest of the site, as well as stables and a manège to the southeast of the site. Both the dwelling and the garage are large, detached, two-storey buildings that are constructed with a brick finish. However, the dwelling also utilises a rendered finish. There are a number of barn structures also located within the site.

### **4. Relevant planning history**

#### **23/00585/FUL**

- Proposed lake
- Permitted
- 21.08.2023

#### **23/00059/FUL**

- Proposed barn to replace existing stables and yard
- Permitted
- 28.04.2023

#### **20/00823/FUL**

- Erection of replacement dwelling and double garage to include ancillary residential annexe (retrospective)
- Permitted
- 21.10.2020

#### **16/00344/HOU**

- Demolition of double garage and erection of new double garage and ancillary residential annexe
- Permitted

- 26.03.2017

#### **16/01096/FUL**

- Erection of replacement dwelling, extensions and alterations to detached garage and conversion to ancillary living accommodation annexe and garaging
- Permitted
- 31.01.2017

#### **16/00812/HOU**

- Extension to main dwelling and extension and conversion of detached garage to form two storey double garage and annexe with ancillary living accommodation (resubmission of 16/00344/HOU)
- Permitted
- 09.11.2016

#### **16/00344/HOU**

- Extension to main dwelling and extension and conversion of detached garage to form two storey double garage and annexe with ancillary living accommodation
- Permitted
- 23.06.2016

#### **15/00937/FUL**

- Erection of a stables and construction of manège
- Permitted
- 13.10.2015

#### **13/00858/CLUE**

- Certificate of lawful existing use for the storage of caravans
- Permitted
- 22.11.2013

#### **13/00009/HOU**

- Extensions and alterations to dwelling
- Permitted
- 28.02.2013

#### **08/00036/CLU**

- Certificate of existing use of dwelling without complying with agricultural occupancy condition (condition 2 of planning application 8276/1963)
- Permitted
- 13.10.2015

#### **99/00190/FUL**

- Creation of lake
- Permitted
- 14.05.1999

#### **89/01446/4**

- Garage conversion to accommodation for elderly relative
- Permitted
- 23.01.1990

## **5. Publicity**

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

## **6. Consultation**

6.1 LCC Highways: No objections.

6.2 NATS Safeguarding: No objections.

6.3 HBBC Pollution: No objections, query raised regarding potential noise from take-off and landing – this however was clarified that no take-off or landing would occur at the site.

6.4 LCC Ecology: No objections.

6.5 HBBC Drainage: No objections, notes to applicant included.

6.6 Sheepy Parish Council: Objection in relation to harm to the countryside.

6.7 No other comments received.

## **7. Policy**

7.1 Core Strategy (2009)

- N/A

7.2 Site Allocations and Development Management Policies (SADMP) DPD (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 National Planning Policies and Guidance

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

7.4 Sheepy Neighbourhood Plan (2022):

- Policy S1: Countryside
- Policy S8: Design

7.5 Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG)
- National Design Guide (2019)

## **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

### *Principle of Development*

8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

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.

- 8.3 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 The current Development Plan consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Sheepy Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6 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.” “To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development,” by the Council via Policy DM4 of the SADMP. The Sheepy Neighbourhood Plan was made in 2022 and is judged to be up to date.
- 8.7 Policy DM4 of the SADMP considers development in the countryside sustainable where:
- (a) it is for outdoor sport or recreation purposes when it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries
  - (b) the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting
  - (c) it significantly contributes to economic growth, job creation and/or diversification of rural businesses
  - (d) it relates to the provision of stand-alone renewable energy developments in line with Policy DM2 (Renewable Energy and Low Carbon Development)
  - (e) it relates to the provision of accommodation for a rural worker in line with Policy DM5 (Enabling Rural Worker Accommodation)
- 8.8 The development is outside of any identified settlement boundary in the open countryside. The application does not comply with any of the requirements of Policy DM4, and as a result the principle of the development is unacceptable, which is contrary to Policy DM1 of the SADMP and Policy S1 of the SNP. The applicant has made regard to DM4(a), however it is confirmed that the proposal does not relate to outdoor sport or recreation at the development site, and is solely for the benefit of

the applicant. However, this is further assessed via the consideration of the scheme's impact upon the intrinsic value, beauty, open character and landscape character of the countryside.

*Design and Impact upon the Character of the Area*

- 8.9 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. 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.
- 8.10 Whilst the application does not accord with Policy DM4 of the SADMP, Paragraph 180(a) of the NPPF states that planning policies and decisions should protect and enhance valued landscapes, sites of biodiversity, or geological value and soils in a manner commensurate with their statutory status or identified quality in the Development Plan.
- 8.11 The application site is not within a designated area such as a National Park, the Broads, or any Areas of Outstanding Natural Beauty, and the application site is not within and does not have any of the features of Paragraphs 180 or 181 of the NPPF. Therefore, in line with Paragraph 180(a), this demonstrates that development may be acceptable within the application site if it avoids or minimises its impact to natural environment.
- 8.12 The development is approximately 100m from the highway, which reduces its impact on the character of the surrounding area. However, the scheme is visible by virtue of the open agricultural fields that are around the application site, and the low-lying hedges that border Bosworth Road. The proposed barn will be viewed in the context of the adjacent recently approved building, it is noted that amendments were sought to reduce the scale of that building during the assessment of that application. The proposed building is well related to this now developed area of land and would not look uncharacteristic against this building or in a rural setting where dispersed farmsteads and agricultural buildings are viewed.
- 8.13 The proposal is however a greater scale than the existing building, which considering the efforts to reduce the scale of the approved building is regrettable. Officers have requested a justification and reduction in the scale of the building, however, it is understood this is largely driven by the height clearance required for the helicopter. The proposal however is accompanied by a planting schedule and cross section which shows a bund and proposed planting which will sit between the proposed hanger and the highway, which is the key publicly visible viewpoint. The proposed planting will reduce the visual impacts of the development and in conjunction offer screening to the previously approved building over time.
- 8.14 Policy S3 of the SNP relates to locally important views and states that development should be located and designed in a way that is sensitive to the open landscape with extensive vistas dominated by natural features that characterise the Parish. Within the SNP reference is made to important views and the inclusion of agricultural buildings within the setting. Whilst it is acknowledged that the purpose of this building is for the storage of a helicopter, it is agricultural in appearance, similar to the approved agricultural unit located adjacent to this proposed unit.

- 8.15 Policy S8 of the SNP relates to design and states that development should respond well to the character of the area. It is also mentioned within the SNP that the Parish is categorised by individual and small groups of cottages and farmsteads throughout the countryside. Some rural buildings have been converted to residential and other uses. It is considered that the development considered under this proposal is not detrimental to the character of the area by way of its agricultural external appearance, set within a cluster of mixed buildings.
- 8.16 It is also noted that the hanger is for private use of the Applicant, it is considered that the scheme does not create a significant intensification of the use of the site.
- 8.17 To summarise, although the application does not comply with any of the criteria of Policy DM4(a, b, c, d, and e) of the SADMP, the proposal erects a hanger, which is similar in appearance and viewed in connection to the existing adjacent barn. The highway is 100m from the development, and the scheme is not considered to contribute to unacceptable levels of soil, air, water or noise pollution or land instability in accordance with Paragraph 180(e) of the NPPF. By virtue of these factors and the proposal's use of materials (which will be conditioned to match the adjacent barn), the development is considered sensitive to its setting, which complies with Paragraph 13.11 of the SADMP and therefore the Policy DM4(i, ii, iii, iv, and v) of the SADMP. Therefore, it is considered that, on balance, the application does not result in unacceptable harm to the character of countryside, subject to conditions, in accordance with Section 15 of the NPPF, and Policies DM1, DM4, and DM10 of the SADMP and Policies S1, S3 and S8 of the SNP.

#### *Impact upon Residential Amenity*

- 8.18 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.19 The barn is 47m east of the application dwelling, which is the closest dwelling, and there are no dwellings to the north, east, or south of the site. Therefore, it is not considered that the development results in any significant adverse impacts to residential amenity in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

#### *Impact upon Parking Provision and Highway Safety*

- 8.20 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. 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.
- 8.21 Whilst the proposal increases the covered floor area of the site, the development is for the private use of the Applicant, which is secured via planning condition. Given

the nature of the proposed development as a helicopter hanger, it is not considered that any activities on the site would intensify to an unacceptable level. Consequently, the Local Highway Authority (LHA) do not expect the proposal to result in an intensification of the use of the existing access. As the development is approximately 162m south of the highway, the LHA consider the application unlikely to have any material impact on the public highway.

- 8.22 Given the above, the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

## **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 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.

- 10.2 Sheepy Neighbourhood Plan was made in 2022 and so is considered up-to-date and its policies should be afforded full weight.

- 10.3 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 S1 states that the Countryside (i.e. land outside Settlement Boundaries as defined on the Policies Map) will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all in line with local and national planning policies.

- 10.4 The development conflicts in principle with Policy DM4 and S1 in that it does not comply with the listed types of development acceptable within the countryside. Notwithstanding that, the development is similar to the adjacent approved barn which was to be used for hobby purposes as well as for the storage of a tractor and mower for the applicants personal use. Thus in light of this previous approval and a lack of identified harm to the character and appearance of the countryside the principle is judged to be acceptable in these site specific circumstances in that it would constitute sustainable development.
- 10.5 Otherwise, the proposed development is considered to be compliant with the relevant national and local policy as it:
- Is an appropriate scale and design
  - Does not have an adverse impact upon the character and appearance of the area
  - Does not have a significant adverse impact upon the amenity of neighbours
  - Does not have a significant adverse impact upon highway safety
  - Provides sufficient vehicle parking spaces for off-street parking
- 10.6 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

## **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 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.

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows: Site Location Plan Drg No. 23-14-01A  
Proposed Site Plan Drg No. 23-14-02A  
Cross Section Drg No. 23-14-06  
Proposed Elevations Drg No. 23-14-04A  
Proposed Plan and Elevation Drg No. 23-14-03

**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 development hereby permitted shall only be used for the sole benefit of the Applicant as a helicopter hanger.

**Reason:** For the avoidance of doubt as the applicant has been assessed on the basis of a private helicopter hanger and to protect the character of the surrounding area, in accordance with Policies DM4, DM10, DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies S1 of the Sheepy Neighbourhood Plan (2022).

4. The landscaping detailed within the approved 'Planting Schedule' and 'Proposed Site Plan Drg No. 23-14-02A' shall be planted within the first planting season following the receipt of this decision notice. The landscaping shall be remain and be maintained in perpetuity. If any planting dies or is diseased and is therefore required to be removed, replacement planting shall be required and the applicant shall notify the LPA in writing.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a 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).