

Delegated Report

Planning Ref: 23/00220/FUL

Applicant: Ward

Ward: Barlestone, Nailstone & Osbaston

Site: Garland Gables, Garland Lane, Barlestone

Proposal: Change of use of existing storage barn to an annex and home office.



Hinchley & 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 application proposes to convert an existing barn to an annex and home office serving the main dwelling. The application includes minor external amendments, including windows and a juliet balcony.

3. Description of the site and surrounding area

- 3.1. The application site consists of the host dwelling, the attached barn structure and a garage. The site is located on Garland Lane, which is within the Countryside. The site is bound by neighbouring residential plots on two sides, Garland Lane and arable fields and open countryside to the south west.

4. Relevant planning history

19/00996/FUL

Conversion of ancillary domestic storage building to a four bed dwelling and demolition of a barn

Refused

Appeal Dismissed

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.
- 5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: No objections, conditions and notes to application provided.
- 6.2. Barlestone Parish Council: No objections.
- 6.3. HBBC Waste Management: No objections.
- 6.4. HBBC Drainage: Notes to applicant, no objections.
- 6.5. HBBC Pollution: No objections.

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 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) (2019)
- Planning Practice Guidance (PPG)

7.4. **Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- 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 (2022).

8.4. 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.

8.5. 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.

- 8.6. 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

- 8.7. Policies DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.8. 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.
- 8.9. The proposal seeks to convert an existing barn which adjoins the main dwelling into an annexe with a bedroom, shower room, kitchen diner and living area, alongside a new home office. The proposal relates significantly to this change of use and to internal amendments however some external changes are to be included.
- 8.10. The existing barn is located to the rear of the host dwelling and is not highly visible from the street scene, from either Garland Lane or Bagworth Road. The conversion and external amendment which includes additional windows, and a Juliet balcony facing the rear are considered to not negatively impact the intrinsic value, beauty, open character and landscape character of the countryside and is acceptable in terms of its design and materials. The proposed change of use would lead to the enhancement of the immediate setting, giving new life and longevity by way of its use to the existing store/barn.
- 8.11. It is also noted that whilst some materials would need to be removed to provide openings for windows and doors, the overall design and features of the barn would remain in situ and as such uses elements of good design.
- 8.12. The proposal is therefore considered to be in accordance with Policy DM4 and Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.13. 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.
- 8.14. The proposal seeks to convert the existing barn/store into an annexe and home office, it has therefore been assessed as ancillary accommodation to the host dwelling Garland Gables. Whilst the proposal seeks to make some minor external amendments including the provision of a first floor Juliet balcony, and the provision of additional windows and doors; it is distanced significantly away from any neighbouring property and is considered to not have detrimental impacts upon neighbouring residential amenity in terms of loss of light, loss of privacy, overbearing and overlooking impacts.
- 8.15. On the basis that the development is an annex (as secured by conditioned), it is considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.16. 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.
- 8.17. No new access is proposed under this application and it is considered by County Highways, that as the proposed additional accommodation is an annexe ancillary to the main dwelling and not a separate unit, that the access should not be therefore intensified to an unacceptable level. A condition has been placed at the end of this report stipulating that the unit shall remain ancillary to the main dwelling to satisfy County Highways and so that the application remains in accordance with Policy DM17 and Policy DM18 of the SADMP.
- 8.18. It is also noted that the onsite parking is sufficient in its provision and that there is not expected impacts upon the public footpath (S41).
- 8.19. As such it is considered that the proposed development is in general accordance with Policy DM17 and Policy DM18 of the adopted 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 convert an existing barn/store into an annexe ancillary to the main dwelling and provide a home office. The proposal is considered to have limited impacts upon the character of the area and the countryside and to have no impact upon neighbouring residential amenity or highway safety.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 of the adopted SADMP.

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.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Location Plan Drg No. WA 583 (01) 01
Proposed Site Plan Drg No. WA 583 (04) 01
Proposed Ground Floor Plan Drg No. WA 583 (04) 02
Proposed First Floor Plan Drg No. WA 583 (04) 03
Proposed Elevations Drg No. WA 583 (04) 05

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. The annexe hereby permitted should be used as ancillary accommodation to the dwelling known as Garland Gables, Garland Lane, Barlestone and shall not be occupied as an independent unit of residential accommodation.

Reason: To ensure the annexe is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

11.3 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. 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).

4. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
5. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
6. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
8. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
9. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.