

Delegated Report

Planning Ref: 24/00454/OUT

Applicant: Mr Phil Hill

Ward: Ambien



**Hinckley & Bosworth
Borough Council**

Site: Bank Farm Shenton Lane Dadlington

Proposal: Outline planning permission (access only) for the removal of existing static caravan (C3) and erection of a replacement single dwelling (C3 self build) and associated amenity space and parking

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of a self-build dwellinghouse at Bank Farm, Shenton Lane, Dadlington. The proposal would replace the existing static caravan that is on the site. The self-build status of the development has been secured via a pre-commencement planning condition. Only access is sought for approval at this stage, and all other matters are reserved.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is situated in an area of countryside that is within the identified grounds of Bosworth Battlefield. The site forms part of a wider 5,400sqm agricultural complex, Bank Farm that features several large agricultural structures to the east and south of this application site. The wider site is surrounded by open fields and is approximately 0.5 miles from Dadlington. Bank Farm benefits from an existing access onto Shenton Lane, which is an adopted, unclassified road subject to a 60mph speed limit. Bank Farm is adjacent to the confluence of Fenn Lanes, which is also an adopted, unclassified road subject to a 60mph speed limit, and Shenton Lane.
- 2.2. A Lawful Development Certificate was granted for the existing use of a static caravan within the site as a primary and permanent residential use via application 23/00465/CLE. The caravan is located on the north-western side of the site.

4. Relevant Planning History

4.1 23/00465/CLE

- Lawful Development Certificate to establish the existing use of static caravan as primary and permanent residential dwelling (Use Class C3) with associated access and amenity space (Resubmission 23/00190/CLE).
- Permitted
- 26.07.2023

4.2 23/00190/CLE

- Lawful Development Certificate to establish the existing use of static caravan as primary and permanent residential dwelling (Use Class C3) with associated access and amenity space.
- Refused.
- 09.05.2023

5. Publicity

5.1 A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 The Battlefields Trust objected to the planning application because there has not been an assessment of the application's impact on the significance of the battlefield site that it is located within. Within this objection, the Battlefields Trust has referred to Paragraphs 200 and 201 of the National Planning Policy Framework (December 2023).

6.2 There have no objections to the application from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Archaeology Department
- Local Highway Authority (LHA)
- Sutton Cheney Parish Council

Archaeology

6.3 The County Council's Archaeology Department do not believe that the proposal is likely to result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage asset and therefore warrants no further archaeological action.

6.4 Historic England did not comment on the planning application.

6.5 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The principle of a residential use within the application site has been granted via application 23/00465/CLE. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Design and Impact upon the Character of the Area and the Historic Environment

8.2 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.

8.3 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.4 Policy DM11 of the SADMP requires the Council to protect, conserve and enhance the historic environment through the Borough. To achieve this, development proposals must demonstrate criteria (a) to (d) of the Policy.

- 8.5 Policy DM12 of the SADMP requires all development proposals affecting heritage assets and their setting to secure their continued protection or enhancement and contribute to the distinctiveness of the areas in which they are located and the wider vibrancy of the Borough.
- 8.6 The acceptability of a residential development within the site has been established via 23/00465/CLE.
- 8.7 No details have been provided regarding the appearance, scale, layout, nor landscaping of the development and therefore no further assessment can be undertaken at this stage of the planning process in relation to the acceptability of the design of the proposal.
- 8.8 Although the Applicant has failed to acknowledge Policies DM11 or DM12 of the SADMP within their submission, it is considered that the Local Planning Authority can retain sufficient control and scrutiny of any forthcoming scheme to ensure that the development is appropriately sensitive to the character and significance of the Bosworth Battlefield and the character of the countryside at the Reserved Matters stage, and in accordance with Policies DM4, DM10, DM11, DM12, and DM14 of the SADMP.

Impact upon Residential Amenity

- 8.9 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.10 There are no residential properties adjacent to the application site, and therefore the development is likely to be able to come forward in compliance with Policy DM10(a) and (b) of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.11 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.12 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

- 8.13 The application site benefits from an existing site access onto Shenton Lane alongside off-street parking provision, which is currently utilised by a residential use, and has previously been utilised by an agricultural use.
- 8.14 No amendments are proposed to these facilities, and therefore it is considered that 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.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

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

11.2 Conditions and Reasons

1. An application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the layout, scale, appearance and landscaping (hereafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10, DM11, and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. 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 (submitted: 09.05.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence until details have been submitted to, and approved in writing by, the Local Planning Authority that provide evidence that the scheme hereby permitted is implemented as a self-build dwelling in accordance with the definition of self-build and custom house build at Paragraph A1 of Section 1 of the Self-Build and Custom Housebuilding Act 2015. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the proposal is delivered as self-build and custom house building development, as stated by the Applicant, to meets the needs of people wishing to build their own homes accordance with Paragraph 63 of the National Planning Policy Framework (NPPF) (December 2023).

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 or call 01455 238141.
2. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.
3. 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 the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone, or, if practicable, in combination with infiltration systems and/ or rainwater harvesting systems.
4. 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).