

Delegated Report

Planning Ref: 25/00708/FUL

Applicant: Mr. & Mrs. Kirby

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 45 Bagworth Road, Newbold Heath, Newbold Verdon

Proposal: Temporary siting of static caravan/mobile home for a period of two years

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 temporary siting of a static caravan/mobile home for 2 years during the conversion of a barn to two residential units as part of planning permission 24/01016/P3CQ associated with this site.

2.2. The caravan would be situated on the existing manege alongside the large mature hedge on the western boundary of the site.

3. Description of the Site and the Surrounding Area

3.1. The application site is located off Bagworth Road (the B585) on the northern periphery of Newbold Heath and circa 1/2 mile north of Newbold Verdon. Access to the proposed development site is directly off Bagworth Road. The site totals some 0.458 Hectares in area. The topography is relatively flat with a slight rise to the east. There are no known Public Rights of Way running through the site with the closest path running north to south in fields to the east of the property. There are no trees or other features of note on the pasture with a single metal storage building and manege to the front (west) of the site with open grazing/exercise land to the rear (east) surrounded by fencing with hedging around the periphery. The north and east of the site is bounded by open fields.

3.2. The western boundary abuts Bagworth Road. Number 45 Bagworth Road is the most northerly house on the edge of the settlement. There is a bungalow which forms part of Orchard Farm opposite the property to the northwest. On the south side of the site are the gardens of a row of houses fronting onto Merrylees Road. The gardens of the houses adjoining the site to the south are all of significant length with some of the gardens incorporating substantial trees along the boundary in addition to the large hedge which further mitigates any impact from development.

3.3. The site is in a sustainable location accessible for local services and facilities in the village nearby which includes Newbold Verdon Primary School, the Church of St James, Newbold Verdon Medical Centre, Pharmacy, Local Store, Playing Fields, and Library. Bus stops are within a 7 minute (0.4 miles) walking distance on Barlestone Road.

4. Relevant Planning History

4.1 24/01016/P3CQ

- Conversion of existing barn to 2 residential units.

- Permitted
- 04.03.2025

4.2 **22/00624/OUT**

- Outline Application for 5no. self-build homes (All Matters Reserved)
- Refused
- 31.07.2023

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- LCC Highways -
- HBBC's Environmental Services' Pollution Officer – No objection
- HBBC Waste – no response received
- HBBC Drainage – no objection.

6.2 Newbold Verdon Parish Council:

"The established hedge should remain in place and at a height sufficient to shield the static caravan from the road.

They are concerned about access on and off the road which Highways has previously noted is on to a Class B road with measured 85th percentile speeds in excess of 40mph, contrary to Policy IN5 of the Leicestershire Highway Design Guide.

They asked that the static caravan is limited to a maximum of 2 years on the site."

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 2: Development in Earl Shilton

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 DM7: Preventing Pollution and Flooding
- 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) (2024)
- 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 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 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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3 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.
- 8.4 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.
- 8.5 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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.
- 8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 34 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.
- 8.7 The application site falls outside the defined settlement boundary of Newbold Verdon. However, the recent permission 24/01016/P3CQ has established the principle of residential development on this site, and the temporary use of a mobile home/caravan is considered acceptable in principle during the construction/conversion process.
- 8.8 As a result, the scheme is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.9 Paragraph 134 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 The requirements of Policy DM4 of the SADMP is relevant in this location which seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside and safeguard it from unsustainable development. The policy 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; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.11 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.
- 8.12 The proposed mobile home would be located in parallel to Bagworth Road adjacent to a well-established hedgerow on the west side of the site, approximately 20m to the northwest of the barn that is to be converted.
- 8.13 Whilst only indicative details of the mobile home have been provided, these can be secured by condition due to the nature of the home. The proposed mobile home may be partially visible from the south through the gap where access is served, however this would be limited to glimpses. Views from the north may be limited to just the top of the mobile home depending on the height of the hedgerow.
- 8.14 Whilst this type of development would not usually be acceptable in a countryside location, in this instance, given the temporary nature of the mobile home and the immediate needs of the applicant, it is considered that permission can be granted for the siting of the mobile home for up to two years. This would enable the applicant to continue to live on the site during the conversion of the adjacent building.
- 8.15 In light of the above, the development is considered to comply with Policies DM4 and DM10 of the SADMP, and the Good Design Guide on the basis that it is to be a temporary structure, which would not ordinarily be approved for permanent use in this type of location.

Impact upon Residential Amenity

- 8.16 Paragraph 135(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.
- 8.17 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.

- 8.18 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.19 The provision of a mobile caravan is not considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances, as there are no neighbouring dwellings in close proximity, and the structure would not be large enough to cause and overbearing or loss of privacy impacts. Therefore, in this specific regard, the development is considered to be acceptable in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.20 Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.21 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.22 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.23 The LHA were consulted on this application and have no objections to the proposal.
- 8.24 The proposed access is an existing access to the site, and the LHA have previously accepted that the conversion of the barn to two dwellings is unlikely to result in a material change in the level of traffic using the access. Therefore, it is reasonable to conclude that the temporary use of one mobile home is also unlikely to result in a material change to the level of traffic using the access. A condition has been included to ensure that this temporary permission and 24/01016/P3CQ do not overlap, causing potential additional trips to the site.
- 8.25 The Applicant previously submitted ADL drawing number ADL_5564-06, which shows turning for the menage/ stables. Whilst the LHA recommended conditions for the widening of the access, implementation of visibility splays, access surfacing, parking, and removal of access gates, these were associated with a different application where two separate dwellings are being created via a single access and are therefore not required in this case.
- 8.26 Overall, the LHA accepts that adequate parking and turning is available at the site. The LHA previously advised it is satisfied for the LPA to consider transport sustainability alongside its own sustainability considerations for the site. Therefore, it was concluded that the development would not have a severe, unacceptable

impact on highway safety or the road network and accords 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 proposed development is considered to be acceptable only on a short term temporary basis to allow for the specific accommodation needs of the applicant, in association with 24/01016/P3CQ.

10.2 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 outlined at the end of this report.

11.2 Conditions and Reasons

1. This permission is limited to a two-year period from the date of this decision, unless the barn associated with permission 24/01016/P3CQ is first occupied prior to this date.

Within one month following the first occupation of the neighbouring barn associated with permission 24/01016/P3CQ, the temporary mobile home/caravan shall be removed, and the land restored to its former state.

In any event the temporary mobile home/caravan shall be removed, and the land restored to its former state on or before 18th September 2027.

Reason: To ensure that the site is restored to its original state within its countryside location, and to ensure that the character of the site and surrounding area is protected, in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. 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:
 - Location Plan, Aerial photo, and existing and proposed block plans – Drawing No. SK-TEMP-PL-001.1 (submitted: 18.07.2025)

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).

3. Prior to the commencement of development, details of the appearance and scale of the temporary caravan shall be submitted to the Local Planning Authority for approval. Thereafter, the temporary caravan hereby approved shall be in accordance with the approved submitted details.

Reason: In the interests of visual amenity in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

Notes to Applicant:

This permission is granted on a temporary basis only. No renewal of this permission will be likely, and you will therefore need to address a permanent solution before the period of the permission expires.