

Delegated Report

Planning Ref: 23/01154/FUL
Applicant: Mr And Mrs David Howels
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Twin Oaks Atterton Lane Upton

Proposal: Permanent agricultural workers dwelling (following approved changes in 14/00880/FUL & 20/01078/FUL)

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 full planning application seeks full planning permission for the provision of a permanent agricultural workers dwelling at Twin Oaks, Atterton Lane, Upton. This planning permission is in light of two temporary planning permissions for an agricultural worker dwelling at the site via 14/00880/FUL and 20/01078/FUL.
- 2.2. As per planning applications 14/00880FUL and 20/01078/FUL, the dwelling is a two-bedroom timber cabin that is rectangular in form and externally measures 20m in width by 6.8m in depth. The structure utilises a 30-degree pitched roof that has a ridge height of 4.6m and an eaves height of 2.6m. The development is located towards the centre of the holding close to the existing livestock buildings and is constructed with light oak-stained timber logging and a dark grey granular single tiled roof.

3. Description of the Site and the Surrounding Area

- 3.1. The 3.2ha application site, Twin Oaks, is located on the western side of Upton Lane outside of any identified settlement boundary in the open countryside between Upton to the northeast and Atterton to the southwest. However, the application site is within the identified boundaries of the adopted Sheepy Parish Neighbourhood Plan (2022). It is noted that Atterton and Upton are not identified within the adopted Core Strategy (2009) and therefore do not benefit from an identified settlement boundary. As such, Atterton and Upton are also considered to be within the designated countryside.
- 3.2. Twin Oaks comprises of a selection of structures including a barn (approved via 17/01095/FUL), that is adjacent to a fodder store, a calf unit, and a covered yard (all approved via planning permissions 20/001079/FUL and 21/00440/CONDIT), stables (approved via 00/00558/FUL) and a further structure (approved via 97/0641/FUL) to the northwest of the barn and another agricultural structure to the southeast of the barn. The existing temporary dwelling, which is sought for permanent retention within this application, is within the centre of the site and to the south of the barn and has been occupied by the Applicants since 2017.
- 3.3. Twin Oaks benefits from a 3.2ha holding within the Applicants' ownership plus a further 26.5ha of rented agricultural land for grazing in the vicinity of the site. The rural enterprise focuses on livestock husbandry, with an emphasis on cattle and sheep.

- 3.4. The site via an existing gated access and a 140m long track from Atterton Lane, which is an adopted, but unclassified, public highway subject to a 60mph speed limit. The Sheepy Parish Neighbourhood Plan (2022) identifies Atterton Lane as proposed and candidate Local Wildlife Site.
- 3.5. Although there are two rural enterprises for agricultural and equestrian uses immediately adjacent to the southwest of the site, including Five Arce Stud, the application site is wholly rural in character and surrounded by development agricultural fields.

4. Relevant Planning History

4.1 21/00440/CONDIT

- Variation of Condition 2 of planning permission 20/01079/FUL to allow an extension on the approved building
- Permitted
- 24.09.2021

4.2 20/01079/FUL

- Extensions to livestock building.
- Permitted
- 02.02.2021

4.3 20/01078/FUL

- Temporary agricultural workers dwelling
- Permitted
- 02.02.2021

Whilst the temporary dwelling was approved within this planning application for a further three years, Paragraph 10.3 of the Delegated Officer's Report notes that this any future temporary permissions are unlikely to be granted in line with planning guidance.

4.4 20/00459/FUL

- Permanent agricultural workers dwelling (following temporary planning permission reference 14/00880/FUL), and extensions to livestock building.
- Refused
- 07.08.2020

The development was refused because the proposal was not considered to represent sustainable development within the countryside because the Applicant failed to demonstrate that the rural enterprise was economically sustainable in accordance with the requirements of Policy DM5 of the SADMP.

4.5 17/01095/FUL

- Erection of livestock building (amended design)
- Permitted
- 15.12.2017

4.6 14/00880/FUL

- Removal of 2 mobile homes and storage containers and erection of an agricultural workers cabin and agricultural livestock barn
- Permitted
- 02.04.2015

The temporary dwelling was approved for three years from the date of siting and the land restored to its former condition on or before four months from this date.

4.7 **07/00012/PP**

- Erection of new stable block and amenity block
- Appeal Dismissed
- 29.08.2007

4.8 **07/00009/ENF**

- Appeal against Enforcement Notice (Operational Dev)
- Appeal Dismissed
- 27.09.2007

4.9 **07/00008/ENF**

- Appeal against Enforcement Notice (Change of Use)
- Appeal Dismissed
- 27.09.2007

4.10 **06/01079/FUL**

- Erection of new stable block and amenity block
- Refused
- 06.12.2006

This application was refused because the development had a detrimental impact upon the character and appearance of the countryside.

4.11 **97/00117/COU**

- Siting of mobile home
- Refused
- 29.05.1997

This application was refused for the same reasons as the refused outline planning application 96/00870/OUT.

4.12 **96/00870/OUT**

- Erection of a dwelling
- Refused
- 12.12.1996

This application was refused as the development constituted unwarranted and undesirable intrusion of development in a conspicuous, elevated position in open undulating countryside, to the detriment of visual and rural amenity. In addition, the development lacked adequate visibility splays and was likely to result in an increase in turning traffic at this location which could create additional dangers to road users.

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 There have been no objections 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 Ecology Unit
- Witherley Parish Council

Sheepy Parish Council

6.2 Sheepy Parish Council have noted that the development appears to be in line with the policies within the adopted Sheepy Parish Neighbourhood Plan (SPNP) (2022), but they acknowledged that the long financial viability of the existing agricultural business is not a matter for the Parish Council to assess or determine. However, should planning permission be granted, Sheepy Parish Council have requested a planning condition to prevent the change of use from agricultural workers dwelling to a standard residential dwelling in the interests of safeguarding the countryside.

6.3 Leicestershire County Council, as the Local Highway Authority, referred to standing advice.

6.4 Cadent Gas did not respond to 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 DM5: Enabling Rural Worker Accommodation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S1: Countryside
- Policy S5: Ecology and Biodiversity
- Policy S8: Design
- Policy S10: Housing Development
- Policy S15: Car Parking and New Housing Development
- Policy S17: Rural Economy

7.4 National Planning Policies and Guidance:

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

- 7.5 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Housing land supply
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

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. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms 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, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Sheepy Parish Neighbourhood Plan (SPNP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.8 Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

8.9 The SPNP was made in May 2022 and is considered to be up-to-date, and therefore its policies should be afforded full weight.

Development in the Countryside

8.10 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. 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.”*

8.11 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside 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
- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; 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”.

8.12 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.

8.13 In principle, subject to the caveats of Policy DM4 of the SADMP, Policy S1 of the SPNP only identifies the following types of development to be considered to be sustainable in countryside locations:

- (a) The re-use and adaption of buildings (in accordance with Policies DM14 and DM15 of the SADMP.)
- (b) Householder development.
- (c) Dwellings in accordance with Policy S10 of the SPNP.
- (d) Development and diversification of agricultural and other land-based rural businesses, which accords with the NPPF.
- (e) Employment development in accordance with Policy S17 of the SPNP.
- (f) Development by statutory undertakes or public utility providers.
- (g) Recreation and tourism provided it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries.
- (h) Renewable energy in accordance with Policy S4 of the SPNP.

8.14 Whilst householder development has the potential to be considered to be sustainable in countryside locations in accordance with Policy S1 of the SPNP, Policy S10(b) of the SPNP, states that permission for housing development outside

the Sheepy Magna and Sibson settlement boundaries will be limited to rural worker accommodation.

- 8.15 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.

- 8.16 For example, the Local Planning Authority have previously granted two planning permission, 14/00880/FUL and 20/00459/FUL for temporary rural worker accommodation within the site.

Rural Worker Accommodation

- 8.17 Whilst the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, Paragraph 84(a) states an exceptional circumstance to this requirement is where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at, or near, their place of work in the countryside.

- 8.18 Planning Practise Guidance (PPG) sets out the considerations relevant to applying Paragraph 84 of the NPPF, which includes:

“The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.”

- 8.19 Policy DM5 of the SADMP confirms that the provision of rural worker accommodation in the designated open countryside is considered to be an exception to the limitations of Policy DM4 of the SADMP. However, Policy DM5 of the SADMP requires the Applicant to demonstrate the following special circumstances:

- (a) It is essential for one or more workers to be readily available at most times for the proper functioning of the rural enterprise and the worker(s) are in full time, permanent employment, which directly relates to the rural enterprise; and
- (b) The rural enterprise is economically sustainable and has a clear prospect of remaining so; and
- (c) There are no available existing dwellings or buildings suitable for conversion to residential on the site of the enterprise or within the local area; and
- (d) The proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise.

The SADMP notes that dwellings permitted under this policy will be subject to an occupancy condition restricting its occupation to a person who is directly employed by the rural enterprise on a permanent full-time basis.

Assessment of the Proposal as Rural Worker Accommodation

- 8.20 The Applicants' Design and Access Statement states that the business is a low environmental impact, locally sustainable, agricultural enterprise that requires the owners to live on site for operational efficiency, security, and livestock welfare. In addition, the business' existence and future are entirely dependent on rural worker accommodation within the site in order for supervision of livestock in the interests of security and animal welfare.

- 8.21 Ultimately, the essential need for the on-site presence and accommodation of a key worker was accepted by the Local Planning Authority via both 14/00880/FUL and 20/00459/FUL. Therefore, the development is considered to be compliant with Policy DM5(a) of the SADMP.

- 8.22 In addition, there has been no material change in the circumstances of potential alternative accommodation and it is not considered that there is any available existing dwellings or buildings suitable for conversion within the application site to accommodate the Applicants. Whilst no information has been provided to demonstrate that no alternative accommodation is available in the local area, in light of the identified essential need for rural worker accommodation to facilitate the rural enterprise in previous planning applications, the scheme is considered to be compliant with Policy DM5(c) of the SADMP in these site-specific circumstances.
- 8.23 Nevertheless, the previous application for permanent rural accommodation was refused within 20/00459/FUL because it was not considered that the enterprise had adequately demonstrated an essential need that it was economically stable and had a clear prospect of remaining so.
- 8.24 Central to the test of sustainability within Policy DM5(b) of the SADMP, is the ability of an enterprise, having met all its costs, to make a profit that can reward its principals at a realistic level and have funds to enable it to continue to develop.
- 8.25 The Anderson's Business Appraisal submitted within this application indicates how the farming activity has been adjusted to bring the labour requirements to 1.45 workers, which is within the compass of the Applicants to deliver. This has been achieved through an improved balance between calf rearing and livery activity.
- 8.26 In the ensuing four years since the last planning application, the Anderson's Business Appraisal identified year-on-year increases in profitability to some £31,000 to £37,000. It is considered that this profit level is now capable of remunerating the labour requirements of the adjust balance of the enterprise as well as a surplus.
- 8.27 As a result, it is considered that the rural enterprise is economically sustainable and has a clear prospect of remaining so in accordance with Policy DM5(b) of the SADMP.
- 8.28 Policy DM5(d) of the SADMP shall be addressed in further detail in the 'Design' section of the report.
- 8.29 Given the above, whilst the development is offered no support by Policy DM4 of the SADMP, the proposal is compliant with Policy DM5 of the SADMP, subject to further assessment of Policy DM5(d) of the SADMP. Therefore, it is considered that the provision of rural worker accommodation in these site-specific locations is 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.

Housing Land Supply

- 8.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.31 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights

that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

- 8.32 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. The latest figures up to 01 April 2023 are currently being worked on and will be available in due course.
- 8.33 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.34 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.35 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.36 Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.37 The development is for one singular residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.38 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.39 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.40 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.

- 8.41 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.42 Policy DM5(d) of the SADMP requires rural worker accommodation to be of a size and scale appropriate to the proper functioning and needs of the rural enterprise.
- 8.43 In order to prevent dwellings which are unusually large or expensive in relation to the functional need of the rural enterprise, Paragraph 13.22 of the SADMP states that any new dwelling permitted under this policy will be restricted in size and scale appropriate to the requirements of the enterprise to properly function.
- 8.44 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.
- 8.45 Policy S8 of the SPNP states that development proposals should respond positively to the character of the area in which it is located and demonstrably respond to the features of its setting by working with the scale, form, and character of the location.
- 8.46 The structure is single storey in massing and over 152m from the public highway. As a result, it is considered that very little views of the development are offered from public vantage points. It is considered that by virtue of its design and use of materials, the dwelling preserves the rural character of the site.
- 8.47 Ultimately, the dwelling has existed within the site for a period of seven years and remains unchanged by this proposal. In addition, whilst there is a principal objection the provision of a permanent residential property in this location, it is considered that, as detailed above, that there is an essential need for rural worker accommodation within this site in accordance with Policy DM5 of the SADMP. Given the above, it is not considered that the development results in any significant harm to the character of the site, the surrounding area, nor the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policies S8 and S10 of the SPNP, Policies DM4, DM5, and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.48 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.49 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.

- 8.50 Policy S8 of the SPNP requires development to show appropriate regard for the amenities of neighbouring properties including daylight/ sunlight, privacy, air quality, noise, and light pollution.
- 8.51 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.
- 8.52 The application site is located in an isolated position in the countryside and is not in close proximity to any other dwelling. As a result, the development is not considered to result in any significant harm to neighbouring residential amenity.
- 8.53 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.54 Proposals for two-bedroom, single storey dwellings should provide a minimum of 61sqm of floor space and 2sqm of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.55 Internally, the scheme provides 123.8sqm of floor space and 2.3sqm of in-built storage, which complies with the requirements of the THS.
- 8.56 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.57 It is considered that both bedrooms comply with the requirements of the THS.
- 8.58 To comply with the Good Design Guide, two-bedroom houses must also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.59 The development is provided with 433.3sqm of outdoor amenity space and 318.8sqm of this has a depth of 19.1m, which exceeds the requirements of the Good Design Guide.
- 8.60 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any significant adverse impacts to residential amenity in accordance with Policy S8 of the SPNP, Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.61 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on

the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 8.62 Ultimately, development should not 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, in accordance with Paragraph 115 of the NPPF.
- 8.63 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)).
- 8.64 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.65 Policy S8 of the SPNP requires development proposals to provide a safe and suitable access with appropriate on-street parking provision.
- 8.66 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.67 The proposal utilises, and makes no amendments to, the existing access onto Upton Lane.
- 8.68 As per planning permission 20/00459/FUL, the Local Planning Authority noted that the access gates are set well back from Atterton Lane and enable a vehicle and trailer to pull clear of the land whilst the gates are opened and closed.
- 8.69 In addition, there is adequate vehicle parking and turning space available within the site to accommodate the dwelling.
- 8.70 Given this is an existing situation, and the temporary dwelling has been utilised for the last seven years, the Local Planning Authority are unable to demonstrate that the proposal is likely to result in any significant harm to highway safety or the road network.
- 8.71 By virtue of these factors, the scheme is regarded as 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 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. The development hereby permitted shall be retained in complete accordance with the submitted application details received by the Local Planning Authority as follows:
- Proposed Elevations (submitted: 29.11.2023)
 - Proposed Floor Plans (submitted: 29.11.2023)
 - Proposed Site Plan 0207F (submitted: 21.03.2024).
- 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).
2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any residential dependents.
- Reason:** The application site lies within an area where the Local Planning Authority would not normally grant permission for residential development and to ensure that the development is in accordance with Policy DM5 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Within three months of the date of this planning permission, the parking and turning facilities must have been implemented in accordance with the Proposed Site Plan 0207F (submitted: 21.03.2024). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

5. In accordance with the Proposed Site Plan 0207F (submitted: 21.03.2024), the development hereby permitted shall feature 1m high post and wire stock proof fencing to define the domestic curtilage of the rural worker accommodation.

Reason: To protect and preserve the character of the surrounding area in accordance with Policies 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 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 soakaways will be subject to the approval of the Building Control Surveyor.
3. Any 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).