

Delegated Report

Planning Ref: 24/00438/FUL
Applicant: Mr Paul Morris
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Little Mulberry, Upton Lane, Stoke Golding

Proposal: Proposed conversion of barn to dwelling with flue and solar panels, and associated parking, landscaping

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 full planning permission for the conversion of an existing barn into a three-bedroom dwellinghouse (Use Class C3) with a flue and solar panels, and associated parking and landscaping at Little Mulberry, Upton Lane, Stoke Golding.
- 2.2. At the request of the Applicant, the application description was revised on 02 September 2024 from, *“Addition of flue for a wood burner and solar PV panel on the roof and to extend the residential curtilage of the site.”*
- 2.3. The proposal does not extend beyond the elevations of the existing structure. The scheme is constructed with corrugated sheet vertical wall cladding, corrugated sheet roof cladding, and aluminium glazing. The residential garden area extends 9.3m to the east and rear of the property.
- 2.4. Following concerns raised by the Local Planning Authority and Stoke Golding Parish Council, the residential garden area of the dwelling was reduced from 5m to the south of the property to 2m to the south and 12.5m to 9.3m to the east.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located outside of, and to the west of, the identified settlement boundary of Stoke Golding in the designated open countryside. Stoke Golding is classified as a Stand Alone Key Rural Centre within the Core Strategy. The site itself is identified as featuring a Great Crested Newt breeding pond and is within the impact zone of a nearby Site of Special Scientific Interest (SSSI).

- 3.2. The application site is located within a wider rectangular open agricultural field that is a part of the 7ha site known as Little Mulberry. The application relates to an existing barn that has received prior approval for its conversion into a dwellinghouse via planning application 23/01180/P3CQ.
- 3.3. The wider Little Mulberry site, outside of the red line boundary of the application site, benefits from an agricultural barn that is currently under construction, which was approved via planning application 22/00368/FUL. A planning application for two further agricultural barns was also recently refused within the wider site via 24/00432/FUL.
- 3.4. The site is bounded by, and accessed from, Upton Lane to the north of the site. Upton Lane is an adopted, but unclassified, highway that is subject to the National Speed Limit. The entrance to the site via Upton Lane is in between two bridges and meets Upton Lane at an unusual angle. Beyond Upton Lane is a designated employment site (STG14), and the identified boundary of the Bosworth Battlefield Conservation Area.
- 3.5. The east of the site is bounded by the Ashby de la Zouch Canal, and Public Right of Way (PRoW) Footpath T54, which are both within the Ashby de la Zouch Canal Conservation Area. Beyond the Canal features largely linear and ribbon residential development along Station Road that leads into the centre of Stoke Golding. To the south of the site is open countryside. To the west of the application site is a dismantled railway, an existing farm, and further open countryside.

4. Relevant Planning History

4.1 24/00432/FUL

- Construction of two barns for agricultural use
- Refused
- 20.09.2024

4.2 23/01180/P3CQ

- Proposed conversion of barn to dwellinghouse (C3)
- Prior Approval Given
- 30.01.2024

4.3 22/00368/FUL

- Erection of agricultural building for housing livestock, hay, straw, fodder, and agricultural equipment.
- Permitted
- 04.09.2022

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.
- 5.2 A further round of public consultation was undertaken following revisions to the description of the development to include the conversion of the existing barn.
- 5.3 One member of the public objected to the development for the following reasons:
- The proposal is a deliberate and progressive approach to facilitate residential development within the site.
 - Harm to the countryside.
 - Highway safety concerns.
- 5.4 No further responses have been received.

6. Consultation

- 6.1 A further round of consultation was undertaken with statutory consultees following revisions to the description of the development to include the conversion of the existing barn.
- 6.2 Stoke Golding Parish Council have objected to the development due to its harm to the character of the countryside and the surrounding area, including the impact of the extended of the garden area.
- 6.3 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer (subject to conditions)
 - Leicestershire County Council (LCC)'s Archaeology Department
 - LCC's Ecology Unit

Archaeology

- 6.4 The County Council's Archaeology Department have confirmed that the proposal will not result in a significant direct or indirect impact upon the archaeological interest of any known or potential heritage assets. Therefore, the application warrants no further archaeological action.

Drainage

- 6.5 The Environment Agency have not made any formal comments on the proposal because they have no fluvial flood risk concerns with the application site.

Pollution

- 6.6 The Council's Pollution Officer confirmed that further assessment of the potential impact of land contamination on the proposed extension of the residential garden area of the property is required.
- 6.7 Therefore, the Pollution Officer has recommended two planning conditions regarding the investigation of any potential land contamination and further investigation in the instance that previously unidentified land contamination is discovered during the construction of the scheme.
- 6.8 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- No relevant policies.

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 DM15: Rural Redundant Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Stoke Golding Neighbourhood Plan Review 2020 – 2042 (SGNP) (2024):

- Policy SG1: Decision-Taking
- Policy SG12: Ecology and Biodiversity
- Policy SG15: Design

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

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

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 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Stoke Golding Neighbourhood Plan (SGNP) (2022).

8.4 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.

8.5 In accordance with Paragraph 232 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.

8.6 The application site is beyond the identified settlement boundary of the Stoke Golding and therefore in the designated open countryside.

8.7 Policy DM4 of the SADMP requires the Council to protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4(b) of the SADMP considers development in the countryside sustainable where the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting.

- 8.8 The development represents the change of use and re-use of an existing building in accordance with Policy DM4(b) of the SADMP. The assessment of whether the proposal results in the enhancement of the immediate setting is discussed further within this report.
- 8.9 Policy DM15(a) of the SADMP states that proposed development outside of settlement boundaries for the re-use and/or adaptation of redundant or disused rural buildings will be supported where the applicant demonstrates the building is no longer viable in its current use.
- 8.10 Whilst the Applicant has not demonstrated whether the building is no longer viable in its current use, it is noted that the principal of converting the structure into a dwellinghouse benefits from extant prior approval via application 23/01180/P3CQ. Therefore, the principle of the conversion of the agricultural building into a residential property is acceptable, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this report.

Housing Land Supply

- 8.11 Chapter 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 should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.12 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.
- 8.13 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by May 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.14 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.

- 8.15 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.16 The development is for one residential property, 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.
- 8.17 Whilst the Council is unable to deliver a five-year supply of land for housing, the provision of one dwelling within this application site to the Council's supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.18 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.
- 8.19 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. Policy SG15 of the SGNP requires development to be in keeping with the scale, form, and character of its surroundings.
- 8.20 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.21 Policy DM15(c) and (d) of the SADMP states that proposed development outside the settlement boundary for the re-use and/or adaptation of redundant or disused rural buildings will be supported where:
- (c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass, and footprint of the original building and situated within the original curtilage.
 - (d) The proposed development accords with Policies DM10, DM11, and DM12 of the SADMP.

All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.

- 8.22 No extensions are proposed within this development and therefore the development is proportionate to the size, scale, mass and footprint of the original building in accordance with Policy DM15(c) of the SADMP.

- 8.23 No internal or external amendments are made to the size and scale of the converted structure within the extant prior approval application 23/01180/P3CQ, nor the design of its elevations. In addition, it is not considered that the provision of solar panels on the roof and a flue on the southern elevation of the previously approved residential property shall result in a significant adverse impact on the character of the site and the surrounding area.
- 8.24 Therefore, in light of the material considerations of the site, the appearance of the scheme is unlikely to result in any adverse impacts to the character of the surrounding area or the Ashby Canal Conservation Area.
- 8.25 In comparison to 23/01180/P3CQ, the residential garden area of the property has been extended by 2.8m from 6.5m to 9.3. Whilst this results in further residential development encroaching into the countryside, this limited extension is not considered to cause significant harm to the character of the area nor the Ashby Canal Conservation Area in these site-specific circumstances. This is supported by the fact that Permitted Development Rights can be removed from the application site via planning condition to protect the character of the area.
- 8.26 No details of soft and hard landscaping have been provided within this application. Nonetheless, these details can be secured via planning condition.
- 8.27 In light of the above, the proposal is considered to be acceptable and in accordance with Policies DM4, DM10, DM11 and DM12 of the SADMP and SG15 of the SGNP.

Impact upon Residential Amenity

- 8.28 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. This is supported by Policy SG15(5) of the SGNP.
- 8.29 There are no immediate residential neighbours to the application site and therefore the proposal is unlikely to result in any adverse impacts to the neighbouring residential amenity.
- 8.30 Given the development's proximity to the agricultural holding, Little Mulberry, a planning condition can be utilised to ensure that the occupation of the dwelling is limited to persons associated within the farm to prevent any noise, odour, light, or air pollution, or disturbance from the existing agricultural use having a detrimental impact on the future occupants of the scheme.
- 8.31 By virtue of these factors, the proposal is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide, subject to conditions.

Impact upon Parking Provision and Highway Safety

- 8.32 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. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.33 The proposal to convert the structure into a dwelling benefits from an extant prior approval via 23/01180/P3CQ. This development does not intensify the use of the site beyond this extant prior approval and therefore the proposal is not considered to create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 of the SADMP, and the LHDG.
- 8.34 The scheme provides sufficient off-street parking provision of an appropriate size in accordance with the LHDG and Policy 18 of the SADMP.
- 8.35 In light of the above, the proposal is not considered to 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 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. 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 received by the Local Planning Authority as follows:

- Existing and Proposed Elevations and Existing Site Plan (001 D) (submitted: 14.02.2025)
- Existing and Proposed Floor Plans and Proposed Site Plan (002 D) (submitted: 14.02.2025)

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. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7

of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Existing and Proposed Floor Plans and Proposed Site Plan (002 D) (submitted: 14.02.2025). 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 (2024).

7. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner.

The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or

are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to, and approved in writing by, the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

9. The development shall be carried out in full accordance with the recommendations and biodiversity enhancements outlined within Table 7 (Evaluation of the site for bats and any other ecological constraints) of Section 4.0 (Conclusions, Impacts, and Recommendations) within the Preliminary Ecological Appraisal (submitted: 03.05.2024).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Part 1 of Schedule 2 of Article 3 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, including the provision of outbuildings, 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).

11. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the agricultural business associated with the land at 'Little Mulberry, Upton Lane, Stoke Golding,' or a widow or widower of such a person, or any resident dependant.

Reason: To ensure that the occupier of the dwelling hereby permitted is not subject to noise and odours, outside of their control, that would have an adverse impact on their amenity in accordance with Policy 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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain note within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.
3. In relation to Conditions 03 and 04, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
4. 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.

5. 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.

6. 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).