

Delegated Report

Planning Ref: 24/00551/FUL
Applicant: Mr Christopher McManus
Ward: Hinckley Trinity
Site: Pond Barn, Cold Comfort Farm,
Rogues Lane, Hinckley



Hinckley & Bosworth
Borough Council

Proposal: Change of use and conversion of existing redundant rural building to a single family dwelling house, landscaping, and associated works (Self-build)

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons 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 building into a two-storey four-bedroom dwellinghouse at Pond Barn, Cold Comfort Barn, Rogues Lane, Hinckley. The Applicant has stated that the proposal is a self-build development. The development is constructed with aluminium standing seam cladding and grey Cedral boarding.
- 2.2. Following concerns raised by the Case Officer, the red line boundaries of the site were revised on 13 August 2024 to reduce the area of land converted into residential use.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the north of, and outside of the identified settlement boundary of Hinckley within the open countryside. The site features the existing building that is proposed to be converted within this application, and two existing storage containers.
- 3.2. The structure within the site was approved as an agricultural building via application 10/00318/GDO. At the time it was claimed that the building was required for the storage of agricultural equipment (principally haymaking equipment) for an agricultural landholding of 5.8 hectares.
- 3.3. The application site within application 10/00318/GDO included the application site and the field to the north that is adjacent to Rogues Lane. At the time, the 2010 application site was distinct from Cold Comfort Farm, but the site has since been repurchased by the Applicant. As confirmed within the submitted Policy Statement, the agricultural use of the site and the building has ceased.

- 3.4. Since its construction, part of the existing building was granted retrospective planning permission via application 18/00353/FUL for a change of use into a dog day care centre, which was licensed to care for 30 dogs.
- 3.5. The site is wholly rural in character and is surrounded by open agricultural fields. Beyond the field to the north of the site is Rogues Lane, which is an adopted but unclassified road subject to the National Speed Limit. Beyond the field to the west of the application site, through which the site's access track runs, is Middlefield Lane which is an unadopted highway.
- 3.6. Beyond Rogues Lane to the north of the site are two agricultural properties, Westmoreland Farm and Valley Farm. Beyond Middlefield Lane to the northwest of the site is Five Acres, which is an established Gypsy and Traveller Site. There are further agricultural farms and associated dwellinghouses to the east of the site, which are separated from Pond Barn by agricultural fields.
- 3.7. Cold Comfort Farm is to the southwest of the site within a separate parcel of land. To the southwest of the Cold Comfort Farm complex are several residential properties (The Barn, The Cow Shed, Bullrush Cottage, Willow Cottage, and Lilly Cottage) and Lante Fields Farm that are all independent from Cold Comfort Farm.
- 3.8. On 21 May 2024, the Case Officer advised the Applicant that any forthcoming planning application for the conversion of the building within the site would need to refer to Policy DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). The Case Officer highlighted that Policy DM15(a) of the SADMP would be the most applicable development plan policy and that a key part of the planning application would be to demonstrate that the building is no longer viable in its current use as an agricultural building or as a dog day care centre.

4. Relevant Planning History

4.1 24/00149/P3CQ

- Change of use of agricultural steel framed barn into a single dwellinghouse (C3) (Revised Scheme of planning application 23/01012/P3CQ)
- Prior Approval Refused.
- 11.04.2023

Prior approval was refused because the development was not considered to consist of a change of use of a building and the land within its curtilage from an agricultural use, nor was it considered to be within an established agricultural unit. The proposed demolition works were also not considered to be reasonably necessary to carry out the building operations to the extent reasonably necessary for the building to function as a dwellinghouse.

4.2 23/01012/P3CQ

- Change of use of agricultural steel framed barn into a single dwellinghouse (C3)
- Prior Approval Refused.
- 13.12.2023

The development was refused because the proposal was not considered to consist of a change of use of a building and the land within its curtilage from an agricultural use, nor was it considered to be within an established agricultural unit. Therefore, the scheme was not considered to benefit from Permitted Development Rights.

4.3 18/00353/FUL

- Change of use to a dog day care centre (retrospective)
- Permitted
- 14.09.2018

4.4 10/00318/GDO

- Erection of agricultural building
- Permitted
- 25.05.2010

4.5 10/00055/GDO

- Erection of agricultural building
- Permitted
- 23.02.2010

This permission was rescinded via a unilateral undertaking during 10/00318/AGDO.

5. Publicity

- 5.1 A site notice was posted within the vicinity of the site. 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 (subject to conditions)
- Leicestershire County Council (LCC)'s Archaeology Department
- LCC's Ecology Unit (subject to conditions)

- Local Highway Authority (LHA) (subject to conditions)

Ecology:

- 6.2 The County Council's Ecology Department confirmed that the site is exempt from biodiversity net gain as the development is a self-build proposal. However, measurable biodiversity net gains are still required in accordance with the National Planning Policy Framework.

Officer comment: Notwithstanding the above, the Applicant has not demonstrated, nor provided any supporting information to indicate that their development can be considered as a self-build or custom-build development. Therefore, the application has also failed to demonstrate mandatory biodiversity net gain, which is contrary to, and in conflict with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

- 6.3 Severn Trent Water did not respond to the planning application. 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 DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- 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)
- 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
- Self-build and custom-dwellings
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

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.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that scheme should make the best use of existing public transport services.

8.5 The development is outside of any identified settlement boundary in a location that is likely to result in future occupants of the scheme being dependent on private motorised transport. This is likely to cause environmental harm in principle and is contrary to, and in conflict with, Policy DM17(b) of the SADMP.

8.6 Paragraph 84(c) of the NPPF confirms that planning decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhanced its immediate setting.

8.7 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(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 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.
- 8.9 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 In accordance with the Merriam-Webster Dictionary, "*Redundant*," is defined as, "*Superfluous*," and therefore, "*Not needed*." "*Viable*," is defined by the Merriam-Webster Dictionary as, "*Capable of working, functioning, or developing adequately*."
- 8.11 The structure is currently used for the storage of equipment and as a dog day care business. Therefore, the building is not considered to be disused, nor redundant. This is contrary to the requirements of Paragraph 84(c) of the NPPF.
- 8.12 The Applicant has also not demonstrated that the use of the property as a dog day-care facility is no longer viable. On the contrary, the dog day-care business was served notice to leave the building by the Applicant. This is evidenced within the Design and Access Statement of refused planning application 23/00455/FUL for the change of use of land to provide a dog day care facility on land south east of Dawsons Lane in Barwell.
- 8.13 This Design and Access Statement within the refused planning application 23/00455/FUL also stated that there was, "*No suitable land for sale within a 5-mile radius of Hinckley*." Within the Appeal Statement against the refusal of this planning application, the dog day-care business confirmed that Pond Barn was, "*Ideal for the practicalities of running a business of this nature*." In addition, the Inspector's decision letter (APP/K2420/W/24/3337582) states that the alternative premises for which the dog care business sought permission, would allow the dog care business to, "*Continue to operate, as well as expand*."
- 8.14 As a result, it is evident that the use of the building as a dog day-care business is still needed and is still a viable use of the building. Whilst the Applicant may not intend to renew their rolling contract with the dog day-care business, their deliberate removal of the use does not suggest that the structure is not being currently used, nor that it is needed, nor that it cannot be capable of working, functioning, or adequately developing a dog day-care facility.
- 8.15 The Applicant has also claimed that the building is underutilised due to the ceasing of the agricultural operations and hay production, which render the storage of agricultural equipment no longer needed.
- 8.16 The building was approved via planning permission 10/00318/GDO, for the storage of agricultural equipment. At the time, Pond Barn was independent from Cold

Comfort Farm. The Case Officer also highlighted that the site did not appear to benefit from any existing or operational farm business at that time.

- 8.17 It is noted that the Applicant does not confirm when the agricultural use of the site and the building ceased. Importantly, the submitted Policy Statement only confirms that the agricultural use has ceased because the Local Planning Authority asserted this within their refusal of prior approval applications 23/01012/P3CQ and 24/00149/P3CQ. This supports the Local Planning Authority's opinion that the site and the structure have never been utilised for an agricultural use whilst owned and associated with Cold Comfort Farm.
- 8.18 Ultimately, Cold Comfort Farm is not related to an established operational or commercial agricultural landholding. This is supported by the fact that the Applicant's Lawful Development Certificate application, 15/00116/CLUE, featured sworn statutory declarations that confirmed that Cold Comfort Farm had been utilised by a groundwork contracting business since the late 1960s and was taken over by the Applicant in 2006 for their fencing and groundwork contracting business, which is still in operation today.
- 8.19 Therefore, the agricultural use of the structure has always been redundant under the ownership of the Applicant. However, this does not mean that the entire use of the structure is redundant. The property is utilised primarily for storage and for its use as a dog day-care facility. The Applicant has not sought to argue that the structure is not used for these purposes, nor that it is not capable of working, functioning, or developing adequately for these uses.
- 8.20 Whilst the building might be, "*Underutilised*," by the Applicant, this does not mean that the structure is disused or redundant, or that it cannot be used viably. Although the agricultural use of the structure and the wider land are not considered to be viable in their existing use by the Applicant, this does not suggest that they cannot be utilised for this purpose.
- 8.21 Notwithstanding the fact that the Applicant has confirmed the site is not used for agricultural purposes, the Applicant has claimed that the production of hay and the storage of equipment is no longer financially viable for them. The Applicant's position is that:
- "The income made from these uses does not cover the cost of maintaining it or the surrounding land; and that it would be of better use if converted into a bespoke home for him and his family."*
- 8.22 The Applicant has not provided any details within this application to support this statement, nor why the maintenance of one agricultural building is economically unviable. Ultimately, if the maintenance of this structure was economically unviable, the Applicant could remove the property from the site.
- 8.23 Although the Applicant has attempted to argue that the agricultural use of the structure and the surrounding land is not economic viable, this ignores the fact the

site has never been utilised for an agricultural use under its association with Cold Comfort Farm.

- 8.24 Nevertheless, the economic viability of the structure is only one material consideration of the viability of the building. As stated previously, the main consideration for the proposal is whether the existing building is disused, not needed, and not capable of working and functioning adequately.
- 8.25 Given the above, it is not considered that the Applicant has utilised the structure for its permitted purpose as a storage unit equipment in association with an operational or agricultural use. However, this does not suggest that the structure could not be used for such a purpose. The primary use of the structure was for storage, and the Applicant has not demonstrated that the use of the property is not capable of working or functioning adequately for this purpose.
- 8.26 By virtue of these factors, the proposal is not for the change of use or reuse of a redundant or disused building, and is contrary to Paragraph 84(c) of the NPPF. The Applicant has also failed to demonstrate that the structure is no longer viable in its current use as a storage building or as a dog day-care facility. Therefore, the proposal is contrary to Policy DM15(a) of the SADMP.
- 8.27 In light of the above, the scheme represents the development of an isolated home in the countryside in a location where the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs.
- 8.28 As such, the proposal is considered to represent unacceptable unsustainable development that results in environmental harm in principle, which is contrary to Policies DM1, DM4, and DM17 of the SADMP, and Paragraph 84 of the NPPF. Nevertheless, the acceptability of the development is subject the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.29 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing from 29 July 2024.
- 8.30 However, 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.
- 8.31 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.
- 8.32 Given the Council's ability to deliver a five-year supply of land for housing, the provision of one dwelling within this application site is of no significant benefit to the

housing land supply within the Borough. It is therefore considered that very limited weight should be given to the provision of the proposed dwelling.

Custom and Self-Build Housing (CSB)

- 8.33 Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.
- 8.34 The Applicant claims within their Application Form and Design and Access Statement that the proposed development is classified as a 'self-build' within the definition provided within the Self-Build and Custom Housebuilding Act 2015.
- 8.35 Whilst the Applicant was sent a Self- and Custom-Build Evidence Form to complete, this has not been completed, nor submitted to support the development. Therefore, the Applicant has not demonstrated that the scheme cannot be considered as a Custom and Self-Build Development.
- 8.36 Nevertheless, Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.
- 8.37 Notwithstanding this, to date, Hinckley and Bosworth Borough Council does not have a shortfall of self-build and custom housebuilding.
- 8.38 Whilst the Council requires 19 suitable cumulative permissions to be granted by 30 October 2024, it must be noted that, as of 01 May 2024, the Council has currently granted 12 permissions for custom and self-build housing in this period so only 7 further permissions need to be granted before 30 October 2024. In addition, the Council will only be considered to have a shortfall if a sufficient number of suitable permissions have not been achieved after this date.
- 8.39 As the Council have supplied more suitable permissions than demand required at the end of Base Period 7 (31 October 2021 to 30 October 2022), and more suitable permissions than the demand for the next base period, it is considered that no weight can be given to the benefits of contributing to the supply of self-build and custom build dwellings at this moment in time.

Design and Impact upon the Character of the Area

- 8.40 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; and

- 8.41 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.
- 8.42 Policy DM15(b) and (c) 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:
- (b) The applicant has adequately demonstrated the building is within a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
 - (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.
- 8.43 In accordance with Policy DM15 of the SADMP and Paragraph 84(c) of the NPPF, all development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.
- 8.44 Although the Applicant has not demonstrated that the building is structurally sound, it is considered that the structure is capable of conversion without significant rebuild or alteration. In addition, the proposal does not feature any extensions and therefore it is considered that the design of the scheme is proportionate to the size, scale, mass, and footprint of the original building.
- 8.45 Notwithstanding this, the scheme represents the development of an isolated home in the countryside in a location where the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs. As such, the proposal is considered to represent unacceptable unsustainable development that results in environmental harm, which is contrary to Policies DM4 and DM17 of the SADMP.
- 8.46 Furthermore, this proposal represents a new and unjustified residential development outside of any identified settlement boundary in the countryside. This use is considered to urbanise and therefore fundamentally and detrimentally alter the character and appearance of the site, its immediate setting, and the surrounding area. This significant adverse effect is considered to be contrary to, and in conflict with, Policies DM4, DM10, and DM15 of the SADMP.

Impact upon Residential Amenity

- 8.47 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.

- 8.48 There are no neighbouring properties in the immediate vicinity of the site. Therefore, the development is unlikely to result in any adverse impacts on the residential amenity of neighbouring residents.
- 8.49 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.
- 8.50 The development exceeds the minimum floor space and in-built storage requirements of the THS. Whilst all bedrooms comply with the minimum requirements of the THS, only the Master Bedroom complies with Paragraphs 10(d) and (e) on the first floor of the property due to the floor-to-ceiling constraints of the structure.
- 8.51 To comply with the Good Design Guide, four-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.52 The development is considered to comply with the requirements of the Good Design Guide.
- 8.53 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to the residential amenity of neighbouring properties, nor to the future occupants of the development. Therefore, the proposal is considered to be in accordance with parts a) and b) Policy DM10 of the SADMP and the Good Design Guide as it relates to the amenity of neighbours and future occupiers.

Impact upon Parking Provision and Highway Safety

- 8.54 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.
- 8.55 Based on the records available to the Local Highway Authority (LHA), there have been no recorded Personal Injury Collisions (PICs) within 500m of the site access within the last five years.
- 8.56 No amendments are proposed to the existing site access arrangements via Middleton Lane and Rogues Lane. The LHA are satisfied that the proposed development is unlikely to result in a material increase or a material change in the character of traffic in the vicinity of the site or create any additional highway safety issues. On this basis, the LHA have no objections to the site access arrangements.
- 8.57 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

- 8.58 The development provides three off-street parking spaces for the four-bedroom property in accordance with the requirements of the Leicestershire Highway Design Guide (LHDG). The LHA are also satisfied that there is sufficient turning space available within the plot.
- 8.59 By virtue of these factors, the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.60 To summarise, the Council can demonstrate a 5-year housing land supply. However, due to the age of relevant housing policies within the adopted Core Strategy, it is still necessary to consider that the 'tilted' balance in Paragraph 11(d) of the NPPF whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.61 It is acknowledged that there are potential social benefits from the scheme such as providing an additional dwelling to the supply in the Borough. This is given very limited weight in the planning balance. The scheme could also provide economic benefits associated with the change in the use of the building, and the future occupants' opportunity to act as new customers and employees for local businesses and services.
- 8.62 Nevertheless, these benefits when associated with one dwelling are very modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, the benefits of the development attract very limited weight in the planning balance.
- 8.63 The Applicant has failed to demonstrate that the building is either redundant or disused, which is contrary to Paragraph 84(c) of the NPPF and Policy DM15(a) of the SADMP.
- 8.64 On the contrary, the structure is clearly used for an existing dog day care business that is struggling to find alternative premises where it can continue to operate and expand. Whilst the Applicant may not intend to renew their rolling contract with the dog day-care business, their deliberate removal of the use does not suggest that the structure is not being currently used, nor that it is needed, nor that it cannot be capable of working, functioning, or adequately developing a dog day-care facility. Ultimately, approval of the application in these circumstances would send an entirely inappropriate message regarding the eviction of businesses from rural buildings and the conversion of them to new homes.
- 8.65 Furthermore, although it is not considered that the Applicant has utilised the structure for its permitted purpose as a storage unit equipment in association with an operational or agricultural use, this does not suggest that the structure could not

be used for such a purpose. The primary use of the structure was for storage, and the Applicant has not demonstrated that the use of the property is not capable of working or functioning adequately for this purpose. This is also supported by the presence of two existing storage containers within the site.

- 8.66 As a result, the scheme represents new and unjustified isolated residential development outside of any identified settlement boundary in the countryside. Due to the location of the development, the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs, which results in environmental harm.
- 8.67 Furthermore, the urbanising effects of the development would fundamentally and detrimentally alter the character and appearance of the site, its immediate setting, and the surrounding area. These significant adverse effects are considered to be contrary to, and in conflict with, Policies DM4, DM10, DM15, and DM17 of the SADMP as well as Paragraph 84 and Sections 12 and 15 of the NPPF. This harm is considered to significantly and demonstrably outweigh the very limited potential benefits of the development.

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 refused.

11. Recommendation**11.1 Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reason(s):

1. The building that is the subject of this application is not redundant or disused and the proposal represents new and unjustified isolated residential development outside of any identified settlement boundary in the countryside. Due to the location of the development, the future occupants of the scheme are likely to be dependent on private motorised transport to meet their day-to-day needs, which results in environmental harm. Ultimately, the urbanising effects of the development fundamentally and detrimentally alter the character and appearance of the site, its immediate setting, and the surrounding area. These significant adverse effects are considered to be contrary to, and in conflict with, Policies DM4, DM10, DM15, and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) as well as Paragraph 84, Sections 5, 12 and 15, and the overarching aims of the National Planning Policy Framework (December 2023). This harm is considered to significantly and demonstrably outweigh any potential benefits of the development.
2. The Applicant has failed to demonstrate that their proposal is exempt from their mandatory biodiversity net gain requirements. As a result, the application has failed to deliver the mandatory 10% biodiversity net gain, which is contrary to, and in conflict with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

a. Note(s) to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 03.06.2024)
 - Design and Access (submitted: 03.06.2024)
 - Ecology Survey (submitted: 03.06.2024)
 - Ground Investigation Report (submitted: 03.06.2024)
 - Policy Statement (submitted: 05.09.2024)
 - Proposed Elevations 8895-03 – 0200 (submitted: 03.06.2024)
 - Proposed First Floor Plan 8895-03 – 0101 (submitted: 03.06.2024)

- Proposed Ground Floor Plan 8895-03 – 0100 (submitted: 03.06.2024)
- Proposed Roof Plan 8895-03 – 0102 (submitted: 03.06.2024)
- Proposed Site Layout 8895 03 0002 PL3 (submitted: 13.08.2024)
- Site Location Plan 8895 03 001 PL3 (submitted: 13.08.2024)
- Submission Statement (submitted: 03.06.2024)