

Delegated Report

Planning Ref: 25/01202/FUL & 25/01203/LBC

Applicant: Mr George Platts

Ward: Cadeby, Carlton, M Bosworth and Shackerstone

Site: The Old Black Horse Inn, 17 Market Place, Market Bosworth



Hinckley & Bosworth
Borough Council

Proposal: Erection of an open sided barn over the Pizza Oven (retrospective)

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. The planning application seeks retrospective planning permission for the erection of an open sided barn over a pizza oven, which is located within the existing outdoor seating area to the rear of The Old Black Horse Inn.
- 2.2. The structure is not attached to the main building and is located within the curtilage of the Listed Building. The development consists of an open sides barn structure, made from timber, with a mono pitched roof, and a flue serving the pizza oven. The pizza oven is intended to serve dine in and takeaway customers.

3. Description of the site and surrounding area

- 3.1. The site relates to The Old Black Horse Inn, which is a Listed Building and operates as a public house and restaurant. The site faces onto Market Place, which is the central hub of Market Bosworth. The site benefits from a rear outside seating area for patrons, and a private car park for customers.
- 3.2. The listed building entry identifies, "identifies the building as: "Public House, formerly dwellings, and built in two distinct parts. The earliest has possible C16 core but was extensively altered in the early C19. Rough cast over brick with plain tiled roof. Two storeyed throughout. Left hand section has four bays with sash windows with flat splayed heads on each floor and a doorway to the left. Right hand section of three bays each with acoped gable with ball finials. 16 pane sash windows on each floor and doorway to right of centre. Continuous string course rises to form hood moulds to upper windows. Gable and axial stacks."
- 3.3. The site is adjacent to a number of residential properties and other commercial premises.

4. Relevant planning history

23/01106/TCA

(T1) – Cherry – Section Fell
Declined to make
14.12.2023

04/00892/COU

Creation of car park
Planning permission
08.09.2004

04/00663/FUL

Demolition of existing outbuildings and erection of five letting bedrooms (amended scheme)

Planning permission
09.09.2004

04/00622/LBC

Demolition of existing outbuildings and erection of five letting bedrooms (amended scheme)

Listed building approval
09.09.2004

94/00047/FUL

Demolition of store and single storey rear extension

Planning permission
09.03.1994

94/00046/LBC

Extension and alterations including demolition of store

Listed building approval
09.03.1994

5. Publicity

- 5.1. Neighbours were notified of the application via letter, and a site notice was placed within the vicinity of the site. A press notice was also issued within the Hinckley Times newspaper.
- 5.2. One letter of objection have been received in relation to the proposal, a summary of the concerns raised has been included below:
 - Retrospective nature shows a lack of respect for the process.
 - Structure and flue out of character with the conservation area.
 - Odour impacts in relation to process and flue.
 - Existing noise and antisocial behaviour at the site.

6. Consultation

- 6.1. Market Bosworth Parish Council
- 6.2. Objections have been received which confirm the following:
- 6.3. *"The description of the proposed development as an 'open side barn' is a misnomer and misleading, and no permission has been sought or obtained for the pizza oven in the first instance. The Parish Council has real concerns about the emissions, fumes and pollutants that may arise from the pizza oven and is aware from other food outlets that strict requirements must be adhered to, which are seemingly not being applied in this instance.*
- 6.4. Market Bosworth Society
- 6.5. Objection received confirming that the retrospective nature of the proposal is not acceptable. Concerns raised in relation to noise and odour and should be subject to the relevant environmental restrictions. These concerns also relate to amenity concerns for neighbouring residents.
- 6.6. Hinckley & Bosworth Borough Council (Conservation)

- 6.7. A substantive response has been received by the Council's Conservation Officer, which has been included in the character of the area and impact on the listed building section of this report.
- 6.8. Following the submission of additional information pertaining to the flue, no objections are received to the scheme.
- 6.9. Hinckley & Bosworth Borough Council (Environmental Health)
- 6.10. Following the submission of additional information, the Environmental Health team have confirmed that they have no objections to the proposal subject to planning conditions.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (SADMP) (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.2. Market Bosworth Neighbourhood Plan (2025)
- Policy CE1: All New Development Within Market Bosworth
 - Policy BD4: Heritage Asset Protection
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (GDG) (2019)
 - National Design Guide (2019)

8. Appraisal

- 8.1. The application site is within a sustainable location in the identified boundary of Market Bosworth. Therefore, the development is acceptable in principle, subject to the assessment of all other material considerations. The key issues in respect of this application therefore are:
- Design and impact upon the character of the area and impact on Listed Buildings
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Design and impact upon the character of the area and impact on listed buildings

- 8.2. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 66 of the Act places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.3. Section 16 of the National Planning Policy Framework (NPPF) (2024) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that all proposals for the change of use, extensions and alterations of listed buildings and development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.
- 8.5. Policy CE1a of the MBNP confirms that all new development should be in keeping with its character area, with regards to scale, layout and materials.
- 8.6. Policy BD4 of the MBNP confirms that proposals that result in harm to an asset will be resisted unless it can be demonstrated that there is a public benefit that outweighs the harm of loss.
- 8.7. This proposal seeks retrospective planning permission and listed building consent for the erection of an open sided structure with a flue for a pizza oven at the rear of The Old Black Horse Inn. The Inn is a grade II listed building, and it is located within the Market Bosworth Conservation Area.
- 8.8. The listed building entry (National Heritage List England reference 1361291) for The Old Black Horse Inn identifies the building as: "Public House, formerly dwellings, and built in two distinct parts. The earliest has possible C16 core but was extensively altered in the early C19. Rough cast over brick with plain tiled roof. Two storeyed throughout. Left hand section has four bays with sash windows with flat splayed heads on each floor and a doorway to the left. Right hand section of three bays each with coped gable with ball finials. 16 pane sash windows on each floor and doorway to right of centre. Continuous string course rises to form hood moulds to upper windows. Gable and axial stacks."
- 8.9. The special interest and heritage significance of the listed building is derived from its history and the inherent built form of the original historic building comprising of the front range that faces into the Market Place. To the rear is a garden and seating area that serves the Inn and which includes numerous structures including a dual

pitched tiled roof canopy constructed on a timber frame and a relatively historic brick wall which divides part of the seating area from the car park for the Inn. These are structures of a traditional appearance situated within the curtilage of the Inn. Despite the relatively high density of built form within the historic core of the conservation area, the area to the rear of the Inn is relatively open in visual terms as it comprises of car parking for the Inn and a public car park. However due to their traditional appearance the structures referenced above have an appropriate visual quality and they have no adverse effect upon the character and heritage significance of the Market Bosworth Conservation Area.

- 8.10. The proposal is for an open sided structure over a pizza oven. The structure is constructed of timber and has a mono pitched roof to cover the majority of the space in between the existing canopy structure and the rear boundary wall. The timber construction materials that have been utilised for the construction of the structure result in an appropriate appearance. The structure sits below the eaves of the existing canopy so is modestly scaled and is fully contained within the footprint of the curtilage of the Inn. It is considered that the structure is of an appropriate scale, form and appearance which ensures that the heritage significance and setting of the listed building is not adversely affected and that the character of the conservation area is preserved.
- 8.11. As the structure covers a pizza oven, a metal flue has been installed which emerges from the roof of the structure and extends upwards adjacent to the apex of the canopy structure. In the opinion of the Conservation Officer, the flue has a limited height and therefore there is no adverse effect of the heritage asset due to its scale. It has been raised that the metallic finish however is not acceptable.
- 8.12. The applicant has confirmed that the flue will be finished in a matt black furnace paint, and as such would be acceptable, subject to condition.
- 8.13. Overall, it is considered that the development is of an appropriate scale, form and appearance and as such it is compatible with the heritage significance of the grade II listed building The Old Black Horse Inn and it will preserve the character and appearance and thus heritage significance of the Market Bosworth Conservation Area. Consequently, the proposal would comply with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and Policies CE1 and BD4 of the MBNP

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP confirms the requirements of which permitted developments must achieve. DM10 (a) and (b) confirm that any development must not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.15. Concerns have been raised by local residents in relation to the odour impact from the pizza oven and flue. The site has a number of neighbouring residents to the south of the site including No, 19-25 Market Place, a number of residential properties to the north on Park Street, and a number of commercial premises to the north, which have residential uses atop of the businesses.
- 8.16. HBBC Environmental Health have been consulted on the proposal and following the confirmation of additional information, have confirmed that subject to a planning

condition restricting the fuel type used on the pizza oven, they do not have any concerns that the use of the oven and flue would lead to detrimental impacts to neighbouring residential amenity.

- 8.17. It is also noted that the applicant has suggested that the oven is only to be used two days in a given week, and this was suggested as a condition by the Environmental health team. However, given the nature of the oven and its setting, Officers consider that this is not enforceable as a condition, as the ovens use is linked to weather conditions and demand, and would therefore be used on an ad hoc basis which is not restricted to specific days. Furthermore, the oven is gas powered and is therefore not likely to cause significant detrimental impacts to neighbouring residents as a result of odour or smoke and is not anticipated to be used for long periods at a time.
- 8.18. Overall, it is considered that the proposal would have no unacceptable impact on residential amenity, causing no detrimental impacts on loss of light, loss of privacy, overbearing or noise/odour impacts. As such, the proposal is considered in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.
- 8.20. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.21. The development does not encroach on the existing parking provision afforded to the site, nor is the proposal considered to have any detrimental impact on highway safety, given the nature of the development.
- 8.22. The proposal therefore complies with Policies DM17 and DM18 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

10. Conclusion

10.1 By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM10, DM11, DM12, DM17 and DM18, of the adopted Site Allocations and Development Management Policies DPD, and Policies CE1 and BD4 of the Market Bosworth Neighbourhood Plan 2025 The proposal can therefore be supported.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

25/01202/FUL:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location, Block Plan, Drg No. B160(90)01
- Floor Plan, Elevations, Drg No. B160(PL)01

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policy CE1 of the MBNP

2. Within 3 months of the issuing of this approved decision, the hereby approved flue shall be painted in a matt black furnace paint, and shall remain as such in perpetuity.

Reason: To ensure a satisfactory form of development and reduce impacts on the character of the area and heritage asset, in accordance with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and Policies CE1 and BD4 of the MBNP

3. The pizza oven within the hereby approved barn structure, will only be fuelled by gas and no other fuel type.

Reason: To ensure that the development does not detrimentally impact neighbouring residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25/01203/LBC

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location, Block Plan, Drg No. B160(90)01
- Floor Plan, Elevations, Drg No. B160(PL)01

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

2. Within 3 months of the issuing of this approved decision, the hereby approved flue shall be painted in a matt black furnace paint, and shall remain as such in perpetuity.

Reason: To ensure a satisfactory form of development and reduce impacts on the character of the area and heritage asset, in accordance with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies CE1 and BD4 of the MBNP.

11.3 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.