

Delegated Report

Planning Ref: 23/00714/FUL
Applicant: Ms Vicki Garland
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Ratcliffe House Farm Ratcliffe House Lane Ratcliffe Culey

Proposal: Retrospective application for the construction of an agricultural storage barn

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the retrospective construction of an agricultural storage barn at Ratcliffe House Farm, Ratcliffe House Lane, Ratcliffe Culey. The storage barn is attached to an existing agricultural barn within the site.
- 2.2. The development was constructed between 01 April 2020 and 01 June 2020 and externally measures 30.1m in width x 14.9m in depth, with a total footprint of 447.5sqm. The structure features a pitched roof that has a ridge height of 7.6m, and an eaves height of 5m. The structure utilises concrete and sheet panelling and grey fibre cement sheet roofing.
- 2.3. The barn is used for the storage of grain, ancillary to the wider agricultural operations.

3. Description of the Site and Surrounding Area

- 3.1. The 450sqm application is located to the southeast of, outside of, the rural hamlet, Ratcliffe Culey, in the designated open countryside. The application site is wholly rural in character and is surrounded by agricultural fields. However, within the application site there are three existing agricultural buildings, a residential dwelling to the east, a large pond to the south, and a 3.5 MW solar farm to the north, which was approved via planning permission 15/00560/FUL.
- 3.2. The development is accessed via a 350m private single-track road that leads onto Ratcliffe House Lane, which is also an adopted, but unclassified, single-track road that is subject to the National Speed Limit. Footpaths T21 and T36 run to the northeast-to-southwest and to northwest-to-southeast respectively to the north of the site beyond the solar farm. A further Public Right of Way (PRoW), Footpath T35, runs north-to-south along the western boundary of the solar farm.

4. Relevant Planning History

- 4.1 **18/00188/GDO**
- Agricultural building for grain storage
 - General Development Order
 - 29.03.2018
- 4.2 **16/00629/NOMAT**
- Non-material amendment to planning permission 15/00560/FUL to add a mesh wire compound around the transformers, add a weather station to the

communications building, reduce size of side substation and alter size of inverter stations

- Permitted
- 04.08.2016

4.3 **15/00560/FUL**

- Erection of a 3.5 MW solar farm and associated infrastructure
- Permitted
- 17.08.2015

4.4 **15/00016/SCOPE**

- Solar Farm proposal
- Opinion Issued (Scoping)
- 26.01.2015

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
- Local Highway Authority (LHA)

6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets

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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise, and that the NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

8.4 Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

8.5 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

8.7 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 174(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."

8.8 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”.
- 8.9 The Applicant has not demonstrated that the development significantly contributes to economic growth, job creation, or the diversification of rural business. As a result, it is not considered that the development relates to, or complies with any of the criteria within Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable. Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.10 Section 6 of the NPPF states that, in order to build a strong, competitive economy, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 84 of the NPPF states that planning policies and decisions should support a prosperous rural economy by enabling the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. This ambition also includes enabling the development and diversification of agricultural and other land-based rural businesses.
- 8.11 The development is an agricultural barn within an existing agricultural farm, and therefore significant weight is given to supporting the development of this land-based rural business, in accordance with the NPPF.
- 8.12 In addition, planning application 18/00188/GDO granted prior approval for the development of a barn at Ratcliffe House Farm that externally measured 30m in length x 15m in breadth, with an eaves height of 6m and a ridge height of 8m. The structure was constructed with concrete panels and grey fibre cement sheet roofing, and it was located approximately 60m further to the west of the existing agricultural building on the north side of the track. However, this development was never implemented.
- 8.13 This development is very similar, but nonetheless larger, in size, scale, location and massing than the structure within this application. Given the above, it is considered that the development is considered acceptable in principle with regard to Policy DM4 of the SADMP, and Section 6 of the NPPF, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.9 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.10 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.
- 8.11 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 The barn is over 950m from the main public highway, Sibson Road, and over 340m from Ratcliffe House Lane. Immediately to the north and west of the structure is thick woodland and vegetation which further reduces the prominence and visibility of the development from the public highway and Footpaths T21 and T36. Furthermore, the structure is also over 260m east of Footpath T35, which reduces its visual impact on this Public Right of Way.
- 8.13 Ultimately, the development is within, experienced within the setting of, an existing agricultural farm. The development is 0.3m smaller in ridge height than the adjacent agricultural barn and is similar in size and scale to the other existing agricultural buildings on site.
- 8.14 By virtue of these factors, the development is considered to respect the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policies DM4, and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.15 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.16 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.
- 8.17 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.18 The use of the new agricultural barn is for grain storage, which does not require the regular use of heavy plant or machinery.
- 8.19 With the exception of the existing residential dwelling on site, there are no neighbouring residential properties within 480m of the new agricultural building. Given this distance, and the existing use of the application site, the scheme is not considered to result in any significant adverse impacts to neighbouring residential

amenity in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.20 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.21 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.22 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.23 The scheme makes no amendments to the existing access from the site on to Ratcliffe House Lane. The development is for the storage of grain and does not result in any increase in trip generation to and from the site. Given the above, the development is not considered to result in 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.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon residential amenity.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

1. 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, Barn 1, 2 Elevations, Floor Plans, Drg No. 23/19 10B (submitted 20.07.2023)
 - Site Location Plan, Drg No., 23/19 12 (submitted: 20.07.2023)

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).

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.