

Delegated Report

Planning Ref: 23/01170/FUL
Applicant: Mr Scott Hendry
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: K9 Spa, The Pingle, Ashby Road, Barwell

Proposal: Demolishing of bird aviary including shelter (shed) and replace with a garden room for use as an office (Retrospective)

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 application is for planning permission for the demolition of bird aviary including shelter (shed) and replacement with a garden room for use as an office (Retrospective).

2.2. The proposed timber log garden room would be 4m x 4m with a terrano metal mono-pitched roof. Ridge and eave height would be 2.5m and 2.1m respectively. Sliding doors are proposed for the front, southern elevation with timber cladding for the exterior walls. The door & windows are to be pvc. The entire space is to be used as office space associated with the existing business.

3. Description of the Site and Surrounding Area

3.1. The application site is located off the A447 Ashby Road approximately 580m south of Stapleton and approximately 2km to the north of Hinckley. It currently comprises of the K9 Spa and dog day care, Pingles Pet Store building and a storage shed on the eastern part of the site near to the A447, with the northern end of the storage shed used a dog grooming salon. The dog day care is a short stay provision for dog owners to use while they are at work. The western part of the site is a dog recreation park and the southern part is a car park. The surrounding land is open agricultural land and the north western part of the application site is adjacent to the residential building for Barn Farm.

3.2. The aviary building, now demolished, was the same size as the proposed garden room, now built.

4. Relevant Planning History

02/01206/CLU	Established use certificate for pet shop business	Granted	09.06.2003
04/00286/CLU	Certificate of existing lawful use for occupation of the dwelling without complying with agricultural occupancy condition	Granted	28.02.2005
11/00127/FUL	Extension to existing car parking facilities (retrospective).	Permitted	04.04.2011

11/00128/ADV	Installation of non illuminated signs (retrospective)	Permitted	21.04.2011
12/00772/COU	Change of use from agricultural field to car parking provision	Withdrawn	22.11.2012
12/01091/COU	Change of use from agricultural field to car parking provision	Refused	05.02.2013
14/00218/COU	Change of use of part of field to extend car-parking area serving Pingles pet store	Refused	23.06.2014
14/01067/COU	Change of use of land from agriculture to provide for vehicle parking	Permitted	19.12.2014
17/00117/COU	Change of use of land to dog recreation park and change of use of outbuilding to dog day care	Permitted	07.04.2017

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. No letters were received.

6. Consultation

- 6.1. Peckleton Parish Council – no response
- 6.2. Leicestershire County Council Archaeology – no objection
- 6.3. Leicestershire County Council Highways – no objection
- 6.4. HBBC Waste – no comment or objection
- 6.5. HBBC Environmental Health – no objection
- 6.6. HBBC Conservation Officer- no comment
- 6.7. LCC Ecology- no objections
- 6.8. LCC Drainage- no response

7. Policy

- 7.1. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - 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 DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Impact upon the historic environment

Assessment against strategic planning policies

- 8.1. The site is located in the countryside. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered 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”.
- 8.2. The proposed development does not relate to any of the criteria in Policy DM4. With regards to criterion the proposal is a retrospective application for a garden room which is used as office space associated with the existing business. The proposed development would support the running of the business and would also create two new part time jobs at the site in relation to the running of the office. The creation of two part time jobs is not considered to contribute to significant economic growth. Whilst not in compliance with the criteria this does not mean that the development is not sustainable as it would support the existing business on site.
- 8.3. Policy DM4 also requires that development meets five further requirements, of which the key one relevant to this application is that development is only considered to be sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. This is discussed in more depth later in this report, however in summary Officers agree that the proposal would not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside despite not fully complying with each criterion in this policy.
- 8.4. Overall, whilst not strictly in compliance with policy DM4, as is set out later in the report given the ancillary nature of the office to the existing business, its small scale and siting amongst other buildings it is considered that the development would not represent unsustainable development in the countryside in compliance with the overall aims of the NPPF.

Impact upon the character of the area

- 8.5. The proposed garden room/ office, now in place, replaces a similarly sized aviary and shelter. Proposed materials are acceptable and blend well with the existing buildings on site. Although visible from the internal gate on site the proposed would be largely screened from the highway, approx. 30m away, by existing screening on site. The size, scale, materials, positioning and use of the garden room/ office would not have a detrimental impact on the character of this area and would support an existing business.
- 8.6. Policies DM4 and DM10 of the SADMP state that the design and scale of proposals should not have an adverse effect on the appearance and character of the surrounding area. The application site is within what the Hinckley and Bosworth Borough Council Landscape Character Assessment (LCA) (2008) defines as the Stoke Golding Vales landscape area. The LCA describes the Stoke Golding Vales Character Area as distinctly rural and largely tranquil and it is considered to be highly sensitive with limited capacity for change.
- 8.7. It is considered that the proposed development would retain an open appearance in keeping with the surrounding countryside given its small scale and siting adjacent to other larger buildings and that no adverse impact on the character of the area would result from this development. The proposal is therefore considered to be in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.8. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of neighbouring properties.
- 8.9. The proposed garden room/ office would not be viewable from the neighbouring property, Barn Farm, which is a working dairy farm approx. 250m away. HBBC Environmental Health Officer has no objections to the proposal.
- 8.10. It is considered that the proposal is in accordance with the requirements of Policy DM10 of the SADMP in relation to the impact on the occupants of neighbouring properties.

Impact upon Highway Safety

- 8.11. Policies DM17 and DM18 of the SADMP require adequate access and off-street parking facilities for developments. Leicestershire County Council (LCC) Highways have been consulted and they advise that the residual cumulative impacts of the proposed development can be mitigated with conditions.
- 8.12. LCC Highways are satisfied that there would be no material impact on the public highway. The parking arrangements are acceptable and therefore it is considered that the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

Impact upon the historic environment

- 8.13. Policies DM11 and DM12 of the SADMP relate to proposals that affect heritage assets and their setting. Leicestershire County Council Archaeology have been consulted as the application site is within the Bradshaw's historic encampment, which is where King Richard III camped before the battle of Bosworth Field. LCC Archaeology advise that the site is mapped on the 1st edition Ordnance Survey of 1886 (MLE3090) and that the Victoria County History of Leicestershire of 1907

records the fragmentary remains of a 300 yard breastwork, although this was not visible to OS surveyors during an investigation of 1960.

- 8.14. The Leicestershire and Rutland Historic Environment Record (HER) shows that the proposed development area is located within the boundaries of the possible site of King Richard III's campsite before the battle of Bosworth Field, as mapped on the 1st edition Ordnance Survey of 1886 (HER ref.: MLE3090). It's noted that the scheme is a retrospective application and acknowledged that it is therefore unlikely that a programme of archaeological investigation would be viable. It is therefore advised that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).
- 8.15. It is therefore considered that the proposal is in accordance with Policies DM11, DM12 and DM13 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 in the consideration of this application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed garden room and use as an office associated with this business is considered to be acceptable development in this location. The proposal relates to an existing business and would blend well with the existing site, as well as having an economic benefit for the existing business and surrounding area. There would be no negative impacts on the occupants of neighbouring properties, the highway or the historic environment which has been elaborated on above. Therefore whilst not strictly in compliance with Policy DM4, it is judged to be sustainable development and complies with Policy DM1, Policy DM10, Policy DM11, Policy DM12, Policy DM13, Policy DM17 and Policy DM18 of the SADMP and the aims of the NPPF.

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 51 of 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, as follows:

Application Form & Specifications received by the Local Planning Authority on 05 December 2023

Site Location Plan

Proposed Floor Plan

Left Side Elevation

Right Side, Back, Elevations

Floor Plan Front Elevation

Proposed Block Plan all received by the Local Planning Authority on 18 December 2023

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. The garden room/ office shall only be open between the hours of 09:00 and 16:00 Monday to Friday, unless otherwise agreed in writing with the Local Planning Authority. The delivery and collection of goods shall only occur during these opening hours.

Reason: To ensure that the proposed development does not adversely affect the private amenity of the occupants of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

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.
2. For advice on the archaeological impact of the proposal please contact the Historic and Natural Environment Team at Leicestershire County Council on 0116 305 6217.