

Planning Committee 12 September 2017
Report of the Head of Planning and Development

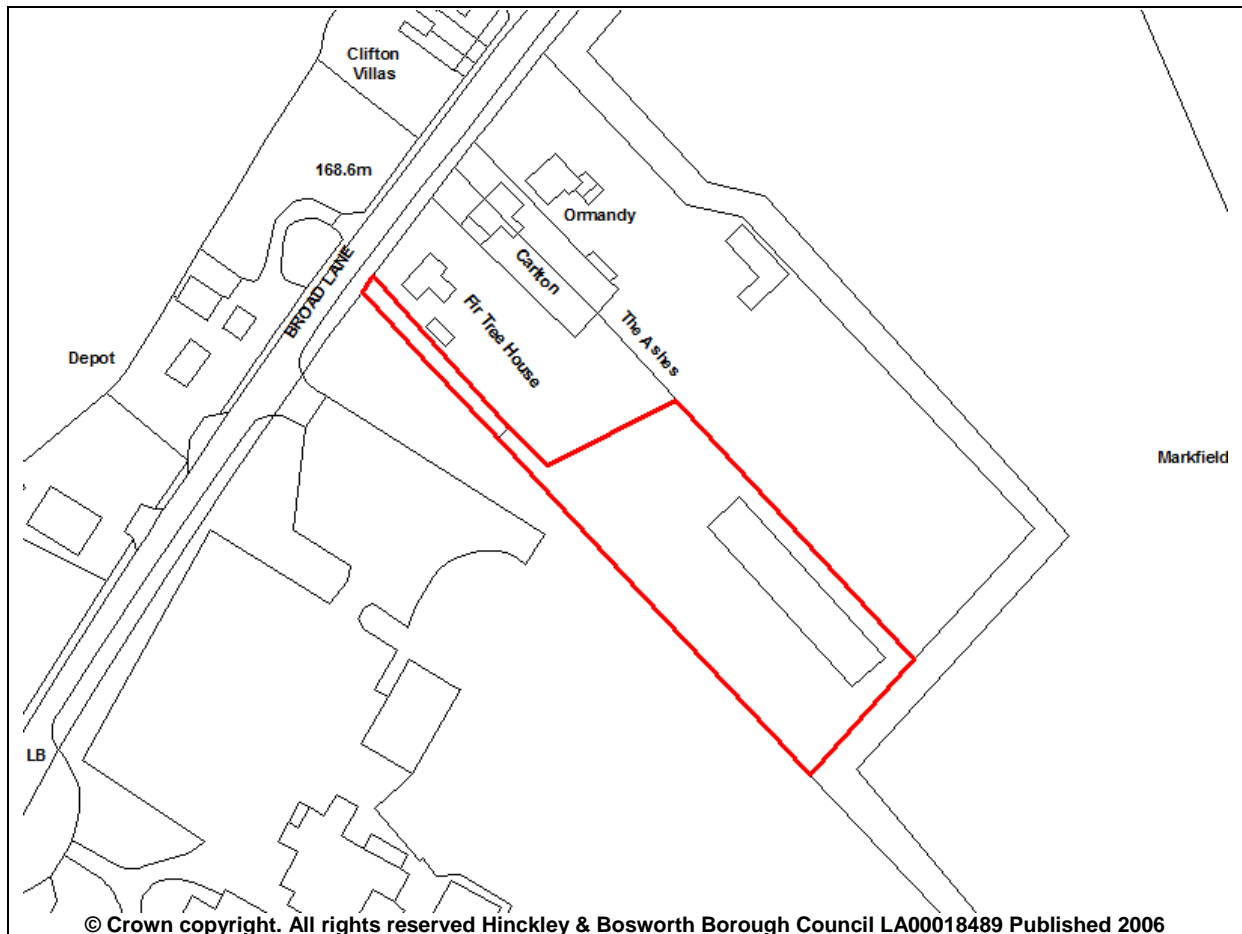


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00751/FUL
Applicant: Mr George Chandler
Ward: Markfield Stanton & Fieldhead

Site: The Hutch Broad Lane Stanton Under Bardon

Proposal: Erection of a new dwelling to replace a former livestock building



1. Recommendations

1.1. Refuse planning permission subject to the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks planning permission for the erection of a single storey dwelling to replace a rural building following a failed conversion attempt.

2.2. Construction works associated with the rebuild for a new dwelling have commenced following the failed conversion.

2.3. Once it was established by the local planning authority that the building was not being converted, as per the previous planning permission, a temporary stop notice was issued stopping works whilst the applicant submitted an application seeking to regularise the works.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside any defined settlements boundaries and therefore in an area designated as countryside. The site is located to the south east of Stanton under Bardon and south west of Markfield. Broad Lane comprises of a ribbon development of dwellings and South Charnwood High School. To the west of the application site is the school, to the north are dwellings and to the south east is an area of woodland.
- 3.2. A footpath runs along the south west boundary of the application site and intersects the site in a north east direction to the north of the rural building.
- 3.3. The application site comprises land formerly associated with Fir Tree House and an area of land to the rear containing a building formerly used for breeding rabbits. The building has been partially demolished although approximately one third of the building remains at the northern west end of the site. Towards the south east end construction works have been undertaken including erecting block work walls.

4. Relevant Planning History

15/00745/FUL	Conversion of livestock shed to dwelling, erection of double garage and works to driveway and access	Approved	08.10.2015
15/00347/OUT	Demolition of existing dwelling and erection of six new dwellings (outline - all matters reserved)	Refused	26.05.2015
98/00511/FUL	Erection of rabbit breeding shed (revised proposal)	Approved	24.07.1998
98/00149/FUL	Erection of rabbit breeding shed and feed store	Approved	28.05.1998

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 and a notice was displayed in the local press.
- 5.2. No responses have been received.

6. Consultation

- 6.1. Leicestershire Footpath Association – object to the application as the application does not have regard to the existing footpath R26 which runs across the site
- 6.2. Waste services – no objection subject to condition
- 6.3. Leicestershire County Council (Drainage) – no comment
- 6.4. Environmental Health (Pollution) – no objection

7. Policy

- 7.1. Core Strategy (2009)
- None applicable
- 7.2. Site Allocations and Development Management Policies DPD (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) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2. The application site is located outside any defined settlements boundaries, to the south east of Stanton under Bardon and south west of Markfield, and therefore in an area designated as countryside. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside 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.

8.3. There was a recent planning permission on the site (ref: 15/00745/FUL) for the conversion of the redundant rural building to a single dwelling. The previous application was accompanied by a Building Condition Report, authored by a qualified surveyor and member of the Royal Institute of Chartered Surveyors, which concluded that the building was capable of conversion to a residential dwelling without removal or complete replacement of the original framework and structure. The report highlighted that new foundations could be poured without removal of the main walls, that the main walls are internally strengthened and clad on the exterior and that the roof is capable of supporting a lightweight roof covering.

8.4. During conversion works, undertaken by the applicant, complications arose when removing the internal floor to pour the new foundations resulting in instability. Subsequently, the roof of the first third of the building was propped for support and the roof covering was removed then the outer walls were removed to allow safe construction. For works to the second third of the building it was similarly decided that it would be safest to remove the exterior walls to dig the new foundations and cast a new floor slab. Insufficient supporting of the roof lead to a collapse. At

present 2/3 of the structure has been rebuilt with an inner skin of blockwork and internal dividing walls and 1/3 of the original building still remains. The original roof trusses are to be used for the roof.

- 8.5. As noted above, the above application was submitted with a building condition report that identified the building could be converted. Therefore, the subsequent failed conversion attempt is likely to be as a result of human error i.e. failure to adequately plan and execute the works required for the conversion, as opposed to the building being incapable of conversion. As the majority of the original building no longer remains, the works now proposed cannot be considered a conversion of the original building which was the fundamental basis of the permission granted by 15/00745/FUL and which permission is now incapable of being carried out.
- 8.6. Following the failed conversion attempt, this application seeks planning permission for the erection of a new dwelling to replace the original rural building on the site. The remaining third of the original building would be removed and the construction would continue as per the works so far. As noted above, Policy DM4 does not consider the replacement of a rural building with a new dwelling or a new dwelling in this location in general to be a sustainable development in the countryside. The proposed development would be considered unsustainable development in the countryside which is contrary to Policy DM4 of the SADMP.
- 8.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that application determination must be made in accordance with the plan unless material considerations indicate otherwise. The applicant has submitted a statement explaining the conversion attempt works along with the original construction drawings. The applicant has identified the conversion works that lead to the instability of the building and subsequent collapse were as a result of inexperience, naivety and bad weather during works but that the conversion attempt was made in good faith. The failed conversion attempt is as a result of human error during preparation and execution of the works on the building. The works may have been undertaken in good faith but as the building was capable of conversion, inexperience and naivety is not considered to be sufficient justification to outweigh the conflict with the policies of the Development Plan as set out above and allow a new dwelling in the countryside.

Design and impact upon the character of the area

- 8.8. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. The proposed dwelling would be constructed to have the same internal layout and external dimensions as the previously approved converted building. The same materials are proposed for the exterior of the building including timber cladding and sheeted roofing.
- 8.10. The proposed building is located in the countryside which has a rural character and is highly visible from the public footpath which runs through the application site. In this instance, the proposed dwelling would have an urbanising impact on a countryside location which was previously rural in nature. The introduction of a new dwelling along with the associated manicured landscaped appearance and residential paraphernalia would have an adverse impact on the rural character of the countryside. The residential development to the north is confined to the road frontage and rear garden areas whereas the proposed would lead to an

uncharacteristic form of residential development extending into the surrounding countryside.

- 8.11. Whilst the proposed dwelling would have the same appearance as the previously approved scheme, the previously approved scheme was compliant with local and national policy and it visually lead to an enhancement of the setting through the conversion of a redundant building. In this instance, the replacement of a redundant rural building is not compliant with local or national policy and therefore the urbanising impact of the scheme and any harm to the countryside is unjustified.
- 8.12. There are several mature trees in and around the application site. An arboricultural assessment has been submitted with the application. It is considered that the proposed development would not have a detrimental impact on trees of landscape value. However, hardstanding is proposed within the root protection area of two mature oak trees. The oak trees are considered to be of landscape value and therefore a 'no dig' method of construction is required to avoid root compaction and ensure the longevity of the trees. A condition was been imposed to secure this on the previous application which was discharged through the submission of an arboricultural and driveway method statement. All works should be conditioned to accord with the arboricultural method statement.
- 8.13. It is considered that the proposed dwelling would have an adverse urbanising impact on the character of the countryside and would be contrary to Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties.
- 8.15. The proposed dwelling would be located to the rear of Fir Tree House. The proposed access along the boundary with the garden would not give rise a level of noise or disturbance that would materially impact on the occupiers of the Fir Tree House.
- 8.16. The building is sufficiently separated from the dwellings to the north to avoid an adverse impact as a result of overbearing, overlooking or overshadowing.
- 8.17. The proposed dwelling would be set within a large plot which would provide ample amenity space for the occupiers of the proposed dwelling.
- 8.18. The proposed development would not have an adverse impact on neighbouring amenity and would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.20. Fir Tree House previously benefitted from an access and an egress. It is proposed to retain the access for use by Fir Tree House and the egress would be upgraded to provide an access to the proposed dwelling to the rear. Suitable visibility splays can be achieved measured from 2m back from the near edge of the highway. It is considered that the level of vehicular movements associated with the one dwelling to the rear would not materially impact upon highway safety.
- 8.21. Sufficient car parking would be retained for Fir Tree House and sufficient space would be provided for car parking to serve the proposed dwelling to the rear.

- 8.22. There is an existing footpath which would run along the proposed access and driveway and then cross the site. Leicestershire Footpath Association has objected to the application as it does not have regard to the footpath. However, the route of the footpath is clearly shown on the proposed plans. The route of the public footpath would be retained as existing and the proposed development would not impact on users of the public footpath.
- 8.23. The access and parking arrangement were approved under the previous application. It is considered that the proposal would provide a suitable level of car parking provision and would not be detrimental to highway safety in accordance with Policies DM17 and DM18 of the SADMP.

Ecology

- 8.24. An extended phase 1 and phase 2 ecological survey was submitted as part of the previous application. The surveys conclude there was evidence of use of the building by bats and swallows and therefore mitigation is required. As the building has been subject to works the majority of the mitigation is no longer relevant. However, creation of new bat roosting boxes as per paragraphs 6.9 to 6.13 of the report should be secured though condition.
- 8.25. It is considered that, subject to conditions, the proposed development will not have a detrimental impact on protected species and biodiversity and is in accordance with Policy DM6 of the SADMP.

Other matters

- 8.26. The application of the policies of the development plan has been supported following the adoption of the SADMP by a planning inspector for an appeal which was dismissed for a similar development on a different site.
- 8.27. Application ref: 16/00505/FUL, which was refused, sought planning permission for the demolition and replacement of an existing redundant rural building that had an extant planning permission for an extension and conversion to a residential dwelling. The replacement building would have had a comparable external appearance to the approved conversion and the building was set back from the road and screened from public view.
- 8.28. The appeal was dismissed. The Inspector concluded, despite there being an extant permission for conversion to a residential dwelling, a new dwelling in the countryside in a position isolated from facilities and services would be in conflict with local and national policy.
- 8.29. The application and appeal decisions were taken prior to commencement of the conversion works and do not contain an assessment/consideration for a failed conversion attempt. However, given the similarities to the principle of development for this current application, comprising replacement of a redundant rural building with a new dwelling when there is an extant planning permission, it is considered that this appeal decision and the assessment of the policies support the above assessment and interpretation of current planning policy.

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. The Committee must also ensure the same when determining this planning application.

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

10. Conclusion

10.1. This application seeks planning permission for a new dwelling in the countryside to replace a redundant rural building following a failed conversion attempt on the building. The proposed dwelling would be contrary to Policy DM4 of the SADMP. The extant planning permission for a conversion and the collapse of the building as a result of inexperience, naivety of the worker and weather are not sufficient material considerations to outweigh the conflict with policy.

10.2. By virtue of the introduction of a new dwelling in the countryside, the proposed development would have an unjustified urbanising impact on the character and appearance of the countryside which would be contrary to Policies DM4 and DM10 of the SADMP.

10.3. Notwithstanding the above, the proposed development would not have an adverse impact on neighbouring amenity, highway safety and ecology.

11. Recommendation

11.1. Refuse planning permission subject to the reasons at the end of this report.

11.2. Reasons

1. The application site is located within the designated countryside, isolated from facilities, services, employment and sustainable modes of transport, where new, unrestricted, residential development for the replacement of a redundant rural building is not considered sustainable development and would be contrary to the spatial strategy for growth as set out in the Core Strategy. The proposed development is contrary to Policies DM1 and DM4 of the Site Allocations and Development Management Policies DPD.
2. By virtue of the introduction of a new residential dwelling in the countryside, the proposed development would have an adverse urbanising impact on the character and appearance of the countryside. The proposed development is contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11.3. Notes to Applicant

1. This application has been determined in accordance with the following submitted details:- Planning Application Form and Certificates; Design and Access Statement, Arboricultural Survey and Report, Arboricultural Method Statement, Driveway Method Statement, Access Statement, 15.3122 – Location Plan, 15-3122.11 – Production Drawing 1 of 3, 15-3122.12 – Production Drawing 2 of 3, 15-3122.13 – Production Drawing 3 of 3.