

**Planning Committee 8 September 2020
Report of the Planning Manager**

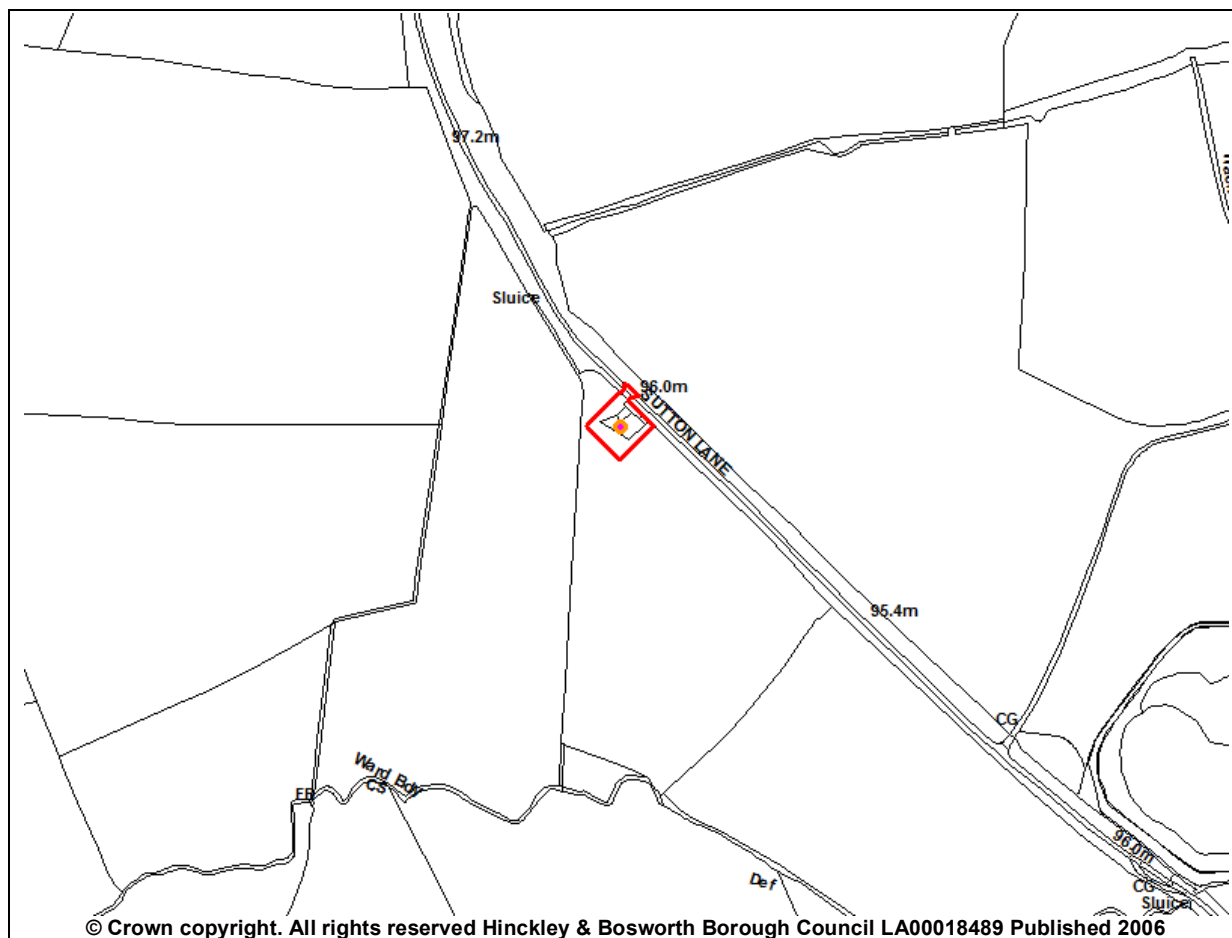
**Planning Ref: 20/00588/FUL
Applicant: Mr Adam Tarver
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth
Borough Council**

Site: The Barn Sutton Lane Market Bosworth

**Proposal: Conversion of agricultural building to 3 bedroom dwelling including
basement accommodation**



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application proposal seeks to create a three bedroom dwelling through the conversion of the existing redundant rural building.
- 2.2. The proposal includes the retention, conversion and repairing of the original brick built barn, retaining and recladding the majority of the functional extensions on their existing footprint and installing a glazed link between each extension and the original building. A new single storey extension is proposed to south-western extension. A subterranean basement floor is to be created to the south and west of the original

building, sat below the south-western extensions with access to a sunken courtyard. The existing vehicular access is retained with parking spaces for two cars in a car lift down to the basement level. The fencing providing the existing tightly drawn curtilage serving the barn is to be removed with amenity for future residents provided in the courtyard, meadow planting/green roof above the car lift and the wider field to the south in which the application is sited.

3. Description of the site and surrounding area

- 3.1. The Barn is a collection of isolated former cow-sheds located on the western side of Sutton lane which is a designated Green Space within the Market Bosworth Neighbourhood Plan. The site is outside of any settlement boundary and within the countryside.
- 3.2. Sutton Lane is to the south of Market Bosworth and is a gated road. It is of agrarian character and makes a positive contribution to the local rural character. It is included on the Leicestershire Historic Environment Record (MLE24718) which describes the complex as a T-shaped arrangement of farm buildings. They were part of the holding of South Farm. The oldest section (of possible mid-19th century date), parallel to the road, has an open fronted section of two bays to the right and an enclosed section to the left. A further open two bay section with galvanised roof extends to the south-east, and a later building at 90 degrees to the old barn has a corrugated iron roof and gable end. The old section is of brick and has a fishscale tile roof, with hay racks inside the open bays.
- 3.3. The wide grass verges adjacent to Sutton lane are a designated green space within the Market Bosworth Neighbourhood Plan.

4. Relevant planning history

17/00773/CQGDO

- Prior approval for a proposed change of use of an agricultural building to one dwelling (C3) and associated operational development
- Prior Approval Given
- 23.10.2017

19/00582/DISCON

- Application to discharge condition 3 attached to planning permission 17/00773/CQGDO
- Approved
- 21.06.2019

19/01217/CQGDO

- Prior approval for the change of use of an agricultural building to one dwelling (C3) and associated operational development
- Prior Approval Given
- 19.12.2019

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.

5.2. There have been 5 letters of objection, three from third parties and one each from the Market Bosworth Society and the Market Bosworth Neighbourhood Society and two letters of support from third parties.

5.3. The following concerns have been raised:

- 1) Isolated property outside of any settlement boundary
- 2) Should only be used by an Agricultural worker
- 3) It is not a dwelling; it is a tumbledown barn
- 4) It is on a public road, not a private one
- 5) Will open floodgates to allow other new dwellings in the countryside
- 6) Increase in traffic which will be hazardous for those who walk/cycle along the road
- 7) The area is designated as a local green space
- 8) It is an unsustainable development
- 9) Will have an adverse impact on the Heritage Asset which is Sutton Lane
- 10) Does not include any plans for convenient or safe access for walkers or cyclists

6. Consultation

6.1. The following consultees have no objections some subject to Conditions:

- HBBC Conservation officer
- HBBC Environmental services (Drainage)
- HBBC Environmental services(Pollution)
- HBBC Waste Services
- LCC Ecology unit
- LCC Highways
- HSE

6.2 Market Bosworth Parish Council, the Market Bosworth Society and the Market Bosworth Neighbourhood Society have sent in the following objections (NB all three letters of correspondence have the same objections):

- 1) The development will have an adverse impact on the significance of the heritage asset of Sutton Lane and its setting
- 2) The proposed development will have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and undermines the physical and perceived separation and open character between settlements
- 3) If this development is permitted it will create a precedent for any future development on Sutton Lane and it therefore negates the concept of sustainability. The only possible rationale for development on this site is under permitted development Class Q. This submission does not meet the required criteria of Class Q and therefore should not be granted. (NB officers comments – the barn has already a Class Q prior Approval so this comment is not relevant in this case)
- 4) This application would be an isolated home in an area recognised for its beauty and open character and therefore should not be granted
- 5) The development will increase road traffic on the gated road to the detriment of Bosworth residents. This will be particularly acute during the construction phase but will also add to the vehicle traffic on an extremely narrow lane often with little protection to pedestrian traffic

- 6) This is not a sustainable or energy efficient development because its occupants will rely heavily on private road transport. It will also require extensive construction works to provide any necessary utilities, including electricity, water, drainage, gas and communications
- 7) The existing buildings are not in a structurally sound condition and are not capable of conversion without significant rebuild or alteration
- 8) The proposed alterations are not proportionate to the size, scale, mass or footprint of the original building and are not situated within the original curtilage; a 20% extension proposed
- 9) Comments received from a resident who is a professional in the field of fire risk and safety, representing the industry on national advisory panels has expressed immense concern over the subterranean car park and the inherent fire risks. These would be exacerbated if an electric vehicle and/or hybrid vehicle were to be parked underground. We understand that currently a governmental review of car parking regulations including building regulations is currently in process
- 10) Any development on Sutton Lane currently does not have access to utilities and services. The application does not clearly identify how these services will be taken to the location or how these can be delivered without significant impact upon Sutton Lane and its immediate environs. Many concerns from residents have been raised regarding not only financial costs of installation but the environmental costs on the length of Sutton Lane. Concerns expressed that once such services and utilities are installed either the costs can only be met by additional development or that precedent to build elsewhere is made easier for developers as there will be services on tap

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE2: Local Green Space
- Policy CE3: Important Views and Vistas
- Policy CE5: Landscape of the wider Parish

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 20: Green Infrastructure

7.3. 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

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

Assessment against strategic planning policies

- 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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.
- 8.3. 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.
- 8.4. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. Due to the change in the housing figures required for the borough paragraph 11d of the NPPF is triggered whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy, which are attributed significant weight as they are consistent with the Framework.
- 8.5. This site lies outside of the settlement boundary of Market Bosworth and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development.

- 8.6. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport of recreation purposes (including ancillary buildings) and it can
 - b) be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - c) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - d) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - e) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - f) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation
- and:
- 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;
- 8.7. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where:
- a) The applicant demonstrates the building is no longer viable in its current use; and
 - b) The applicant has adequately demonstrated the building is in 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; and
 - d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
- 8.8. Market Bosworth has an adopted Neighbourhood Plan (MBNP). Policy CE5 states: in the open countryside outside the settlement boundary, new development will only be permitted
- a) Where it contributes to the local economy
 - b) For the re-use or extension of an existing building or
 - c) For sport and recreation or
 - d) For new dwelling in the circumstances identified in paragraph 55 of the Framework

In all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.

- 8.9. The application site has previously been granted a prior approval under Class Q for the conversion of the buildings to a dwelling (17/00773/CQGDO and 19/01217/CQGDO refer). It was considered on both occasions that the building although no longer viable for agricultural use was of a condition capable of conversion, as demonstrated by a supporting structural condition survey by a qualified surveyor. The latter permission remains extant and in this regard the

building can be converted to a dwelling through the Class Q conversion without the requirement of any further planning permission and is a material consideration in the assessment of this application.

- 8.10. However, despite the extant class Q approval, this application proposal seeks to convert the former agricultural building to form a residential dwelling comprising works that are not included through the Class Q approval to create a larger dwelling including the recladding of part of the original structure, the introduction of two glazed links, an extension to the rear building and a subterranean level with courtyard which also partially reuses part of the existing sluice. The proposal meets the criteria of Policy DM15 in that the building no longer has a viable agricultural use, the LPA has previously agreed that it is structurally sound
- 8.11. Therefore, subject to design and heritage consideration and there being no significant adverse effects on the open character or appearance of the surrounding countryside, the proposal would be in accordance with Policies DM1, DM4 and DM15 of the SADMP and Policy CE3 of the MBNP in that the principle of development is considered as sustainable subject to the assessment of all other material considerations.

Impact upon the local Heritage Asset

- 8.12. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of (paragraph 192 of the NPPF):
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.13. Paragraph 197 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 8.14. 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 “assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible”. The SADMP DPD also states that “development proposals should make every effort to retain the significance of locally listed heritage assets”.
- 8.15. The Borough Council are currently compiling a list of Local Heritage Assets. The List is yet to be formally ratified but formal selection criteria has been adopted (in 2017) and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering development proposals. Local heritage assets can be identified by the local planning authority during the consideration of a development proposal, as is the case with the application property here.
- 8.16. The Good Design Guide SPD carries a complete section on the conversion of agricultural buildings. Although the conversion of such buildings poses many challenges, the most predominant of which, being the over-domestication of the building and the protection of its setting within the wider rural landscape.

- 8.17. The Barn is a collection of isolated former cow-sheds located in the northern corner of an irregular shaped agricultural field. It is included on the Leicestershire Historic Environment Record (MLE24718) which describes the complex as a T-shaped arrangement of farm buildings. They were part of the holding of South Farm. The oldest section (of possible mid-19th century date), parallel to the road, has a fully unbroken north-eastern elevation and gable ends, whilst the south-western elevation to the field has an open fronted section of two bays to the right and an enclosed section to the left. Two later and functional open bay buildings consisting of steel posts, timber rafters and corrugated sheet roofs extend from the original building to south-east and at 90 degrees to the south west. The old section is of brick and has a fish scale tile roof, with hay racks inside the open bays. For these reasons specified above the brick built mid-19th century barn has historic and aesthetic value ensuring it is of heritage interest. The building retains a level of integrity due to the retention of some original historic fabric (such as the fish scale tiles) and its location at the back edge of road marks it out as a visually prominent landmark feature along the lane between Market Bosworth and Sutton Cheney. Therefore the building is recognised as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this conclusion being based on assessing the building against the Council's adopted selection criteria for local heritage assets.
- 8.18. The local heritage asset is to be retained and repaired (including brickwork repairs) which in principle preserves its significance. The siting of the new extension and sinking of accommodation below ground level ensures the characteristic T-shaped plan form of the collection of buildings will remain discernible following the proposal and that the proposal will have an acceptable mass and scale. No alterations to the external appearance of the heritage asset are proposed from the lane with fenestration limited to aluminium framed glazing within the large open bays to the south-west elevation. The walls and roofs of the non-original extensions are to be clad in vertical treated timber with aluminium framed glazing again sited in the position of the current open bays other than for the insertion of small vertical window in the south-western gable end. Frameless glazing provides a link to the two extensions from the heritage asset. The predominantly contemporary design approach in terms of re-cladding, window materials and expanses of frameless glazing clearly distinguishes the extensions from the heritage asset whilst also reflecting the appearance and functional nature of the existing extensions, and in terms of the timber cladding, also being a material traditional to the rural context of the site in line with the guidance within the Good Design Guide SPD. However it is considered prudent to ensure a condition is attached, should be permission be granted, requiring samples of all proposed materials to be submitted to ensure that these materials will enhance the existing materials of the original barn.
- 8.19. The removal of the existing fencing defining the south-western and south-eastern boundaries of the site curtilage opens out the site to the field and maintains a functional relationship with it. The reinforcement of hedgerow planting along the boundary to Sutton Lane up to the south-eastern gable end strengthens this key historic landscape feature and maintains channelled views along the lane. No details of the replacement fencing or species to be planted within the existing hedgerow have been forthcoming and it would be considered reasonable and necessary to impose a landscaping condition, should permission be granted.
- 8.20. For the above reasons it is considered that the proposal will have a neutral impact on the character and appearance of the Barn, its associated buildings and the wider area, therefore the significance of the local heritage asset and its setting will be preserved and the proposal complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF and the guidance within the SPD.

Design

- 8.21. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in the manner commensurate with the statutory status or identified quality in the development plan) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.22. 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. Policy DM15 of the SADMP seeks to ensure that any proposed extensions or alterations to the redundant buildings to be converted are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage and that the building leads to an enhancement of the immediate setting. The Good Design Guide SPD considers the approach to the conversion of agricultural buildings acknowledging that such buildings form an important part of the wider landscape with the key objective to ensure that the surroundings are designed to be as agricultural in character as possible.
- 8.23. Policy CE2 and CE3 of the MBNP are both relevant. The wide grass verge and line of mature Oak trees alongside Sutton lane are designated as a Local Green Space within the Neighbourhood Plan and CE2 states that:
New development that is incompatible with the importance of the Local Green Space as an attractive publicly accessible area will not be allowed unless there are very special circumstances where the benefits of the development clearly outweigh any harm.
- 8.24. Policy CE3 relates to Important Views and Vistas and states that: *Development that harms important views into or vistas out of Market Bosworth will be resisted. The location and direction of these views and vistas are indicated on the Views and Vistas map and described in Section 6.1p. New development will not be supported if it has a significantly adverse impact on an important view or vista.*
- 8.25. Sutton lane is included within this Policy with the accompanying text: *This view starts on Sutton Lane (known locally as the 'Gated Road') at a point where it bends southwards. Moving uphill along the view towards the town centre and reaching the point at the field gate opposite the southern end of the newly established cemetery, the view includes the gate to the entrance to the town and the spire of St Peter's Church beyond. It is an excellent example of the sudden transition from countryside to built form which makes the setting of Market Bosworth so unique. The view is bordered on both sides by open pasture land and long established trees including oak trees. This view is important as it is an example of an approach to the town that emphasises the rural nature and hill top situation of the town and is characterised by lines of substantial oak trees.*
- 8.26. The Borough's Landscape Character Assessment (2017) identifies the site within landscape character area C- Bosworth Agricultural Parkland. A key sensitivity of this landscape character area is the rural landscape setting of fields and trees to the attractive village of Market Bosworth, as well as views to the Church Spire.
- 8.27. The application site is clearly visible as you both approach or leave the village from the south where the environment is completely rural in character. The application site adds to this rural nature of the area with its low key buildings and hard standing

area enclosed on 2 sides by the buildings. The buildings are considered to form an integral part of the landscape character in this location.

- 8.28. The proposed conversion scheme has been determined by the existing external appearance and by the existing internal configurations, along with the need to retain as much of the external façade and character as possible. Through the previous Class Q application, it was demonstrated to the LPA's satisfaction that the building was structurally sound and therefore capable of conversion. The proposal includes a modest extension to the rear and a basement level for additional living accommodation. However the majority of the living accommodation is to be accommodated within the original barns and the proposed extensions would not extend beyond the existing curtilage of the existing barn. The proposed basement would utilise the existing sluice which once served the barns,
- 8.29. The views of the building alongside the highway are not subject to any exaggerated change or alteration. The southern most part of the building comprises a lean-to extension of poor quality and is not original to the main building. This is to be re-clad and re-roofed but will remain of a similar scale, bulk and massing to the extension it will replace. A contemporary glazed link between the southern end of the original building and the refurbished structure provides distinction between the two giving an appearance of two buildings adjacent to one another when viewed from the lane. Similarly, an additional glazed link is to be provided between the western elevation (rear) of the main building and the rear structure again giving the appearance of a separate building to the rear when viewed from the lane in both northerly and southerly directions. These frameless glazed links are not considered to adversely impact upon the fabric of the building, and due to their siting and simplistic style they are considered compatible with the existing character and appearance of the buildings.
- 8.30. The building to the west and to the rear of the original barn is to be extended by approximately 2 metres at ground floor level and timber clad to match the original building. This extension is to have a flat roof and although it would be seen from glimpses when viewed from the south it would not significantly alter the character or appearance of the buildings to their detriment. The existing ridge and eaves height would be retained and with the provision of post and rail fencing and additional landscaping along the southern boundary, the extension would not be easily apparent when viewed from the lane.
- 8.31. The subterranean level would be dug down from the existing hard standing area to the south-west of the barn and would not exceed beyond the curtilage of the barn complex. This would not be seen from any public vantage points. The basement level living accommodation would be entirely underneath the extended footprint of the barn buildings with a small courtyard area and the underground parking provision. The car parking pit area would be accessed via a car lift from the rear of the site which in turn would be accessed via the existing gate on the north side of the barn. This would visually benefit the site allowing the parking of vehicles associated with the dwelling to be parked securely and out of sight thus reducing the domesticated appearance of the buildings within the countryside location. The car lift roof is to be planted with a meadow-style planting scheme in order for it to be assimilated into the landscape surrounding the barn rendering it almost invisible when not in use.
- 8.32. Although the proposed footprint of the development, due to the inclusion and use of a basement and its former sluice is modest, the main living accommodation remains provided within the existing structure comprising the kitchen, dining room, utility room, study and living room. The three bedrooms and an additional living area are to be accommodated through the provision of the subterranean basement level which would have bi folding doors leading out into a sunken courtyard area. The proposed

extensions and alterations, when having regard to its former use and character and the relationship to the existing barn is considered to be a proportionate to the original building and are contained within its original curtilage. It is necessary to impose a condition to ensure that the curtilage serving the proposed conversion would be limited to the red line only. The views along Sutton Lane as a designated Green Space would not be significantly altered. The single-storey structures would remain as such and the refurbishment of the non-original structures with sympathetic materials would enhance the character and appearance of the buildings within the rural landscape. Longer views and vistas of the church spire of Market Bosworth would not be compromised in line with policies CE2 and CE3 of the MBNP.

It is considered that the proposals have taken into account and maintained the rural character of the landscape, without compromising any wider views or important vistas towards Market Bosworth. The conversion of the redundant rural buildings to that of a dwelling is considered to retain and secure the long term future of these agricultural buildings, providing a sustainable and viable use which would reflect the historic integrity of the buildings, enhancing the existing traditional structures and the rural context in which they form part of. The proposal is therefore considered to be in accordance with Policies DM1, DM4, DM10 and DM15 of the SADMP, Policy CE2 and CE3 of the MBNP and the overarching design principles within the SPD.

Impact upon highway safety

- 8.33. 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.
- 8.34. Leicestershire County Council as Highways Authority have no objections to the scheme deferring to standing advice on access, visibility and parking. The proposed dwelling would be served via the existing site access which is shown on the plans as being approximately 4 metres wide. There is clear visibility from the access onto Sutton lane with the grass verge approximately 4 metres deep thus allowing a car to be stationary off the highway prior to pulling out onto the carriageway.
- 8.35. Although no information has been submitted with finishes of the hard standing this can be conditioned via a landscaping plan requiring further information as to both hard and soft landscaping including boundary treatments. The access surfacing should be of a bound material for a minimum of 5 metres behind the highway boundary.
- 8.36. The conversion proposes a 3 bedroom dwelling. Two parking spaces should be provided with the underground parking a minimum of 6 x 3 metres to count as a parking space. The underground pit as shown on the drawing has an internal dimension of 11 x 4 metres and therefore, taking into account the advice within the Leicestershire Highway Design Guide this would only equate to one space. However there is ample space for the parking of vehicles to the west of the site at the side of the rear building which would also be largely hidden from public view points and in this regard the amount of parking is acceptable.

It is considered that the level of vehicle movements associated with one dwelling would not have a material impact upon highway safety for other road users including pedestrians. The proposed scheme is capable of providing sufficient parking to serve the dwellings in accordance with Highways Design Guidance, and subject to conditions, the proposed is in accordance with Policies DM17 and DM18 of the SADMP. Impact upon Ecology

- 8.37. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.

- 8.38. A protected species survey was submitted with the application, no protected species or flora/fauna of note were identified. Leicestershire County Council (Ecology) have considered the report and have no objection to the proposed development given the findings of the survey. As such the proposed development would accord with Policy DM6 of the SADMP.

Drainage and contamination

- 8.39. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy. Policy DM7 also relates to land contamination and also seeks appropriate remediation of contaminated land in line with minimum national standards.
- 8.40. The site is located within Flood Zone 1 with a low risk of fluvial flooding and generally at low risk of surface water flooding. Although the Phase 1 Desk Study by GRM considers the use of soakaways, there are no drainage plans or scheme included within the submission. Therefore a condition is required to ensure the submission of surface and foul water drainage details, incorporating sustainable drainage principles are provided prior to development to ensure compliance with Policy DM7 of the adopted SADMP.
- 8.41. A Phase I contamination study has been submitted alongside the application documents. The study has been considered by Environmental Health, who have requested a condition should be imposed should contamination be found once work has commenced to ensure compliance with Policy DM7 of the SADMP.

Other matters

- 8.42. The Parish Council have raised other concerns which have not been discussed elsewhere within this report and are therefore covered here.
- 8.43. These mainly are concerns raised in regard to the provision of utilities within this remote location and a separate issue relating to fire risk from the underground car parking facility.
- 8.44. HSE were consulted on the application and had no comments to make given the proposal did not meet their parameters for consultation purposes.
- 8.45. The provision of utilities is a private matter between the provider and the applicant.

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.
- 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 and Planning Balance

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years supply of deliverable housing at 1st April 2020. However, the housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3. The application site is located in the countryside where proposals for the change of use, re-use and/or extension of existing rural buildings to secure alternative uses is, notwithstanding the lack of any nearby services and facilities, generally considered to be sustainable and therefore supported by adopted strategic planning policies subject to all other planning matters being satisfactorily addressed.
- 10.4. The proposed conversion, extensions and alterations to form a new dwelling would secure a long term viable use for this agricultural building and by virtue of the amended elevational design and appearance, and subject to the use of sympathetic external materials, boundary treatments and landscaping the scheme would retain the rural character and appearance of the existing building, would not result in any significant adverse impacts on the rural character or appearance of the surrounding landscape and would result in the enhancement of the immediate setting. Satisfactory access and parking and turning provision would be provided such that there would be no significant adverse impacts on highway safety, or public rights of way. Satisfactory biodiversity mitigation measures and ground investigation could also be secured by conditions to ensure satisfactory development.
- 10.5. The proposal would result in some limited economic benefits from the construction of the scheme and its future occupation supporting local though somewhat distant services. The scheme would result in a limited social benefit through the provision of a dwelling but this would do little to meet the Government's commitment to significantly boosting the supply of housing. The proposal would result in an environmental benefit through the repair and re-use of the building and the enhancement to the immediate setting. Weighed against this would be the isolated and relatively unsustainable location of the site where the occupiers would rely on the use of the private car for access to a majority of everyday services and facilities.
- 10.6. Notwithstanding that the identified benefits of the scheme are limited, no adverse impacts have been identified that would significantly and demonstrably outweigh those benefits and therefore on balance the proposal is considered to be a sustainable development and in accordance with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12, DM15, DM17 and DM18 of the SADMP and Policies CE2, CE3

and CE5 of the MBNP and the overarching design principles of the SPD and the recommendation is to approve subject to 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, as follows:

Existing site Plan, Drg no (02) 200
Proposed Ground Floor Plan, Drg no (02)101
Proposed Lower Ground Floor, Drg no (02) 102
Proposed Site & Roof plan, Drg no (02) 103
Proposed Elevations North West & South East, Drg no (02)110
Proposed Elevations North East & South West, Drg no (02) 111
Proposed Sectional Elevations, Drg no (02) 112

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).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations and roofs of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments and the retaining wall, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping

scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities have been provided and agreed in writing through the submission of a parking plan showing 2 parking spaces within the site. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area and the natural environment from nuisance from artificial light in accordance with Policies DM7 and DM10 of

the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The curtilage serving dwelling known as The Barn, Sutton Lane, Market Bosworth, shall be contained to the red outline as proposed on the Site Location Plan Dwg No. 340/01(02)200 Rev # received by the Local Planning Authority on the 17 June 2020.

Reason: To ensure that the development has a satisfactory relationship with the countryside in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the historic character of the barn in accordance with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. It should be noted that when permission is granted for proposals to convert barns to residential it is based on the barn being structurally sound and therefore no need for substantial demolition or rebuilding. Should it become apparent during conversion works that demolition works are required you should contact the Local Planning Authority immediately on 01455 238141. Where demolition works take place without the permission of the Local Planning Authority, planning permission will be required for the rebuild, and as this would essentially constitute a new dwelling in the open countryside permission is likely to be refused.
3. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
4. The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact Natural England immediately.

5. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.