

**Planning Committee 17 August 2021
Report of the Planning Manager**

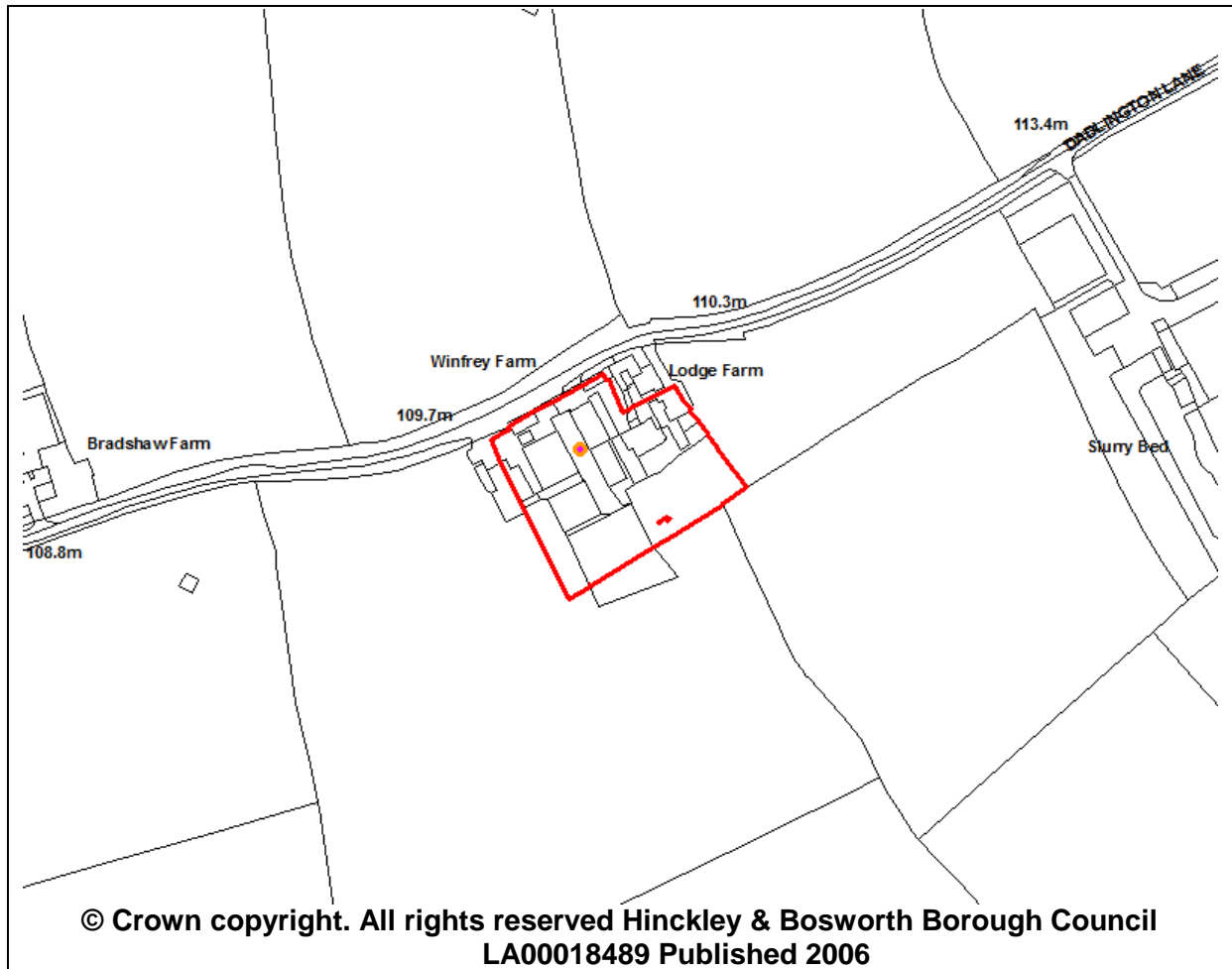
**Planning Ref: 20/01288/FUL
Applicant: Hardingstone Property LLP
Ward: Newbold Verdon With Desford & Peckleton**



**Hinckley & Bosworth
Borough Council**

Site: Winfrey Farm Dadlington Lane Stapleton LE9 8JL

Proposal: Conversion of existing agricultural buildings into x4 dwellings including extensions, detached garage and demolition of x2 existing agricultural buildings



1. Recommendations

- 1.1. **Grant planning permission** subject to:
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. This application seeks planning permission for the conversion of x5 former farm buildings into x4 dwellings. The buildings form part of a redundant farmstead. Two

farm buildings would be demolished as part of the small residential complex to be created.

- 2.2. Prior approval under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) was given by the Local Planning Authority (LPA) on site for the conversion of x5 former farm buildings into x5 dwellings with associated operational development under 20/00775/P3CQ on 23.09.2020. This approval is extant and development as per 20/00775/P3CQ must be completed (if commenced) within a period of 3 years starting with the prior approval date.
- 2.3. During the course of the application amendments were received showing alterations to the design of Plots 1-4 and the removal of the originally proposed planting belt along the southern/western boundaries of the site.

3. Description of the site and surrounding area

- 3.1. The application site comprises a farm complex on the southern side of Dadlington Lane, to the west of the Rural Hamlet of Stapleton. The application site is located in the countryside. Fields surround the application site to the south, east and west. Dadlington Lane, an adopted, unclassified highway is located immediately to the north. The site is relatively level. Vehicular access is between the buildings and this has historically served the farmyard. An existing traditional farmhouse in occupation is located adjacent to the north-eastern corner of the application site.
- 3.2. 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. The Borough Council consider that the traditional buildings at Winfrey Farm should be identified as a locally important heritage assets.

4. Relevant planning history

19/00038/RPAGDO

- Prior notification for change of use of agricultural buildings to 5 dwellinghouses (Class C3) and for associated operational development
- Dismissed
- 19.03.2020

18/01251/CQGDO

- Prior approval for change of use of existing agricultural building to form 5 dwellings (C3) and associated building operations
- Prior approval refused
- 06.02.2019

19/00538/CQGDO

- Prior notification for change of use of agricultural buildings to 5 dwellinghouses (Class C3) and for associated operational development
- Prior approval refused
- 05.07.2019

20/00478/P3CQ

- Prior notification for change of use of agricultural buildings to 5 dwellinghouses (Class C3) and for associated operational development
- Prior approval refused
- 13.07.2020

20/00775/P3CQ

- Proposed conversion of existing traditional agricultural buildings to form 5 dwellings
- Prior approval given
- 23.09.2020

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. No comments have been received.

6. Consultation

- 6.1. No comments have been received from Peckleton Parish Council or Severn Trent Water.
- 6.2. No objections subject to conditions have been received from:
- 1) LCC Highways
 - 2) HBBC Conservation Officer
 - 3) LCC Ecology
 - 4) LCC Archaeology
 - 5) HBBC Waste
 - 6) HBBC Environmental Health - Drainage
 - 7) HBBC Environmental Health – Pollution
- 6.3. No Objections have been received from the LCC Tree Officer.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
 - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - 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 DM13: Preserving the Borough's Archaeology
- 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) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020) (GDG)
- National Design Guide (2019)
- Open Space and Recreation Study (2016)

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
- Ecology
- Archaeology
- Infrastructure Contributions
- Planning Balance

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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 (2021) also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF (2021) 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, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. 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. Policy 13 of the Core Strategy identifies Stapleton as a Rural Hamlet. Rural Hamlets are considered the least sustainable of settlements and have limited, if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and the provision of goods and services. Due to this,

Policy 13 supports residential development within the settlement boundary of Stapleton only, usually in the form of infill housing.

- 8.5. However, the application site is located outside the settlement boundary of Stapleton and within the countryside. Therefore, Policy DM4 and DM15 of the adopted SADMP are the most important development plan policies to consider when determining the current application.
- 8.6. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Criterion 'B' of the policy specifies that new development in the countryside is considered sustainable where it involves the change of use, re-use or extension of an existing building which leads to the enhancement of the immediate setting. Should proposed development be considered sustainable development in the countryside in accordance with Policy DM4, the proposal is acceptable in principle subject to there being no significant adverse impact upon the intrinsic value, beauty, open character and landscape character of the countryside in accordance with Paragraph 174 (b) of the NPPF (2021).
- 8.7. The policy goes on to suggest that the re-use of disused buildings in the countryside can afford a number of benefits, including supporting the vitality of rural communities, minimising the need for new built development and retaining historic features which reflect the local vernacular. Further, any proposal which relates to the re-use of redundant building in the countryside must have specific regard to Policy DM15.
- 8.8. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed against 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.
- 8.9. The policy goes on to state that in order for buildings to be suitable for conversion, they should be structurally sound.
- 8.10. Notwithstanding, housing policies (including Policy 13 of the Core Strategy and Policy DM4 of the SADMP) within LPA's development plan are considered to be out-of-date. The settlement boundaries the plan defines focus on delivering a lower number of housing than that required by the up-to-date figure and the Council is unable to demonstrate a five year housing land supply. Paragraph 11 (d) of the NPPF (2021) states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular

importance provides clear reason for refusing the development proposed ((d)(ii)) (as per Footnote 7 the policies referred to relate to designated but not un-designated heritage assets) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2021) taken as a whole ((d)(ii)). Therefore, a tilted balance in favour of development is engaged and development in this instance should be approved unless adverse impacts would outweigh the benefits of the proposal.

- 8.11. Paragraph 80 of the NPPF (2021) states that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply, such as that described in sub paragraph (c) where the development would re-use redundant or disused buildings and enhance its immediate setting.
- 8.12. Notwithstanding the policy being out of date, it is therefore considered that Policy DM4 is still consistent with the spirit and objectives of the NPPF in terms of supporting sustainable rural housing and in this regard, along with Policy DM15 of the SADMP, still carries significant weight in the assessment of the current planning application.
- 8.13. The proposal seeks to convert five former agricultural buildings into four residential dwellings. The farm buildings are no longer in use for agricultural purposes. According to the submitted planning statement produced by GHM Planning Ltd, the brick buildings proposed to be converted are too small to be used for modern agricultural operations and the larger, breeze block/corrugated sheet buildings to be demolished would require significant repairs to be suitable for agricultural re-use in the future. The LPA is therefore satisfied that the site is no longer viable for agricultural use. The principle of re-using the buildings as dwellings has already been established on site by the LPA's Class Q prior approval for five dwellings. This extant approval (ref. 20/00775/P3CQ) is a material planning consideration carrying significant weight in the assessment of the current application. It would not be unreasonable to assume that there is a realistic prospect of this permitted development right being exercised if planning permission was not granted for the development now proposed, as and as such a fall-back position is established by the Class Q approval in this instance (*Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314).
- 8.14. The application has been supported by a structural survey produced by David Granger Architectural Design Ltd and planning statement produced by GHM Planning Ltd. These documents confirm that the existing structures are sound and conclude that the buildings are capable of reuse without substantial repair.
- 8.15. The proposal would be in accordance with Policies DM4 (b) and DM15 (a) and (b) of the SADMP and Paragraph 80 of the NPPF (2021) subject to further assessment below of its potential impact upon the intrinsic value, beauty, open character and landscape character of the countryside and the local heritage significance of the buildings to be converted.

Design and impact upon the character of the area

- 8.16. Policies DM4 and DM15 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM15 also seek to ensure any extensions or alterations respect the form and character of the existing building(s), are situated within the original curtilage and that the

development leads to an enhancement of the immediate setting. Modern additions which detract from the scale and form of the existing building will be resisted.

- 8.17. 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.
- 8.18. Section 16 of the NPPF (2021) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. No heritage statement has been submitted to accompany the current application, in part due to the identification of buildings at Winfrey Farm being non-designated heritage assets during the assessment of the application. As part of the determination process and as required by paragraph 195 of the NPPF, the local planning authority has identified and assessed the significance of the buildings and considered the impact of a proposal, whilst seeking to avoid or minimise any conflict between the heritage asset's conservation and aspects of the proposal by seeking some sensitive amendments to the proposal.
- 8.19. In determining planning applications, local planning authorities should take account of (Paragraph 197 of the NPPF (2021)):
- 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
- 8.20. When considering the potential impacts of a development proposal, paragraph 197 of the NPPF (2021) 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.”
- 8.21. Policies DM11 and DM12 of the SADMP 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 significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11. The SADMP also states that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.22. The Council's GDG states that a conversion should be guided by a clear understanding of the building(s), its existing external appearance, its internal configuration and the nature of its setting.
- 8.23. The former farmhouse and the two long linear buildings on site Buildings 5-7 on drawing number 18_3612_05) are evident on the first edition Ordnance Survey map of 1887. These traditional red brick built buildings date from at least the mid-19th century and likely reflect the establishment of an earlier farm on the site. Two further red brick outbuildings were constructed during the late-19th century (Buildings 1 & 4 on drawing number 18_3612_05) fronting Dadlington Lane. Two

larger portal framed buildings (Buildings 2 & 3 on drawing number 18_3612_05) were erected during the 20th century and are situated within a large concrete courtyard which provides a large footprint to the farm complex.

- 8.24. As typical with a farming complex, the buildings have been adapted considerably to suit agricultural practices over time but all of the traditional red brick buildings at Winfrey Farm retain and demonstrate features and a plan form typical of their functional uses, those being for the keeping of animals, milking parlours, threshing and storage. Some traditional materials including a slate roof to Building 6 and a clay tile roof to Building 7 remain and most buildings internally retain timber trusses. Openings across each building are typically limited to where required and these include large openings for the threshing barn and smaller openings elsewhere, all set under a timber lintel or brick arch. Overall the traditional buildings are considered to be of reasonable historic interest and some limited architectural interest. They have value as part of group comprising what appears to be a post-enclosure farm complex, their functional relationship to each other can be appreciated across the courtyards within the complex, and due to the presence of surviving historic fabric and their plan form the buildings retain a reasonable degree of integrity. There is no longer an agricultural enterprise on the holding and the buildings are no suitable for modern agricultural use.
- 8.25. This application seeks planning permission for the conversion of x5 former farm buildings into x4 dwellings. The buildings form part of a redundant farmstead. Two farm buildings would be demolished as part of the small residential complex to be created.
- 8.26. Buildings 2 and 3 on drawing number 18_3612_05 to be demolished, are modern 20th century farm buildings of no particular architectural merit. The LPA therefore does not object to the removal of these buildings from the site to allow for outdoor private amenity space to serve Plots 1, 2 and 3 proposed and a shared private driveway.
- 8.27. 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. The Council's GDG advises that consideration of the interior is paramount where inappropriate planning within the interior space can have a knock-on effect on the exterior. The GDG also states that when converting agricultural buildings which are historical and functional in appearance, it is of paramount importance that the building does not become domestic in appearance and retains its agricultural character regardless of its new use.
- 8.28. As per drawing number 18_3612_05 and drawing number 18.3612.47 B, Plot 1 is to be created by converting Building 1 and includes a side extension to provide a car port and a rear extension. Plot 2 is to be created by converting and linking Buildings 4 and 5 and includes a side extension to provide a car port. Plot 3 is to be created by converting Building 6 and includes a side extension to provide a car port. Plot 4 is to be created by converting Building 7 and includes a detached car port. No protrusions are proposed beyond any of the buildings' existing facades and existing openings would be utilised where appropriate. The GDG states that in the first instance, existing openings should be retained. Generally it is not usually appropriate to extend agricultural buildings, however, the GDG states that where done so, they should be simple, unobtrusive and respect the plan-form of the building and group layout.

- 8.29. All extensions would respect the linear plan form of the existing farm buildings with the exception of the rear extension proposed on Plot 1. However, it is considered that this extension would be modest in proportions, simple in design and would not alter the appearance of Building 1's original façade against Dadlington Lane. The extensions would have dual pitched roofs with pitch angles that would respect the buildings that they attach to. During the course of the application, garages with doors were amended to car ports to better reflect the open storage character of the existing buildings. Despite the car port serving Plot 4 being detached and not reflecting the linear plan form of Building 7, it would be contained with the existing cluster of farm buildings and located behind existing high boundary fencing surrounding the adjacent farmhouse. As such, a view of this incidental outbuilding would not be easily visible from the surrounding countryside.
- 8.30. The internal layout and configuration of the dwellings has been designed to utilise existing openings and areas of recessed brick so that former openings and the functional use of the barns is still legible. This has allowed for single storey living for Plots 1 (3 bed) and 2 (4 bed) and two storey living for Plots 3 and 4 (both 4 bed). Where new openings would be required these would be generally limited in number and the LPA is satisfied that their style and surrounding treatments including arches and headers would complement the traditional fenestration details on the existing buildings.
- 8.31. The extensions would be constructed of red brick with a clay roof tile to match the existing/reflect traditional construction materials. The replacement of the concrete roof tiles to some of the buildings with a clay tile where necessary would improve and thus enhance the appearance of the barns with the use of a high quality, traditional material. Some limited instances of timber cladding within and adjacent to fenestration are proposed which would be an appropriate material for a rural context. New windows and doors would be timber framed which is an appropriate and traditional material. In the interests of ensuring the character and appearance of the buildings is preserved and as per the recommendations of the HBBC Conservation Officer, a planning condition requiring details and/or samples of the materials to be used on the external elevations of the buildings to be provided prior to the commencement of the development to ensure that the character and appearance of the buildings is preserved.
- 8.32. The GDG states that roof lights should be used sparingly and sited discreetly so as not to become a feature in the landscape. Albeit not a feature on the existing farm buildings, where used they have been kept to minimum and therefore would not adversely impact upon the fabric of the building. There would be one roof light on the rear elevation of Plot 1, two on the front elevation of Plot 2, two on the front elevation of Plot 3 and on Plot 4 there would be one on either roof slope over the single storey element and two on the front elevation of the two storey element. The siting, size and simplistic style of the roof lights would make them compatible with the existing character and appearance of the buildings.
- 8.33. The Council's GDG states that in order protect the relationship between individual farm buildings and their landscape setting, domestic boundary treatments should be avoided that may create visual or physical barriers. Individually defined garden plots are not usually appropriate, and design cues for boundary treatments and landscaping should be taken from traditional features.
- 8.34. A thick band of planting along the south/west boundaries was originally proposed to enclose the application site. The perimeter of farm complexes in the area are traditionally open to the fields and where boundary treatments were required they

consist of low level timber fencing and/or native species hedgerows. drawing number 18.3612.47 B therefore indicates (as amended during the course of the application) low level post and rail fencing and native hedge planting marking the perimeter of the site as well as the outdoor private amenity spaces of each plot. Albeit still enclosing each plot, this boundary treatment would still maintain a visual relationship between the collection of farm buildings in the complex by virtue of its low level. It is acknowledged that hardstanding would be used for parking areas and the long private drive that would run through the centre of the site. Although not traditionally a rural feature, all courtyards on the existing site are laid with hardstanding including concrete, and as such, this form of hard landscaping proposed would not appear significantly uncharacteristic or urbanising in the context of the application site despite its rural location.

- 8.35. Notwithstanding these observations, should planning permission be granted it is considered necessary to impose a pre-commencement condition requiring a landscaping plan to be submitted. This measure would be in the interests of protecting the setting and character of the historic farmstead and to ensure no significant harm to its traditional features or rural character.
- 8.36. To protect the rural and historic character of the site, the surrounding rural landscape and to avoid compromising the principle of development, should planning permission be granted it is recommended a condition be imposed removing permitted development rights for all plots in relation to Schedule 2, Part 1 and Part 2 Class A 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).
- 8.37. By virtue of ensuring that the original plan form, fabric and features of historic and architectural interest evident at Winfrey Farm would remain, along with preserving the setting and group value of the barns through appropriate landscaping and siting of ancillary structures, the agricultural character and subsequent significance of these local heritage assets would be preserved, and the proposal is considered to be a viable use for the buildings that is consistent with their long-term conservation. Therefore the proposal complies with Section 16 of the NPPF and Policies DM11 and DM12 of the SADMP.
- 8.38. Notwithstanding conditions imposed, it is considered that the proposed scheme would retain and secure the long term future of the agricultural buildings on site, providing a sustainable and viable use which would reflect the historic integrity of the buildings, enhancing the existing traditional structures and without significant harm to the intrinsic rural character of the wider countryside. The proposal is therefore considered to be in accordance with Policies DM4, DM10 and DM15 of the SADMP.

Impact upon neighbouring residential amenity

- 8.39. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties.
- 8.40. The application site is situated in an isolated location along Dadlington Lane. To the south east, south west and north west the application is not bound by any neighbouring residential properties. Immediately to the north east of the site is a currently occupied farmhouse. The private outdoor courtyard serving this dwelling is bound by high feather board marking the shared boundary with Plots 2 (to the south west) and 4 (to the south). The detached car port serving Plot 4 would abut the

shared boundary, but according to its single storey nature in relation to the existing boundary fencing, the car port would not overbear. There are windows at ground floor and first floor level on the farmhouse serving a mix of habitable and inhabitable rooms. Whilst the majority of windows along the rear elevation of Plot 2 would serve habitable rooms, this plot is entirely single storey and the separation distance between windows on Plot 1 and on the south west elevation of the farmhouse would be approximately 15 metres. The primary outdoor private amenity space serving Plot 2 would be on the south west side of the plot. Bearing this in mind, along with the existing high boundary fencing, it is not considered that the development would result in adverse overlooking impacts or significant harm to the enjoyment of private residential amenity for either occupants of the farmhouse or future occupants of Plot 2. There would be no windows on the north elevation of Plot 4 to overlook the farmhouse.

- 8.41. The enclosed private gardens serving each plot on the application site combined with their open surroundings would provide future occupiers of the proposed dwellings with ample amenity space in accordance the GDG.
- 8.42. Overall, the proposed development would not have any adverse impacts upon the neighbouring amenity and would be in accordance with Policy DM10 of the SADMP and the guidance of the GDG.

Impact upon highway safety

- 8.43. 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.
- 8.44. The application site would be accessed by an existing access onto Dadlington Lane, Stapleton. LCC Highways do not object to the proposal. The existing access serves the former farmstead and the proposal of 5 dwellings would not materially increase the use of this. There is ample parking areas to serve the proposed dwellings which is sufficient to serve the number of bedrooms proposed on each plot, and there is also sufficient turning and manoeuvring space to ensure vehicles can leave the site in a forward gear. This assessment would be subject to conditions requiring the access arrangements to be implemented prior to first occupation and the restriction of windows along the road frontage being other than outward opening. On this basis, the impacts of the development upon highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.45. The proposed development would satisfy Policy DM17 and DM18 of the SADMP.

Ecology

- 8.46. Paragraph 174 (a) of the NPPF (2021) states that planning policies and decisions should contribute and enhance the local natural environment by protecting and enhancing sites of biodiversity.
- 8.47. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. In recognition of the importance and value of biodiversity in the borough, the LPA will first and foremost seek to avoid harm or loss to biodiversity.
- 8.48. According to the GDG, it is essential to consider the impact of conversion work upon wildlife, particularly in relation to protected species. Their protection is a material consideration in the planning process.

- 8.49. The bat emergence and activity survey report submitted (BJ Collins, July 2021) with the current application is satisfactory and found evidence of day roosts in Buildings 4 & 6. Common pipistrelle bats were observed emerging from the buildings during dusk emergence surveys. The report recommends that one further emergence survey is required before a licence can be applied for. Recommendations for mitigating disturbance to the roost have been included in the report, which are agreed with in principle by LCC Ecology but need updating with the outstanding emergence survey. It has been recommended by LCC Ecology that the mitigation recommendations in the report (BJ Collins, July 2021: Section 5) are conditioned should planning permission be granted.
- 8.50. The barn owl survey submitted (Andrew P. Chick Ecology, April 2021) in the current application recorded no barn owls or evidence of current occupation by barn owls. The survey identified evidence of the past use by barn owls of the first-floor area at the southern end of Building 7. No further survey work is required at this stage. Mitigation recommendations to safeguard any barn owls which may attempt breeding inside the building in the future, and alternative roosting and breeding provision for barn owls is provided in the report, which LCC Ecology agree with. The submitted proposed site plan (drawing number 18.3612.47 B) shows where the proposed barn owl boxes would be located and this plan is considered acceptable by LCC Ecology.
- 8.51. Overall it is considered that the proposal would not significantly harm protected species on the site in accordance with Policy DM6 and Paragraph 174 (a) of the NPPF (2021) subject to mitigation recommendations being conditioned.

Archaeology

- 8.52. Paragraph 194 of the NPPF (2021) states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This requirement is echoed in Policy DM13 of the SADMP.
- 8.53. According to LCC Archaeology and the selection criteria for the LPA's list of local heritage assets, the buildings on the application site are, or have the potential to constitute a local heritage asset (or assets) with an archaeological and heritage interest. Winfrey Farm originates at least as early as the beginning of the 19th century. It comprises a traditional farm complex and the buildings to be converted may well be the structures indicated on the 1st/2nd edition OS mapping. LCC Archaeology have therefore recommended that the LPA require the applicant to complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance. Subject to a condition requiring a Written Scheme of Investigation to be submitted to the LPA for approval prior to the development (including the demolition of Buildings 2 and 3) commencing, the proposal would be in accordance with Paragraph 194 of the NPPF (2021) and Policy DM13 of the SADMP.

Infrastructure Contributions

- 8.54. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

- 8.55. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.56. With regards to an obligation to provide affordable housing on site, Paragraph: 023 Reference ID: 23b-023-20190901 of the Government's Planning Practice Guidance (PPG) states that:

"Planning obligations for affordable housing should only be sought for residential developments that are major developments..."

For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015."

- 8.57. In this instance the site application site exceeds 0.5 hectares and therefore in accordance with the guidance set out in the PPG, the proposal falls under the definition of major development and therefore obligations towards affordable housing can be sought. This is also echoed within the definitions contained within the NPPF (2021). However, the PPG is guidance only and the legal definition of major development for the purposes of planning is contained within the Town and Country Planning (Development Management Procedure) Order (2015), which defines major development, for the purposes of residential development as:-
- "major development" means development involving any one or more of the following—*
- (a) the winning and working of minerals or the use of land for mineral-working deposits;*
 - (b) waste development;*
 - (c) the provision of dwellinghouses where—*
 - (i) the number of dwellinghouses to be provided is 10 or more; or*
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more**and it is not known whether the development falls within sub-paragraph (c)(i);"*
- 8.58. In this instance, although the site exceeds the threshold of 0.5 hectares, the number of dwellings proposed is known to be less than 10. Therefore the proposal falls outside the definition of a 'major development' when considering the legislation, which is law. Therefore having regard to the definition contained within the Town and Country Planning (Development Management Procedure) Order (2015), the development is not considered major development, and therefore a request for a commuted sum towards affordable housing cannot be sought in this instance.
- 8.59. Peckleton Parish includes the villages of Peckleton, Kirkby Mallory and Stapleton, comprising six open spaces. With the exception of amenity green spaces, there is a shortfall in all typologies within the Parish. Within Stapleton, there are three areas of open space. The first is Stapleton Recreation Ground, identified in the LPA's Open Space and Recreation Study (2016) as a formal park (ref. STAP02). The second is

Stapleton Cricket Club, identified as an outdoor sports facility (ref STAP03). The third is St Martin's Church of England Church Yard, Church Lane, identified as a cemetery and church yard (STAP04). The quality target for all open space typologies is 80%. The quality scoring for Stapleton Recreation Ground (STAP02) is 76%. In the parish, the accessibility standard for formal parks is 600 metres. The application site is nearly 1km away from the Stapleton Recreation Ground (STAP02). Bearing this distance in mind, along with the quality score for Stapleton Recreation Ground and the small quantum of development proposed, no contribution has been pursued in this application. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the Core Strategy, it is not therefore considered that any obligations are required to make the development acceptable in planning terms.

Planning Balance

- 8.60. As explained in paragraph 8.10 of this report, the LPA's housing policies (including Policy 13 of the Core Strategy and Policy DM4 of the SADMP) within the development plan are considered to be out-of-date. The settlement boundaries the plan defines focus on delivering a lower number of housing than that required by the up-to-date figure and the Council is unable to demonstrate a five year housing land supply. Paragraph 11 (d) of the NPPF (2021) states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2021) taken as a whole ((d)(ii)). Therefore a tilted balance in favour of development is engaged and development in this instance should be approved unless adverse impacts would outweigh the benefits of the proposal.
- 8.61. Paragraph 8 of the NPPF (2021) states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:
- 8.62. Economic - The scheme would provide limited benefits to the local economy through the creation of jobs, demand for services and materials for the construction of the development and from the future occupation of the development supporting businesses in the wider rural area.
- 8.63. Social - Weighed against the Government's commitment to significantly boosting the supply of housing through the NPPF (2021), the proposal for four market dwellings would offer only limited social benefit and would not significantly boost the supply of housing in the Borough.
- 8.64. Environmental - Although the proposal is situated outside the settlement boundary, the proposed scheme would retain and support the long term conservation of a non-designated local heritage asset. The agricultural character and subsequent significance of the local heritage asset would be preserved through the design proposed. The proposal would provide a sustainable and viable use for the site and would reflect and enhance the historic integrity of its traditional buildings without significant harm to the intrinsic rural character of the wider countryside. On this basis, there are no adverse impacts to the scheme that would outweigh its significant environmental benefits. The proposal would be in accordance with Policy DM1, DM4, DM6, DM10, DM11, DM12, DM13 and DM15 of the SADMP and the overarching principles of the NPPF (2021), in particular paragraphs 80, 174 (a) and (b), 194, 195 and 197 subject to conditions.

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

10.1. The application site is outside any defined settlement boundary, but seeks to convert existing rural buildings. The principle of converting existing rural buildings is considered to accord with Policies DM1, DM4 and DM15 of the SADMP.

10.2. The proposed development would preserve the agricultural character and subsequent significance of the farmstead as a un-designated local heritage asset and would provide a sustainable and viable use for its buildings that would reflect and enhance their historic integrity without significant harm to the intrinsic rural character of the wider countryside.

10.3. In addition, the proposal would not have any significant adverse impacts upon residential amenity, vehicular or pedestrian safety, protected species or flooding subject to conditions. It is considered that the proposed development is in accordance with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12, DM13, DM15, DM17 and DM18 of the SADMP and the overarching principles of the NPPF (2021), in particular paragraphs 80, 174 (a) and (b), 194, 195 and 197 subject to conditions.

10.4. In this instance the provision of four dwellings on the application site would not result in a significant and demonstrably adverse impact which would outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance, the proposed development constitutes sustainable development and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 **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:

- Site Location Plan received 28 July 2021
- Detailed Planning Proposals Sheet 1 of 10 drawing number 18.3612.47 B received 19 July 2021
- Proposed Garage Front, Side Rear Elevations, Sheet 10 of 10, Plot 4, drawing number 18 3612.56A
- Proposed Side, Front ,Rear Elevations, Sheet 9 of 10, Plot 4, drawing number 18 3612.55A
- Proposed Ground, First Floor Plan Sheet 8 of 10, Plot 3, drawing number 18 3612.54A
- Proposed Side, Front and Rear Elevations, Sheet 7 of 10, Plot 3, drawing number 18 3612.53A
- Proposed Ground Floor Plan, Sheet 6 of 10, Plot 2, drawing number. 18 3612.52A
- Proposed Side and Rear Elevations, Sheet 5 of 10, Plot 2, drawing number 18 3612.51A
- Proposed Front and Side Elevations, Sheet 4 of 10, Plot 2, drawing number 18 3612.50A
- Proposed Floor Plan, Sheet 3 of 10, Plot 1, drawing number 18 3612.49A
- Proposed Elevations, Sheet 2 of 10, Plot 1, drawing number 18 3612.48A

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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 of the dwellings 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 DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 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 amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Article 3, Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this permission) shall be erected within the curtilage of the building/dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, 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).

7. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Before the development hereby permitted is brought into use, Building 2 and 3 as shown on drawing number 18.3612.05 received 04.12.2021 shall be demolished and all materials resulting from the demolition cleared from the site.

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

9. The development hereby permitted shall be implemented in accordance with the approved ground and finished floor levels submitted on Detailed Planning Proposals Sheet 1 of 10 drawing number 18.3612.47 B received 19.07.2021.

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).

10. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first 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).

11. 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).

12. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning facilities have been implemented in accordance with Detailed Planning Proposals Sheet 1 of 10 drawing number 18.3612.47 B received 19.07.2021. Thereafter the access, onsite parking provision and turning shall be so maintained in perpetuity.

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).

13. Notwithstanding the submitted plans, any windows/replacement windows on Plots 1 and 2 along the road frontage shall be of a type other than outward opening and shall be maintained so in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

14. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

15. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

17. The development shall be carried out in full accordance with the mitigation recommendations specified in the Bat Emergence and Activity Surveys July 2021 produced by BJ Collins and received by the local planning authority on 05.07.2021, the Barn Owl Survey April 2021 produced by Andrew P. Chick and

received by the local planning authority on 29.04.2021 and the approved plan showing where barn owl boxes would be located: Detailed Planning Proposals Sheet 1 of 10 drawing number 18.3612.47 B received 19.07.2021.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 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. In relation to conditions 10 and 11 advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. 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.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The applicant's ecologist has identified that a Natural England Licence will be required for the bat mitigation. It is the applicants' responsibility to liaise with their ecologist to ensure that all necessary licences are in place prior to the commencement of the works and to ensure that all licence conditions are adhered to.