

**Planning Committee 14 February 2023**  
**Report of the Planning Manager (Development Management)**

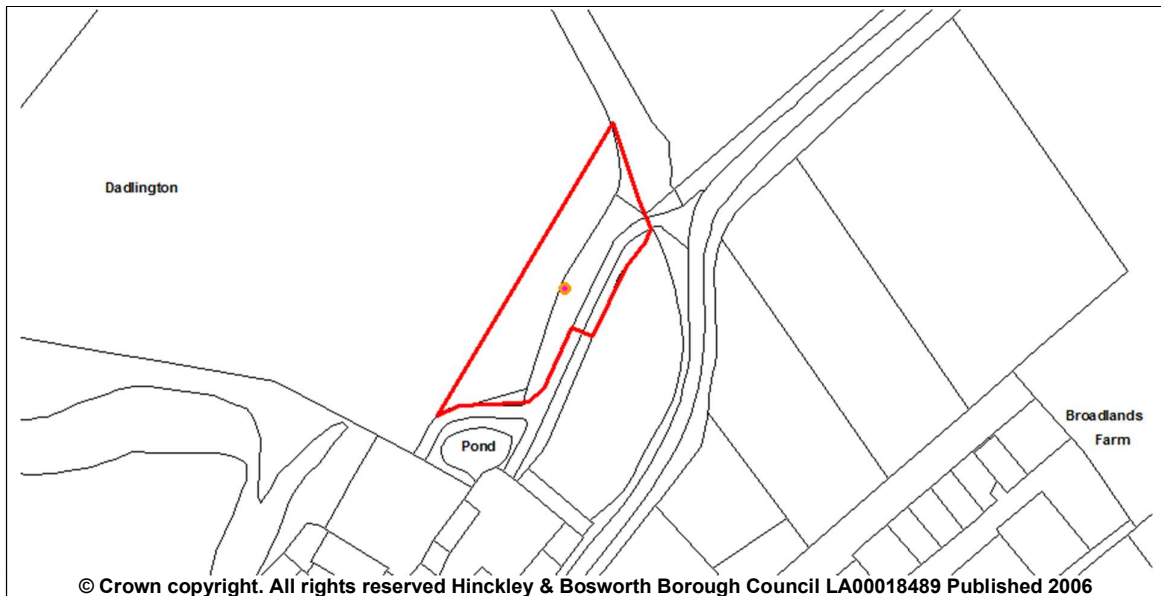
**Planning Ref: 22/00337/FUL**  
**Applicant: Mrs Kate Walker**  
**Ward: Ambien**



Hinckley & Bosworth  
Borough Council

**Site: Hall Farm 1 Main Street Dadlington**

**Proposal: Proposed change of use from farm land to Holiday Let (Sui Generis Use) and construction of 2no. Holiday Rental Units with associated car parking, landscaping and refuse/recycling facilities**



**1. Recommendations**

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

**2. Planning application description**

- 2.1. The application proposes a change of use of agricultural land and the erection of two single storey holiday let buildings, each with self-contained one bedroom accommodation and an external semi enclosed deck. The lodges have an overall ground plan of 9m x 9.6m and a height of 3.46m to the ridge. Part of the ground plan includes a covered external deck area that is partly enclosed on one of the three sides. The external walls have timber cladding with a shallow monopitch standing seam metal roof in anthracite grey. The application site lies outside the settlement boundary of Dadlington village.
- 2.2. Vehicular access is taken via the existing farm access from Sutton Lane and two car parking spaces per unit are provided along with turning space.
- 2.3. Additional landscaping is proposed, mainly to screen the development from the north and north-west and provide biodiversity enhancements.
- 2.4. Further information provided by the applicants includes a business plan and how the new units will enhance and diversify the existing business at Hall Farm in terms

of supporting local businesses and tourism destinations. Whilst the application indicates no additional employees directly, the business plan advises that as a result of increasing the number of holiday lets, one additional full time maintenance employee is likely to be taken on at Hall Farm. Hall Farm no longer operates as a working farm.

### **3. Description of the site and surrounding area**

- 3.1. The farmhouse at Hall Farm lies on the edge of Dadlington and the adjacent farm buildings are outside the settlement boundary as defined in the Site Allocations and Development Management Policies Development Plan Document (SADMP). One of these former farm buildings is currently used as a holiday let, granted planning permission in 2020. The application site lies to the north of the farm buildings in open countryside and has been used for grazing.
- 3.2. The host dwelling is a Grade II listed building. The boundary of the Registered Battle of Bosworth Field (1485) as defined by the Ambion Way footpath lies around 130m to the north-west of the application site and currently has uninterrupted views of the application site.

### **4. Relevant planning history**

#### **20/00111/FUL**

- Change of use of agricultural building to holiday let
- Withdrawn
- 29.04.2020

#### **20/00597/FUL**

- Change of use of outbuilding to holiday let (re-submission of 20/00111/FUL)
- Permitted
- 10.08.2020

### **5. Publicity**

- 5.1. The application has been publicised by a site notice posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 24 letters of support for the proposal have been submitted by the applicant from local residents and businesses who support the existing holiday let at Hall Farm. A letter of support from a local business has also been received directly by the Council.
- 5.3. The comments can be summarised as follows:
  - Would benefit the local economy, produce and local tourism
  - Provides much needed visitor accommodation in short supply
  - Enhances the current holiday let business at Hall Farm
  - The design is in keeping and sympathetic
  - Little impact on the countryside, landscape or traffic
  - Neighbourhood Plan survey supports tourism development in the area

## **6. Consultation**

- 6.1. Sutton Cheney Parish Council support the proposal. No reasons are given.
- 6.2. Local Ward Member Councillor Collett supports the application. The applicant is a valued member of the community and the scheme will benefit visitors and the local area
- 6.3. No objections received from:
- HBBC Environmental Services – Pollution
  - HBBC Drainage
  - Historic England
  - Conservation Officer
- 6.4. No objections subject to conditions from:
- LCC Highways
  - LCC Ecology
  - HBBC Waste

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
  - Policy 23: Tourism Development
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological interest
  - Policy DM7: Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
  - Policy DM24: Cultural and Tourism Facilities
- 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)
  - National Design Guide (2019)
  - North Warwickshire and Hinckley and Bosworth Destination Management Plan (2017)

## **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology

Assessment against strategic planning policies

- 8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3 Dadlington is identified as a rural hamlet in the adopted Core Strategy. Policy 13 supports small scale employment uses inside the settlement boundary and tourism development in line with Policy 23. Policy 23 states that holiday accommodation will be encouraged in suitable locations where:
- The development can help support existing local community services and facilities and
  - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping
  - The development adds to Hinckley & Bosworth's local distinctiveness and
  - Complements the tourism themes of the borough and
  - The development adds to the economic wellbeing of the area
- 8.4 Policy DM24 of the Site Allocations and Development Management Policies DPD supports new cultural and tourism facilities, which it classifies as museums and theatres, strategic hotels (those with over 50 bedrooms) and visitor attractions. It also states that to reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they can be accessed by a range of sustainable transport modes.
- 8.5 The proposal is not a tourism destination but provides visitor accommodation in an area of the Borough which has several attractions such as Bosworth Battlefield and visitor centre, Mallory Park, Twycross Zoo and the Battlefield railway line. In terms of Policy 23 it satisfies the requirements of contributing towards economic wellbeing and the support of local services. However, the site lies in the countryside and whilst it is very close to the Bosworth Battlefield and well connected to the local area via rural footpaths, it is likely that most visitors using the accommodation will travel by private car. There are limited local day to day facilities in Dadlington itself. The location is therefore questionable in terms of it being suitable as required by Policy 23 of the Core Strategy and it cannot be accessed by a range of sustainable transport modes as required by Policy DM24 of the SADMP.
- 8.6 Furthermore, Policy DM4 of the SADMP states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development. DM4 identifies sustainable development as:
- a) outdoor sport and recreation

- b) change of use or re-use of an existing building
- c) a development significantly contributing to economic growth, job creation and/or rural diversification
- d) renewable energy
- e) accommodation for a rural worker in line with Policy DM5

Subject to the proviso that the proposal would not have a significant adverse effect on the countryside or does not undermine the physical and perceived separation and open character between settlements.

- 8.7 The proposed holiday-lets are not a conversion of existing buildings and have a degree of separation from the existing group of buildings at Hall Farm. Therefore they do not comply with part b). The development is intended as an expansion of the existing holiday let business and so would provide some economic benefit and diversification in accordance with c). Cleaning and laundry is and will continue to be carried out by local businesses which has some benefit to the local economy and local pubs, restaurants and food producers would benefit by additional visitors to the area. The business plan indicates one additional full time employee to maintain the buildings and land, (although the application form indicates no additional employees). However, the contribution to economic growth, job creation and/or rural diversification is not considered to be 'significant' as required by Policy DM4.
- 8.8 In addition, whilst the scale of the units is modest, they are not particularly well related to the existing buildings on the site. The amended plans have introduced new landscaping around the site to seek to mitigate the visual impact of the development from the surrounding countryside, including the Ambion Way footpath. This is discussed further later in the report.
- 8.9 Section 6 of the National Planning Policy Framework (NPPF) provides advice on building a strong competitive economy and more specifically supporting a prosperous rural economy. Paragraph 84 states that Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
  - b) the development and diversification of agricultural and other land-based rural businesses;
  - c) sustainable rural tourism and leisure developments which respect the character of the countryside.
- 8.10 The NPPF further advises that whilst planning policies and decisions should recognise that sites in rural areas may be adjacent to or beyond existing settlements and in locations not well served by public transport, in these circumstances it is important to ensure development is sensitive to its surroundings.
- 8.11 Following concerns raised by officers, additional information has been provided in respect of the economic benefits of the proposal and local letters of support provided. In addition, a revised landscaping scheme has been provided to increase planting on the site. The amended plans also emphasise that the two units are temporary in nature in that they are supported by pads on a concrete base, so could be removed from the site. Whilst the buildings are not mobile in their completed form and have fully functioning bathrooms and kitchens, the 'fall back' position is put forward as further justification for the development. This relates to the ability for five caravans to be stationed under the Caravan Sites and Control of Development Act 1960 when a certificate is issued by an exempted organisation.

- 8.12 Wanderlust Camping Club is an exempted organisation and confirm that they would be able to issue a certificate in accordance with the Caravan Sites and Control of Development Act 1960. This would allow the applicant to use the site at Hall Farm for the siting of up to five caravans for a 12 month period 2023/2024 and seeks to establish a fall-back position without planning permission for the use of the land in accordance with Part 5, Class A of the Town and Country Planning General Permitted Development Order 2015.
- 8.13 However, whilst a genuine fall-back position is a material consideration it does not remove the requirement to determine an application for planning permission in accordance with the policies of the Development Plan. Whilst there are clearly some economic benefits to the scheme, on balance and in light of the above policies, it is considered that the development of two new units in the location proposed does not represent sustainable development in the countryside in accordance with Policy DM4 of the SADMP and would also set a precedent for further encroachment into the countryside at Hall Farm. Whilst there are economic benefits these should be balanced against the harm resulting from the proposal and the precedent it would set.

#### Design and impact upon the character of the area

- 8.14 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.15 The lodges are modest in scale, use largely natural facing materials and with design detailing for a rural context. However, whilst they are sited in the vicinity of the existing farm buildings and would not undermine the physical and perceived separation and open character between settlements, they are somewhat detached from Hall Farm and not visually well related to Dadlington. A landscaping scheme has been submitted to improve biodiversity on the site and improve its setting, but vehicular access from the track and parking / turning areas would be a significant change in character, particularly as it encroaches out into the agricultural land surrounding the farm and is so highly visible from the Ambion Way public footpath.
- 8.16 The application site is a relatively large plot of land for two small units and despite the fairly modest scale of the buildings and the proposed new landscaping, the character of the countryside in this location would be altered significantly which would be detrimental to the character and appearance of the area. The development would not complement or enhance the rural character of the surrounding area. Therefore the proposal is considered to be contrary to Policy DM10 of the SADMP

#### Impact on heritage assets

- 8.17 Policies DM11 and DM12 of the SADMP seek to protect and enhance the Historic Environment through the requirement to demonstrate an understanding of the significance of the heritage asset and its setting and an assessment of the impact of the proposal on the significance of the asset has been carried out. Where there is harm to the significance this must be outweighed by benefits.
- 8.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to

the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 199). Paragraph 202 states that where there is less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.

- 8.19 The proposed holiday lodges are separated from the listed Farmhouse by its associated range of outbuildings and are subsequently somewhat detached from it. Due to their siting the proposed lodges will not harm any of the principal views to the listed house from Main Street and will not materially affect the limited views of the rear elevation of the farmhouse from the north-east alongside the application site through the agricultural buildings or from Ambion Way over the intervening agricultural fields.
- 8.20 It is therefore considered that the proposed lodges will not affect any principal or secondary views either from or towards Hall Farm designated heritage asset and subsequently it will be an appropriate form of development within the wider setting of the listed building which will have no adverse impact upon its significance.
- 8.21 The battlefield site to the north of Dadlington is situated within a relatively open and undulating agricultural landscape. The Bosworth Battlefield Conservation Plan (2013) identifies a number of publicly accessible key views around Dadlington of the battlefield, including a view from Sutton Lane to the north-east of the application site. By virtue of its location there are views over the site towards Ambion Way but the siting of the lodges in this location will not materially affect views towards the battlefield site or encroach into any key views identified within the Conservation Plan.
- 8.22 The proposed holiday lodges would not have any direct physical impact upon the battlefield, given the local topography, distance from the battlefield, and their overall scale and largely rural and agricultural design. Consequently the proposal would be an appropriate form of development within the wider setting of the registered Battle of Bosworth Field which will have no adverse impact upon its significance.
- 8.23 The Conservation Officer has no objections to the proposals.
- 8.24 The proposed development would not adversely impact any of the heritage assets and as such would not harm their significance. The proposal complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact upon neighbouring residential amenity

- 8.25 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.26 There are no non-ancillary residential properties in the vicinity of the proposed holiday lets and as such no adverse implications on neighbouring residential amenity. The proposal complies with Policy DM10 of the SADMP and the Council's adopted Supplementary Planning Document in this regard.

#### Impact upon highway safety

- 8.27 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.28 The holiday lets are accessed from an existing access onto Sutton Lane and provide adequate parking and manoeuvring for the new development. The Local Highway Authority have no objections subject to standard conditions relating to the timing of parking provision and surfacing etc.
- 8.29 There would be no adverse impact on highway safety as a result of the proposal and suitable parking provision is provided. The proposal therefore complies with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.30 Policy DM7 of the SADMP states that development should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against.
- 8.31 Policy DM7 states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals will not adversely impact on water quality, ecological value or drainage function, avoid obtrusive light intrusion, noise pollution and air quality and should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against. Appropriate containment solutions for possible contaminants and remediation of contaminated land in line with minimum national standards should be undertaken.
- 8.32 The site is located in Flood zone 1 (low risk). Foul drainage is accommodated via a septic tank and surface water via a soakaway. HBBC Environmental Services, Pollution and Drainage have no objections to the proposal. Advice is provided relating to the use of soakaways and the septic tank will be subject to the requirements of the Environment Agency. The proposal complies with Policy DM7.

#### Ecology

- 8.33 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.34 In response to comments from the County Ecologist the landscaping scheme has been enhanced and provides native planting which results in a biodiversity net gain. The landscaping plans are now considered to be acceptable and the proposed development would comply with the requirements of Policy DM6 of the SADMP.

### **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:



- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. 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. Although there are some limited economic benefits resulting from the proposed development, the relevant policies and advice within the NPPF require a balance between the benefits of a proposal and its harm represented by any conflict with the policies and guidance, particularly where this may set a precedent. On balance, the proposal is considered to represent unjustifiable and unsustainable development in the open countryside as it fails to comply with the requirements of Policies DM4 and DM24 of the Site Allocations and Development Plan Policies DPD and Policy 23 of the Core Strategy. Furthermore, its siting and poor relationship to the existing buildings at Hall Farm would fail to complement or enhance the character of the surrounding area, as required by Policy DM10 of the Site Allocations and Development Plan Policies DPD. It would not be sensitive to its surroundings as required by paragraph 85 of the NPPF. Therefore the application should be refused.

## **11. Recommendation**

- 11.1 **Refuse planning permission** for the reasons at the end of this report.

### **11.2 Reasons**

The proposal represents unsustainable development in the open countryside that is significantly detrimental to its rural character and appearance, contrary to Policies DM4 and DM24 of the Site Allocations and Development Plan Policies DPD and Policy 23 of the Core Strategy. The siting and poor relationship of the proposed development to the existing buildings at Hall Farm would result in a harmful visual encroachment which would fail to complement or enhance the rural character of the area and would not be sensitive to its surroundings, setting a precedent for further unsustainable development and being contrary to Policy DM10 of the Site Allocations and Development Plan Policies DPD and paragraph 85 of the NPPF.

### **11.3 Notes to applicant**

1. The plans and documents relating to this decision are:

- Design & Access Statement, Heritage Statement and Ecology Appraisal received 6<sup>th</sup> April 2022
- Location Plan and Block Plan Drawings 21/118/01B & 21/118/4A received 3<sup>rd</sup> May 2022
- Landscaping Document received 3<sup>rd</sup> May 2022
- Planning Statement received 20<sup>th</sup> December 2022
- Drawing 21/118 02E received 20<sup>th</sup> December 2022
- Drawing 10704L.PP 001 rev C Planting Plan received 20<sup>th</sup> December 2022
- Biodiversity Net Gain and Calculation Tool received 5<sup>th</sup> January 2023