

**Planning Committee 19<sup>th</sup> September 2023**  
**Report of the Head of Planning (Development Management)**

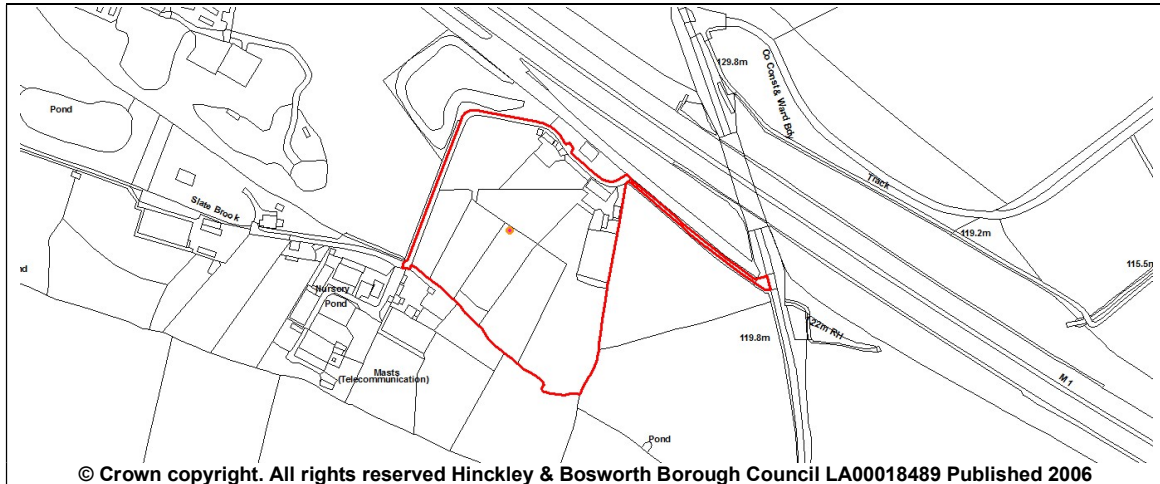
**Planning Ref: 23/00699/FUL**  
**Applicant: Mr and Mrs Lester**  
**Ward: Ratby Bagworth And Thornton**



Hinckley & Bosworth  
Borough Council

**Site: Whittington Edge Stables Markfield Road Ratby**

**Proposal: Change of use of existing barn to dwelling, installation of solar panels, and trees planting.**



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**1. Recommendations**

- 1.1. **Refuse planning permission** subject to:
- Planning reasons outlined at the end of this report.

**2. Planning Application Description**

- 2.1. This planning application seeks full planning permission for the change of use of existing stables to a two-bedroom residential property (Use Class C3) at Whittington Edge Stables, Markfield Road, Ratby. No extensions to the existing structure are proposed.
- 2.2. The development utilises materials that match the existing structure and retains the existing stable doors on the front elevation for security. Behind the stable doors are new, full height, aluminium, double glazed windows, and new aluminium bi-fold doors. The five louvered vents on the rear of the building are replaced with new aluminium frame, double glazed windows.
- 2.3. 20 solar panels with battery storage are proposed adjacent to the proposal alongside a 1000L underground grey water harvesting tank, which is linked to the residential property for water recycling. The development also includes the planting of the Woodland Trust's Pollinators Tree Pack to the northwest of the development and to the south of the site to reinforce the existing boundaries of the site. The Woodland Trust's Pollinators Tree Pack includes 45 x hawthorn, 30 x blackthorn, 40 x crab apple, 40 x rowan, 40 x hazel, and 15 dog rose cell grown saplings.
- 2.4. This application is a resubmission of the refused planning application, 23/00212/FUL. The Planning Officer raised with the Applicant in 20 July 2023 that

no further justification has been provided for this development since the previously refused application, but no further information has been provided.

### **3. Description of the Site and Surrounding Area**

3.1. The 26,000sqm application site is located outside of any identified settlement boundary within the open countryside and the National Forest. There is a mature belt of woodland along the northern boundary that forms a buffer between the application site and the M1 corridor to the north, and the Charnwood Acres Caravan Park to the northwest. The M1 is 48.2m from the site, and the caravan park is 275.4m from the site. To the southwest of the site is an existing dwelling, Faulkners Nursey, and a manége. Beyond these elements is open countryside. Adjacent to the development are several existing stables.

3.2. The existing stables subject to this application externally measure 20m in width x 6.4m in depth, with a total footprint of 127sqm. The stables utilise a dual pitched roof that has a roof ridge height of 4.3m and an eaves height of 2.4m. The structure is constructed with merlin grey metal roof cladding and insulated composite cladding for the external walls of the structure. There are five louvered vents on the rear of the building, four single doors and one pair of double doors on the front of the stables, and a window on each side elevation of the structure.

3.3. The existing stables are 154.4m from the site's access onto the public highway, Markfield Road, which is a classified 'C' road, subject to a 60mph speed limit. Public Right of Way (PRoW) R27 is accessed to the south of the site's access and runs east to west to the south of the application site.

3.4. Whittington Edge Stables has previously applied for the removal of an existing barn for the creation of new detached dwelling (16/01066/FUL), and two conversions of an existing stable block into a residential dwelling (17/01033/FUL) and a two-bedroom residential property (18/00315/FUL) respectively. Application 17/01033/FUL was withdrawn, and the other two specified applications were refused because they conflicted with Policy 21 of the Core Strategy and Policies DM1, DM4, DM10 and DM15 of the SADMP. Application 18/00315/FUL was refused because the applicant failed to demonstrate that the existing building was capable of conversion to residential use without significant rebuilding and alterations.

3.5. The existing stable subject to this application was constructed, part retrospectively, under planning application 19/01069/FUL, to replace the existing stable building to provide more adequate support and stability to the structure from the site's, "adverse ground conditions," as described by the Applicant in the planning statement submitted to the Local Planning Authority on 20 September 2019.

3.6. Pre-application advice was sought in 2022, 22/10113/PREHMO, for the conversion of the stables in this application into a residential or holiday let property. The Local Planning Authority advised that the conversion of the stable building to a residential property was not suitable unless the Applicant could demonstrate that the scheme enhances its immediate setting, and that the existing building is no longer viable in its current use. In addition, the Local Planning Authority concluded that the site would be unsuitable for a residential property due to the harm to the residential amenity of the occupants in relation to the site's proximity to the M1, and the unsustainable location of the site.

### **4. Relevant Planning History**

4.1 **23/00212/FUL**

- Proposed change of use of existing stable to residential property, installation of solar panel, boundary treatment, trees planting and water harvesting tank
- Refused
- 02.05.2023

This application was refused for the following reasons:

1. The Applicant has not provided adequate justification that the existing stables are unviable in their current state. As the stables were constructed less than five years ago, the development is considered contrary to, and in conflict with, Policy DM15(a) of the Site Allocations and Development Management Policies Development Plan Document (2016). Therefore, the application is regarded as new and unjustified residential development within an unsustainable outside of any identified settlement boundary, which causes significant adverse harm to intrinsic value, beauty, open character, and landscape character of the countryside and the National Forest, which is in conflict with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 21 of the adopted Core Strategy, Paragraph 80 and Section 15 of the National Planning Policy Framework (2021), and the Good Design Guide.
2. The principle of approving the conversion of these stables into a residential dwellinghouse consolidates sporadic development in the countryside, which makes it very difficult for the Council to resist the pressures for development in the countryside by virtue of newly built agricultural or equestrian buildings, and their ultimate conversion into residential dwellings. This is considered to have a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 15 of the National Planning Policy Framework (2021), and the Good Design Guide.
3. The unsustainable location of the proposed dwelling is considered to result in the future occupants of the scheme having limited access to facilities, services, employment and retail needs, and sustainable modes of transport, and being reliant upon the use of private motor vehicles. This is not considered to create an accessible development that promotes health and wellbeing for its future users, which is contrary to, and in conflict with, Paragraphs 8(c), 124(c), and 130(f), as well as Sections 9, and 12 of the National Planning Policy Framework (2021).

**4.2 20/01291/CONDIT**

- Variation of condition 1 (plans) and condition 2 (materials) attached to planning permission 19/01069/FUL
- Permitted
- 11.02.2021

**4.3 19/01069/FUL**

- Construction of replacement stables building (part retrospective)
- Permitted
- 14.11.2019

**4.4 18/00315/FUL**

- Conversion of existing stable block into a 2 bedroom residential property
- Refused

- 02.08.2018

This application was refused for the following reason:

1. The Applicant has failed to demonstrate that the buildings are capable of conversion to residential use without significant rebuilding and alterations and the proposal would therefore result in unjustified new residential development in an isolated location within the countryside. In addition, by virtue of the layout and design, the proposal would be detrimental to the rural and countryside setting and would fail to complement the character and appearance of the application site, surrounding landscape and National Forest. The proposed scheme would therefore not represent sustainable development and would be in conflict with Policy 21 of the adopted Core Strategy (2009), and Policies DM1, DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the overarching principles of the National Planning Policy Framework (2018).

#### 4.5 **17/01033/FUL**

- Conversion of an existing stable block into a residential dwelling
- Withdrawn
- 15.12.2017

This application was withdrawn following concerns from the Local Planning Authority regarding inability to convert the timber stable building without significant rebuild and alteration, and the subsequent significant harm to the countryside.

#### 4.6 **16/01066/FUL**

- Removal of existing barn and one new detached dwelling
- Refused
- 30.01.2017

This application was refused for the following reasons:

1. The proposed scheme would result in a new dwelling in the countryside that, by virtue of its location, would constitute unsustainable development and would have a detrimental impact on the character of the countryside. The proposal would fail to complement or enhance the rural character and appearance of the surrounding area and the character of the National Forest, and is therefore considered to be contrary to Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 21 of adopted Core Strategy (2009), and Paragraph 55 of the National Planning Policy Framework.
2. The development site is adjacent mature trees/hedgerow and evidence suggests that there is a strong possibility that badgers may be present in or adjacent to the application site. In the absence of a badger survey and mitigation, the Applicant has failed to demonstrate that the development would not result in harm to local wildlife. The development is therefore contrary to Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016),

### **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 responses have been received.

## **6. Consultation**

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
  - HBBC's Environmental Services' Pollution Officer
  - HBBC's Waste Management Officer
- 6.2 The Local Highway Authority have referred to standing advice and have suggested that the access drive to the site appears to be under the jurisdiction of National Highways.
- 6.3 Ratby Parish Council and the Friends of Charnwood Forest have not responded to this application.
- 6.4 No further responses have been received.

## **7. Policy**

- 7.1 Core Strategy (2009):
- Policy 21: National Forest
  - Policy 22: Charnwood Forest
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 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)
  - National Design Guide (2019)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
  - Leicestershire Highway Design Guide (LHDG) (2022)
  - Technical Housing Standards – Nationally Described Space Standards (2015)

## **8. Appraisal**

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
  - Housing land supply
  - Design and impact upon the character of the area
  - Impact upon residential amenity
  - Impact upon parking provision and highway safety
  - Planning balance

### Principle of Development

- 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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. 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.
- 8.4 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.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) of the NPPF specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."
- 8.7 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation".
- 8.8 The development is outside of any identified settlement boundaries in the open countryside, but involves the reuse of an existing building, which is compliant with

Policy DM4 of the NPPF. Paragraph 13.6 of the SADMP states that, "Any proposal which relates to the re-use of a redundant buildings in the countryside must have specific regard to Policy DM15." Therefore, the application is acceptable in principle in accordance with Policy DM4 of the SADMP, subject to assessment against Policy DM15 of the SADMP.

- 8.9 Part a) of Policy DM15 of the SADMP states that outside of defined settlement boundaries, proposed development for the re-use and/or adaption of redundant or disused rural buildings is supported where the building is no longer viable in its current form.
- 8.10 It is considered that, given the stables are so recently built after November 2019, the building cannot be described as being either redundant or disused, or that they are no longer viable in their current form. The fact that the Applicant no longer wishes to use them as stables and now wishes to convert them into a dwelling is not considered sufficient to satisfy the requirements of Policy DM15, which appropriately seek to minimise harmful unsustainable development in the countryside and is supported by the NPPF.
- 8.11 Furthermore, the principle of approving the conversion of these stables into a residential dwellinghouse consolidates sporadic development in the countryside outside of any identified settlement boundary. The wider consequence of the approval of this application is likely encourage some to seek permission for new agricultural or equestrian buildings with the ambition of seeking planning approval to convert them in the future to residential use. Support for this application is likely to make it increasingly difficult for the Council to resist similar proposals, which has a negative consequence on applicants that do genuinely require such a building. These factors are considered to have a significant adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.12 To summarise, due to the age of the structure, it is not considered that the Applicant can sufficiently demonstrate that the existing stables are redundant, disused, or no longer viable in their current form. Therefore, the development represents unsustainable and unjustified residential development within the designated open countryside, which is protected by National and Local Policy. Consequently, the proposed development is considered unacceptable in principle as it fails to accord with part a) of Policy DM15 and Policy DM4 of the SADMP and consolidates sporadic residential development within the countryside contrary to Section 15 of the NPPF (2021).

#### Housing Land Supply

- 8.9 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.
- 8.10 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

- 8.11 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022.
- 8.12 In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.13 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.14 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.15 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.16 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.17 The development is for one singular residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.18 Whilst the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's failure to deliver a five-year supply of land for housing, it is considered that moderate weight should be given to the provision of the proposed dwelling.

*Design and Impact upon the Character of the Area*

- 8.19 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.20 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- 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.
  - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
  - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.13 Policy 21 of the adopted Core Strategy states proposals that contribute to the delivery of the National Forest Strategy (increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments, especially overnight quality accommodation linked to tourism in the Forest) will be supported. These developments are supported provided that that the siting and scale of the proposed development is appropriately related to its setting within the National Forest and that the development respects the character and appearance of the wider countryside.
- 8.14 The application proposal does not consist of any of the forms of application supported by Policy 21 of the adopted Core Strategy.
- 8.15 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16 In addition to Part a) referred to above, Policy DM15 of the SADMP also requires that the Applicant can demonstrate that:
- The building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration.
  - Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and it situated within the original curtilage.
  - The proposed development accords with Policy DM10, DM11 and DM12.
- 8.17 All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting. Paragraph 14.59 of the SADMP states that, "Proposals will be judged on their own merits, with consideration firstly given to their potential to impact on the intrinsic value, beauty and open character of the countryside, the nature of the proposed use and the level of activity related to the proposal.
- 8.18 The development does not propose any extensions to the existing structure. Whilst this is compliant with Policy DM15 of the SADMP, the development still does not comply with, and is in conflict with, Policy DM15(a) of the SADMP.
- 8.19 Ultimately, the domestication of the appeal site fundamentally, and adversely, alters the character of the site and the surrounding area. This harm is exacerbated by residential paraphernalia that is likely to be associated with the new development such as garden equipment, sheds, storage, footpaths, amongst others, which is alien to the character of the area.
- 8.20 Furthermore, the development is 154.4m from the site's access down a single access track, and there are no pavements or opportunities for safe pedestrian movement along the classified 'C' road, that is subject to a 60mph speed limit.

Ratby's settlement edge is 1.3km away from the application site, and it is considered that, by virtue of the location of the site, the future occupants of the development are dependent on private motorised transport. As a consequence of this, the application is likely to cause significant adverse harm to the character and appearance of the area due to the environmental harm that arises from the dependence on private motorised transport.

8.21 However, the development cannot be seen from the highway, nor any Public Right of Way, which is acknowledged to lessen the impact of the development on the character of the surrounding area. Nevertheless, whilst the significant harm may have limited visibility to the public, that does not suggest that there was never any significant harm. In addition, the limited visibility of the scheme is not considered to justify the harm of the sporadic domestication of the open countryside, nor to circumvent the significant harm that this form of development has on the intrinsic value, beauty, open character and landscape character of the countryside, which is also designated within the Charnwood and National Forests.

8.22 Therefore, the significant adverse impacts caused by the development are considered to be in conflict with Policies DM1, DM4, and DM10 of the SADMP, Policy 21 of the adopted Core Strategy, Section 15 of the NPPF, and the Good Design Guide.

*Impact upon Residential Amenity*

8.21 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

8.22 Paragraph 174(e) of the NPPF requires planning policies and decisions to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, or noise pollution or land instability.

8.23 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.23 Due to the location of the development, the proposal is not considered to result in any material impacts to neighbouring residential amenity. However, the location of the development is considered to have a significant adverse impact on the future occupiers of the proposed development, which is in conflict of Policy DM10 of the SADMP.

8.24 On previous planning application, 18/00315/FUL, the Council's Pollution Officer stated that noise pollution has an impact on the site due to the scheme being very close to the M1. The Pollution Officer recommended that a mechanical ventilation is installed in all noise sensitive rooms to allow ventilation without the need to open a window.

8.25 Although the Applicant has referenced the potential use of mechanical ventilation to mitigate the noise concerns of the motorway within this application, this is not demonstrated within the submitted plans. Whilst this could be secured via condition,

given the unsustainable location of the site, the requirement for mechanical ventilation is considered to be contrived within this location and demonstrates that the location of the development is not considered adequate to safeguard the residential amenity of the future occupants.

- 8.26 To comply with the Good Design Guide, two-bedroom houses must also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.27 The Proposed Site Plan indicates that an outdoor recreation area is provided with a depth of 11.3m and a total area of 129.6sqm, which is compliant with the requirements of the Good Design Guide.
- 8.28 As stated previously, the development is not considered to be within a sustainable location for development, and the application site is some distance from the core of the village where the majority of basic local services are located. Furthermore, there are limited employment opportunities nearby. Therefore, the occupants of the proposed dwelling are highly likely to depend on private motorised transport to meet their day-to-to-day service, employment, and retail needs, which is not considered to create accessible development that promotes health and wellbeing for its future users, which is contrary to Paragraph 130(f) of the NPPF.
- 8.29 The Applicant has referred to planning permission for conversions of redundant rural buildings, which are in close proximity to the site including Charnwood Acres Caravan Park, Whittington Rough (20/00318/FUL), and Whittington Edge (22/00118/FUL). It is noted that each planning application is considered on its own merits.
- 8.30 Nevertheless, Charnwood Acres Caravan Park was granted planning permission in 1978 via planning application 77/01019/4. It is noted that Planning Conditions 8 and 9 of that planning permission state that the planning shall be, "Solely for the benefit of Charnwood Acres Country Club and shall not run with the premises," and, "The development hereby permitted shall not be used to provide permanent residential accommodation. Any of the caravans hereby approved which are retained on the site shall only be used by members of the Charnwood Acres Country Club for holiday accommodation." No planning permission has been submitted to remove these planning conditions and therefore they are still enforceable. As a result, Charnwood Acres Caravan Park is not utilised for primary, nor permanent residential use.
- 8.31 Moreover, the applications at Whittington Rough and Whittington Edge were for the conversion of existing buildings into holiday let accommodation. Holiday let accommodation is not a primary, nor permanent residential use, and therefore it is considered that the impacts of the location of the site on residential amenity and the requirements to safeguard this amenity for future occupiers of the development are not comparable to the current planning application.
- 8.32 To summarise, by virtue of its location adjacent to M1 and its unsustainable nature, the development is considered to be contrived and it does not safeguard the residential amenity of the future occupiers of the scheme. Therefore, the application is considered to be in contrary to, and in conflict with, Policy DM10 of the SADMP, Paragraphs 130(f) and 174(e) of the NPPF, and the Good Design Guide.

#### Impact upon Parking Provision and Highway Safety

- 8.24 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, “The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”
- 8.26 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.27 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.28 The access track to the site is single width and lacks visibility to the south of Markfield Road. However, the access is an existing situation that also provides access to an existing dwelling, a nursery, and several existing stables. Given the proposed development replaces an existing use as stables, the traffic movements associated with one dwelling is not considered to result in any material increase in traffic using the existing track serving the site. As a result of this, it is regarded as unreasonable to request amendments to the access to the site in these site-specific circumstances.
- 8.29 In accordance with Paragraph 3.151 of Part 3 of the Leicestershire Highway Design, the proposal should provide two off-street vehicle parking spaces for a two-bedroom dwelling in this rural location.
- 8.30 The Applicant has demonstrated within their Proposed Site Plan, the provision of three 2.6m wide x 5.5m deep off-street vehicle parking spaces in accordance with Paragraph 3.151 (Quantum) and Paragraph 3.165 (Dimensions) of Part 3 of the LHDG.
- 8.31 However, the development is within a location that has poor transport sustainability, and is therefore considered to be contrary to, and in conflict with Policy DM17 of the SAMDP, and Section 9 of the NPPF.

#### Planning Balance

- 8.32 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning 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 Framework taken as a whole.

- 8.33 The application site is outside of any identified settlement boundary, where new, unrestricted residential development is not considered sustainable development. The site considered the site to be located in an unsustainable location and, due to this, the development is likely to cause environmental harm to the countryside due to the dependence on the future occupiers of the development being reliant on private motorised transport.
- 8.34 In addition, repeated attempts have been made to build a dwelling on the site. This building has been built since 14 November 2019, and the applicant has confirmed that they have never been brought into use as stables. Officers deal with several applications for the construction of new stables within the countryside on a regular basis. It is not considered that the Applicant can sufficiently demonstrate that the stables are no longer viable in their current use, which is contrary to Policy DM15(a) of the SADMP. Therefore, the development is considered to comprise of new, unjustified residential development in the open countryside that is contrary to, and in conflict with Policy DM4 of the SADMP, and Paragraph 80 of the NPPF.
- 8.35 Policy DM4 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.
- 8.36 Furthermore, by virtue of its location adjacent to M1 and its unsustainable nature, the development is considered to be contrived and it does not safeguard the residential amenity of the future occupiers of the scheme, which is contrary to, and in conflict with Policy DM10 of the SADMP, the Good Design Guide, and Paragraphs 130(f) and 174(e) of the NPPF. This harm is given significant weight in the planning balance.
- 8.37 In spite of this, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, limited weight is given to these benefits in the planning balance.
- 8.38 The Applicant has also tried to justify their application in relation to approved planning applications for 75 dwellings (20/00648/OUT), and 90 dwellings (20/00462/FUL) on land south of Markfield Road, Ratby. The Local Planning Authority re-emphasises that each planning application is determined on its own merits. Nevertheless, both of these planning applications provide significant benefits such as the provision of a large number of housing and affordable housing, financial contributions to the local infrastructure, outdoor sports provision and tree planting. Consequently, it was considered that the harm to the character of the countryside was significantly and demonstrably outweighed by the benefits of the schemes. On the other hand, the current proposal only provides one single dwelling in an unsustainable location.
- 8.39 By virtue of all these factors, it is considered that that the benefits of the development of one residential dwelling do not outweigh the significant and demonstrably adverse impacts of the scheme to the intrinsic value, beauty, open

character, and landscape character of the countryside and the National Forest, and the significant harm to the residential amenity of the future occupants of the scheme. The proposal is therefore not considered to amount to sustainable development or an effective use of land, which is contrary to, and in conflict with Policies DM1, DM4, DM10, and DM17 of the SADMP, as well as Paragraphs 8, 79, 80, 130, and 174, and Sections 9, 11, 12 and 15 of the NPPF.

## **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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 proposed development is not considered to be compliant with the relevant national and local policy as it:

- Has an adverse impact upon the character and appearance of the area.
- Has a significant adverse impact upon residential amenity of the future occupants of the scheme.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

## **11. Recommendation**

11.1 **Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

## **11.2 Reasons**

1. The Applicant has not provided adequate justification that the existing stables are unviable in their current state. As the stables were constructed less than five years ago, the development is considered contrary to, and in conflict with, Policy DM15(a) of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). Therefore, the application is regarded as new and unjustified residential development within an unsustainable outside of any identified settlement boundary, which causes

significant harm to the intrinsic value, beauty, open character, and landscape character of the countryside and the National Forest, which is in conflict with Policies DM1, DM4, DM10, and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 21 of the adopted Core Strategy (2009), Sections 9, 12, and 15 of the National Planning Policy Framework (2021), and the Good Design Guide (2020).

2. The principle of approving the conversion of these stables into a residential dwellinghouse consolidates sporadic development in the countryside, which makes it very difficult for the Council to resist the pressures for development in the countryside by virtue of newly built agricultural or equestrian buildings, and their ultimate conversion into residential dwellings. This is considered to have a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 15 of the National Planning Policy Framework (2021), and the Good Design Guide (2020).
3. By virtue of the development's proximity to the M1, the proposal results in noise pollution that would have a significant adverse impact on the residential amenity of the future occupants of the scheme. This is not considered to create an accessible development that promotes health and wellbeing for its future users, which is contrary to, and in conflict with, Paragraphs 8(c), 124(c), 130(f) and 174(e), as well as Sections 9, and 12 of the National Planning Policy Framework (2021).

11.3. **Notes to Applicant:**

1. The application has been determined in accordance with the following submitted details:
  - Application Form (submitted: 13.07.2023)
  - Existing Floor Plan, Elevations, Drg No.7579/11 (submitted: 13.07.2023)
  - Proposed Elevations, Drg No. 7579/12 (submitted: 13.07.2023)
  - Proposed Proximity Plan, Drg No. 7579/14 (submitted: 13.07.2023)
  - Proposed Site Plan, Drg No. 7579/13 (submitted: 13.07.2023)
  - Planning Statement (submitted: 13.07.2023)
  - Site Location Plan, Drg No. 7579/10 (submitted: 13.07.2023)