

Variation of condition 3 of planning permission 17/00316/RET to allow for the number of guests to be increased to 40 at any time and to remove the requirement for the additional sleeping accommodation to be used only for holiday rentals in conjunction with/ancillary to those staying at Highfields Manor Highfields Manor Rempstone Road Belton Loughborough Leicestershire LE12 9XA

Report Item No  
A2

Application Reference  
19/00344/VCI

Grid Reference (E) 446460  
Grid Reference (N) 321700

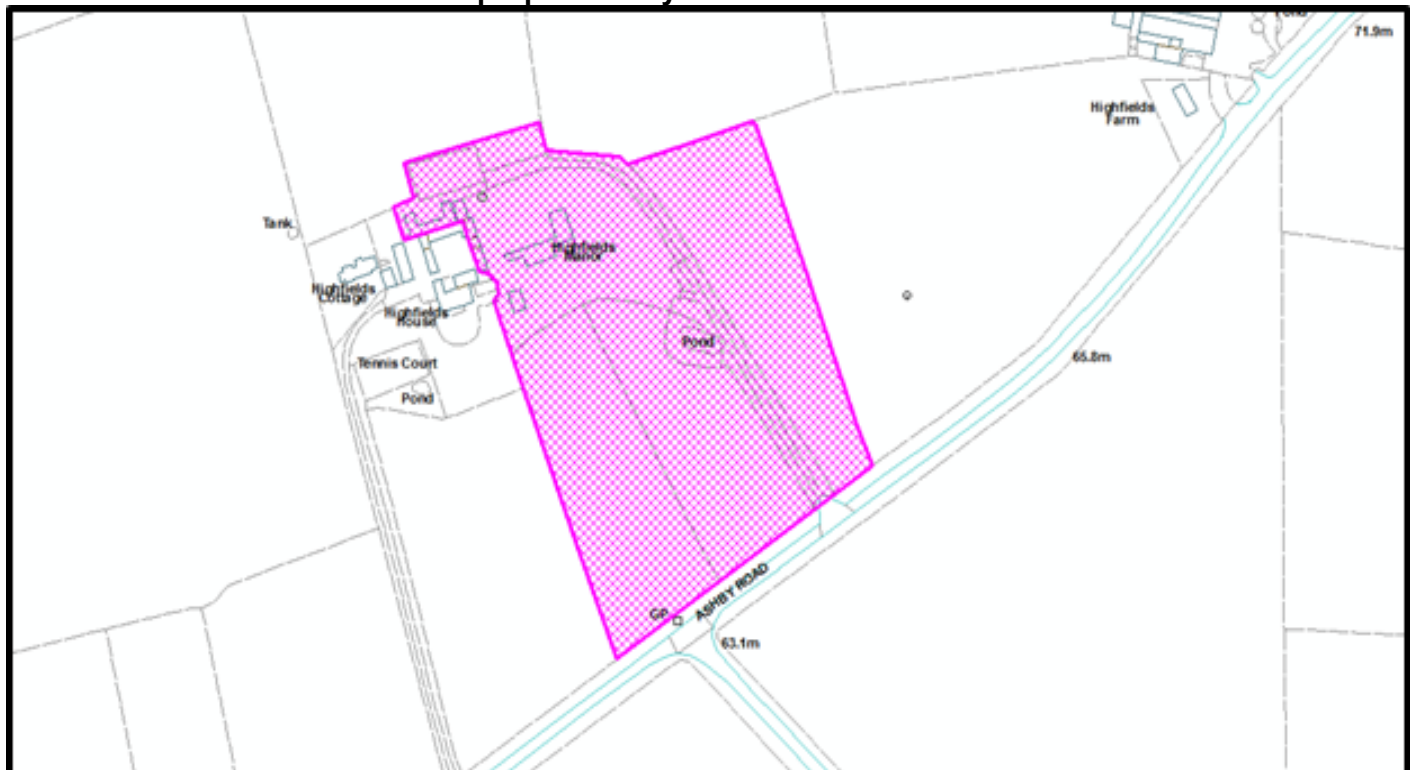
Date Registered:  
20 February 2019  
Consultation Expiry:  
7 May 2019  
8 Week Date:  
17 April 2019

Applicant:  
Pilcher

Case Officer:  
Hannah Exley

Recommendation:  
PERMIT

#### Site Location - Plan for indicative purposes only



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### **Call In**

The application is brought to the Planning Committee at the request of Councillor Nicholas Rushton on the ground of the impact on neighbouring residential amenities.

### **Proposal**

This is an application to vary condition 3 attached to planning permission 13/00316/RET which retrospectively approved the erection of a timber cabin, lobby to swimming pool and conservatory, the change of use and conversion of a garage to bedrooms and the change of use of stables to mixed facilities associated with the business operating from the site; short term holiday lets.

The purpose of this application is to allow for the use of Highfields Manor and the Granary for holiday rentals for no more than 135 days a year, no more than 40 weekends a year as per the previous permission. However, the proposed variations would allow the converted garage to be let out separately which would allow more than one group to occupy the wider premises at any one time.

### **Consultations**

One letter of neighbour representation has been received raising objection to the proposal. Long Whatton and Diseworth Parish Council has no objection in principle subject to the concerns of the neighbouring property being fully considered, and all statutory consultees have raised no objections.

### **Planning Policy**

The site lies outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The application site is situated outside the defined Limits to Development and the proposal relates to a permitted holiday rental use and permitted built development. There would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. It is not considered that there would be any significant adverse impacts on neighbouring residential amenities or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly, approval of the application is recommended, subject to the imposition of planning conditions.

### **RECOMMENDATION:-**

#### **PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

This is an application to vary condition 3 attached to planning permission 13/00316/RET which retrospectively approved the erection of a timber cabin, lobby to swimming pool and conservatory, the change of use and conversion of a garage to bedrooms and the change of use of stables to mixed facilities associated with the business.

The current application was submitted following an enforcement investigation into a breach of conditions of planning permissions 13/00792/FUL and 17/00316/RET. A separate report which seeks to regularise the breach of 13/00792/FUL is reported to Members elsewhere in this report.

The condition to be varied reads as follows:

*Condition 3*

The additional sleeping accommodation (in the converted garage) shall only be used for holiday rentals in conjunction with and ancillary to the holiday groups/lets of Highfield Manor and shall not be used to accommodate groups or individuals separate to those staying at Highfields Manor. The use of the additional sleeping accommodation shall be used in accordance with the restrictions of Highfields Manor in that holiday rentals shall combined be limited to no more than 135 days per year, more than 40 weekends a year and the number of guests shall not exceed 24 at any time.

Reason - To ensure that garage conversion is used as an extension of the Highfields Manor and not individually, and to ensure that the site is occupied for a limited period each year with a limited number of guests to ensure the level of use remains compatible with the surrounding land uses.

The purpose of this application is to allow for the use of Highfields Manor and the Granary for holiday rentals for no more than 135 days a year, no more than 40 weekends a year as per the previous permission. However, the proposed variation would allow the converted garage to be let out separately which would allow two groups with a cumulative total of 40 people to occupy the wider premises at any one time.

Highfield Manor is a large property set within a generous curtilage. The main house and other outbuildings are set back approximately 200m from the public highway. The garage to which this application relates is located to the front of Highfields Manor within a large gravelled parking area. Access to the property is off Rempstone Road via a long driveway.

The holiday rental facilities available at Highfields Manor are used by various groups including corporate, family, all female, all male, retreat and faith groups. The marketing of the premises to these different groups is evident on the company website. Over the last three years the largest group using the premises were corporate and family groups, with all male and faith groups occupying the premises the least.

The site has two wings of accommodation, the South Wing which comprises the main Highfields Manor comprising sleeping/bathroom/kitchen/dining/lounge facilities and additional sleeping/bathroom accommodation within the separate converted garage to the front to which this application relates. The living accommodation within Highfields Manor can also be

rearranged to provide conference facilities for business groups. The West Wing is located along the western boundary of the site within The Granary and comprises sleeping, bathroom accommodation and an open plan kitchen/dining/living space. The applicant has confirmed that the site currently has accommodation for 40 guests; 22 within Highfields Manor, 12 within The Granary and 6 with the converted garage. All this accommodation has the benefit of planning permission.

Within the wider site is a swimming pool and changing facilities, a timber cabin providing beauty treatments (by appointment) for guests staying at the site and a games room for guests which is located within the converted stable at the rear of the site. The applicant has provided a plan which sets out external seating areas to be used by the two wings of accommodation and these are located around the swimming pool/treatment room towards the eastern side of the wider site. The applicant has their own separate living accommodation within the converted stables at the north western corner of the site.

The application submission was accompanied by a Supporting Statement which provides that condition 3 of the planning permission is not enforceable and therefore, should be removed.

### **Planning History:**

17/00316/RET - Erection of timber cabin, lobby to swimming pool and conservatory and changes of use and conversion of garage to bedrooms and conversion of stables to mixed use facilities associated with the business. This was a retrospective application following an enforcement investigation into breaches of conditions on planning permission 13/00792/FUL. The permission restricted the use of the converted garages to holiday rentals in conjunction and ancillary to the groups staying at Highfields Manor for no more than 40 weekends per year. The permission also restricted the use of the log cabin and new facilities in the converted stables by staff and guests outside of the hours 0800 - 2200 hours every day.

13/00792/FUL - Use of Highfields Manor and The Granary for holiday rentals for no more than 135 days per year and use of annexes for ancillary residential use for a dependent relative. The permission was granted subject to conditions which restricted the number of guests to 24 people and the number of weekends to no more than 40 per year.

10/01021/CLE - Certificate of lawful existing use of barn/outbuildings for commercial office and associated storage and use of stables and manege for commercial use. The certificate was granted.

## **2. Publicity**

3 Neighbours have been notified.  
Site Notice displayed 8 March 2019.

## **3. Summary of Consultations and Representations Received**

The following summary of responses is provided.

**Long Whatton and Diseworth Parish Council** has no objection in principle subject to the concerns of the neighbouring property being fully considered to ensure that a more harmonious living situation can be provided. The Parish Council has also raised concerns about licensing breaches which has been passed onto the Licensing team.

**NWLDC Environmental Protection** has no environmental observations.

**Leicestershire County Council - Highways** has no objections subject to sufficient parking being provided on site.

**Third Party Representations:**

One letter of neighbour representation has been received, raising objection on the following grounds:

- the original conditions were imposed to ensure that the level of use remains compatible with the surrounding land uses and to preserve the amenities of the locality and to limit the scope of the permission and these have been ignored since permission was granted resulting in noise disruption and traffic intrusion on numerous weekends;
- the buildings are already let out to groups in excess of the number sought and the accommodation available is advertised as being available for separate bookings for more than one group at a time both at the weekend and during the week;
- concern about increased antisocial behaviour due to the proposed increase in the number of guests being proposed;
- noise disturbance is the main concern and has reduced the quality of life for the neighbouring resident and will only get worse if the number of guests is allowed to increase;
- noise disturbance comprises lots of cheering and whooping by large groups, noise from drunk persons, amplified music played both indoors and outside with windows/doors open, groups talking/laughing/shouting on external patio areas at night and into the early hours, taxi's arriving for pick-ups and drop off at night and into the early hours;
- increased traffic intrusion during the day and late into the evening due to vehicles entering the neighbouring property (Highfields House) instead of the Highfields Manor which is as a result of Satellite Navigation errors and poor signage at Highfields Manor and visitors to Highfield Manor not reading neighbouring signage, which includes guests, friends of guests, food and drink delivery companies, entertainment deliveries, marquee and taxi companies;
- unsupervised rentals are a problem as the occupiers are often away when the premises are rented out and so there is no-one for neighbours or guests to report problems to;
- the supporting statement prepared by the applicant's agent includes inaccuracies about the need for the conditions imposed on the earlier planning permissions and the existing conditions should be fully retained and fully enforced.

The full contents of this letter is available for Members to view on the case file.

#### **4. Relevant Planning Policy**

**National Planning Policy Framework (2019)**

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraphs 9 and 10 (Achieving sustainable development);
- Paragraphs 11 and 12 (Presumption in favour of sustainable development);
- Paragraphs 54 and 55 (Planning conditions and obligations);
- Paragraph 109 (Promoting sustainable transport)

### **Adopted North West Leicestershire Local Plan (2017)**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S3 - Countryside;

Policy D2 - Amenity;

Policy IF4 - Transport Infrastructure and New Development

Policy IF7 - Parking Provision and New Development.

### **Other Policies**

National Planning Practice Guidance.

Leicestershire Highways Design Guide (Leicestershire County Council).

## **5. Assessment**

### **Principle**

The application site is situated outside the defined Limits to Development where the principle of development is generally restricted to those forms of development specified within Policy S3 of the adopted Local Plan. The proposal relates to an existing use and relates to existing built development and therefore, there would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. The main considerations in the determination of this application are whether the removal of the occupancy restrictions would give rise to any adverse impacts on neighbouring residential amenities or highway safety.

### **Impacts of Residential Amenities**

Highfields Manor occupies a relatively isolated position located outside of the nearest settlements of Belton, Long Whatton and Shepshed. The property shares this location with two other properties (Highfields Cottage and Highfields House) which are sited to the west of the application site. The three properties are set back from the public highway and are positioned in a rural setting.

The dwelling at Highfields Cottage lies approximately 16m to the west of the north western corner of the application site which is occupied by the converted stable building which includes the applicant's living accommodation, laundry rooms and games room for the guests. This neighbouring property is located approximately 52m from The Granary, 70m from Highfields Manor and 73m from the converted garage containing living accommodation. There are a number of brick outbuildings between the main part of the application site and this neighbouring property which would provide some mitigation against noise. No concerns have been raised by this neighbour about the application proposal.

The dwelling at Highfields House is sited adjacent to the western boundary of the application site at its closest point. The dwelling is being renovated in accordance with a planning permission granted in 2016 and is not currently occupied. The approved plans for this three storey renovated dwelling show a guest room and playroom within single storey accommodation adjacent to the boundary served by windows in the north elevation and glazed doors to the southern elevation. The main part of this neighbouring dwelling is separated from the common boundary by private amenity space containing a swimming pool. The neighbouring property will have a new elevated external terrace to the east facing elevation off a ground floor sitting room served by two sets of double doors. Above that are windows serving bedrooms/dressing areas and a family bathroom.

This neighbouring dwelling at Highfields House is located approximately 2m from The Granary, 18m from Highfields Manor and 17m from the converted garage containing living accommodation. The private amenity space to Highfields House abuts the paved area around The Granary. One letter of neighbour representation has been received from this neighbouring property and these are detailed earlier in this report.

Environmental Protection have been consulted on the application and raise no objections to the proposal subject to a condition restricting amplified music within external areas given the increased number of guests proposed. With regard to noise complaints, Environmental Protection advise that 4 complaints about the use of the application site for short term holiday lets have been received. These date back to 2015 and 2016 when noise monitoring equipment was installed but no intrusive noise was heard on the recording, only voices during day time hours and so the case was closed. More recently 2 complaints were received in March this year but no action was taken due to the affected property being vacant at the time.

The main neighbour concerns raised in connection with the application are about the proposed increase in the number of guests exacerbating noise disturbance from the site which arises from cheering and whooping by groups of people, noise from drunken persons, amplified music played both indoors and outside with windows/doors open, groups talking/laughing/shouting on external patio areas at night and into the early hours, taxi's arriving for pick-ups and drop off at night and into the early hours and increased traffic intrusion during the day and late into the evening due to vehicles entering the neighbouring property in error.

In response to neighbour concerns, the applicant's agent has provided a plan of the site illustrating how they have been recently managing external activity by providing external seating for guests within designated areas within the eastern part of the site on the opposite of Highfields Manor to the neighbouring properties. These seating areas are provided such that they can be designated for guests of the South and West Wing should more than one group occupy the site. External seating is provided in no other locations but there are steps outside The Granary where guests could informally site. In order to seek to discourage activity outside The Granary on the patio area which exists adjacent to the boundary with the Highfields House, high standing planters potted with palm trees have been provided to prevent gatherings in this area. The area immediately adjacent to the boundary is used for bin storage to discourage activity in this location. The applicant has also noted that 9m conifer trees occupy the western boundary beyond the bin store area.

The applicant has stated that all guests are told that there are rules about how guests should conduct themselves on the premises and these are provided on signs to remind guests. The applicant has advised that if occupants do not comply with these restrictions they can lose their deposits or be asked to leave, although this has not been given any weight in the decision making process. The applicant lives on the site to manage the site but when they are away, there are persons who can be contacted in their absence should any issues arise. Notwithstanding this, the applicant has also confirmed that they would be agreeable to a condition restricting external amplified music at the premises.

The current permission allows the use to operate for no more than 135 days per year including no more than 40 weekends and the application does not seek to increase this. The current planning permission does not prohibit holiday rentals occurring on weekdays but the applicant's agent has confirmed that the bookings are most common Friday to Sunday with very few week day bookings. The applicant's agent also confirms that the number of guests on site varies from 10 sometimes, 20-30 majority of the time and over 40 on rare occasions.

The current planning permission allows for 24 guests to occupy the site at any one time in connection with a single holiday let group. However, planning permission has been granted at the site for sleeping accommodation for up to 40 people and as a consequence, groups of more than 24 people have been visiting the site. This is confirmed by both the applicant and the neighbouring objector. Although the current application originally sought an increase to 45 guests at the site, this has subsequently been reduced to 40 to reflect the number of bed spaces that have been permitted at the site.

The accommodation at Highfields Manor is such that it can be separated into two wings of accommodation (South Wing and West Wing) and the current proposal seeks to allow for two groups to occupy the premises at any one time within the two wings of accommodation, whilst sharing communal facilities such as the swimming pool, games room and treatment room. Both shared and separate external seating areas have been provided at the site as detailed above in the applicant's proposed mitigation measures.

Notwithstanding the applicant's efforts, the Local Authority would still need to be satisfied that any disturbances in the future are minimised and could be controlled by the Local Authority. Following detailed discussions with the Council's Environmental Protection team it is recommended that it would be reasonable to attach a condition restricting external amplified noise in order to protect the amenity of neighbouring residents.

Members are advised to note that noise complaints are dealt with by the Council's Environmental Protection team. If there are noise nuisances associated with the use of the site that cause disturbance to neighbouring residents then these can be reported to the Council's Environmental Protection team for them to investigate.

Overall, when having regard to the permitted use of the site, the level of sleeping accommodation that has been permitted at the site which has provided the potential for the business to expand, the suggested mitigation proposals put forward by the applicant to control external activity on the site and the condition recommended by Environmental Protection, it is not considered that a reason for refusal based upon the impact upon the neighbouring properties could be sustained in this case. Therefore, on balance, the proposal is not considered to result in significant harmful impacts upon surrounding residential amenity. Therefore, the development is considered to be in accordance with Policy D2 of the adopted Local Plan.

### **Impacts on Highway Safety**

The application proposes to increase the number of guests visiting the site to 40 people and to allow for two groups of guests to occupy the site at any one time.

The County Highways Authority advises that the use of the site would remain unchanged and the use is one which does not typically generate peak hour trips, with most trips at off peak times. The site is also located at some distance from the public highway and subject to sufficient parking being provided within the site, the County Highways Authority is supportive of the application proposals. However, the County Highways Authority notes that the site is set within a generous curtilage with space for on-site parking at the end of a long access track into the site from the public highway. As a result the County Highways Authority, does not consider that the application would result in vehicles parking in the adopted highway.

Overall, it is considered that the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF. Accordingly the highway safety aspects of the scheme are considered acceptable and the proposal is considered acceptable in relation



to adopted Policies IF4 and IF7 of the adopted Local Plan.

### **Conditions**

Planning permission ref: 17/00316/RET was subject to 4 conditions, 1 of which is for consideration in this application. The starting point for consideration is whether the development has commenced, and as the development has commenced then only the necessary conditions need attaching. Condition 1 is an approved plans condition and condition 4 relates to the use of the cabin and converted stables by guests and both of these will need to be carried forward with this permission. Condition 2 will need to be updated to reflect the implementation of the required septic tank.

### **Other**

The case has been put forward by the applicant's agent that the conditions suggested for removal/variation are not enforceable. Having discussed the matter with the Council's Enforcement Team, officers are of the view that the conditions are enforceable and therefore, it is not considered that the removal of conditions on this basis is justified.

In response to neighbour concerns about noise and disturbance as a result of vehicles incorrectly identifying the neighbouring property as Highfields Manor, this occurs as a result of satellite navigation systems and poor signage. This matter could be improved with clearer signage and whilst it is not considered that this would be reasonable as a condition on this application, it is considered that a note to applicant would be appropriate to highlight the problem to the applicant.

### **Conclusion**

The application site is situated outside the defined Limits to Development and the proposal relates to a permitted holiday rental use and permitted built development. There would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. It is not considered that there would be any significant adverse impacts on neighbouring residential amenities or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly, approval of the application is recommended, subject to the imposition of planning conditions.

**RECOMMENDATION - PERMIT, subject to the following condition(s):**

1. Approved plans
2. Retention of septic tank
3. Restrictions on additional living accommodation in the converted garage (ie. used for holiday rentals in conjunction with and ancillary to the holiday groups/lets of Highfields Manor and The Granary and the converted garage being subject to the restrictions on Highfields Manor/The Granary in terms of the number of guests and when the use can occur)
4. Use restrictions for the timber cabin and converted stables.