

Erection of a rural workers dwelling and secure agricultural store

Report Item No
A4

Rainbow Crescent 7 The Moorlands Coleorton Coalville
Leicestershire LE67 8GG

Application Reference
23/00306/FUL

Grid Reference (E) 439878
Grid Reference (N) 315478

Date Registered:
22 March 2023

Applicant:
Mr And Mrs Jessop

Consultation Expiry:
25 July 2023

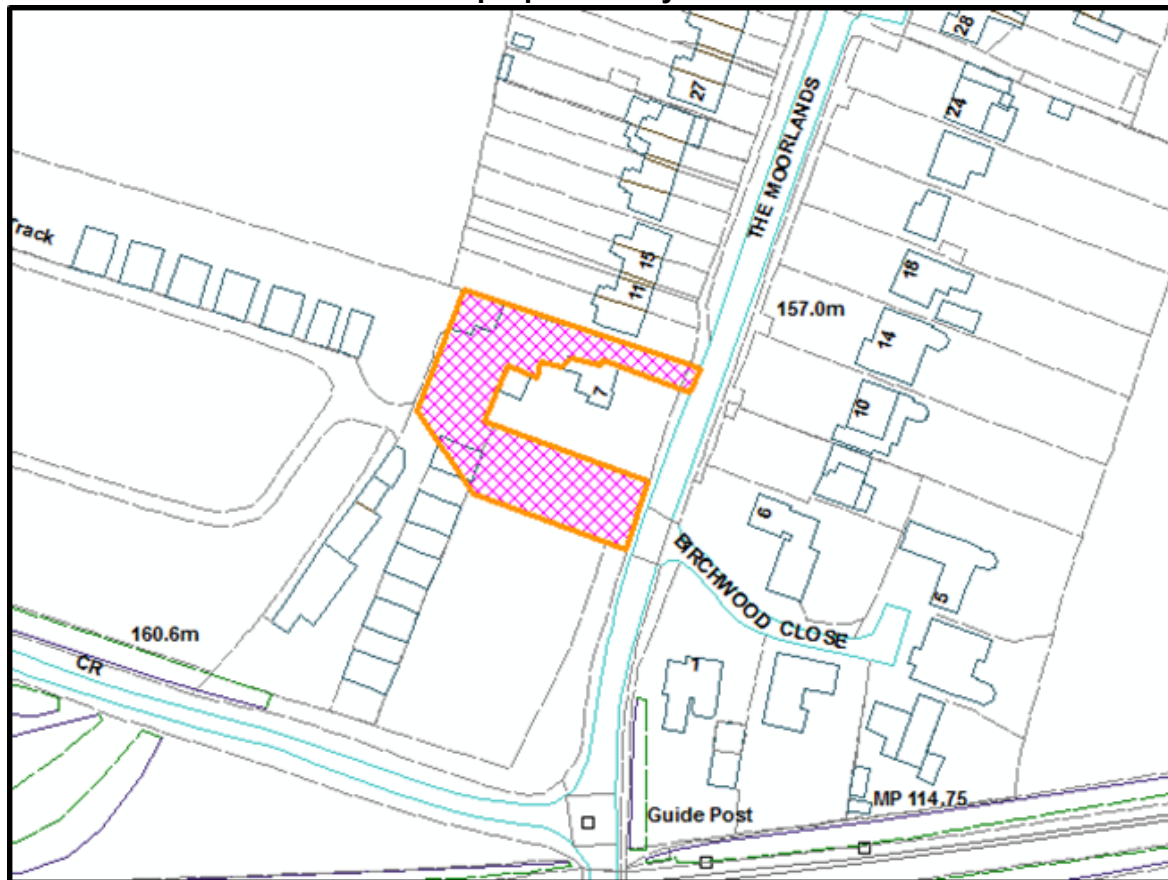
Case Officer:
Hannah Exley

Determination Date:
5 July 2023

Extension of Time:
TBC

Recommendation: Permit, subject to conditions

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee for determination under the requirement of the constitution as the agent for this scheme is related to an Elected Member of the Council.

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

- 1 Time Limit for implementation
- 2 Approved Plans
- 3 Agricultural tie to ensure occupation by persons solely or mainly working in the business enterprise CA Jessop and Sons operating from The Moorlands
- 4 Finished Ground Levels and Finished Floor Levels
- 5 External materials for the dwelling and agricultural building
- 6 Submission of a Risk Based Land Contamination Assessment
- 7 Contamination Land – No Remediation or Verification Investigation
- 8 Parking in accordance with details submitted
- 9 Scheme to be agreed for boundary treatments/landscaping and replanting requirement
- 10 Scheme to be agreed for the protection of existing hedgerows
- 11 Details of Bird Box/Bat Bricks to be used on the dwelling

MAIN REPORT

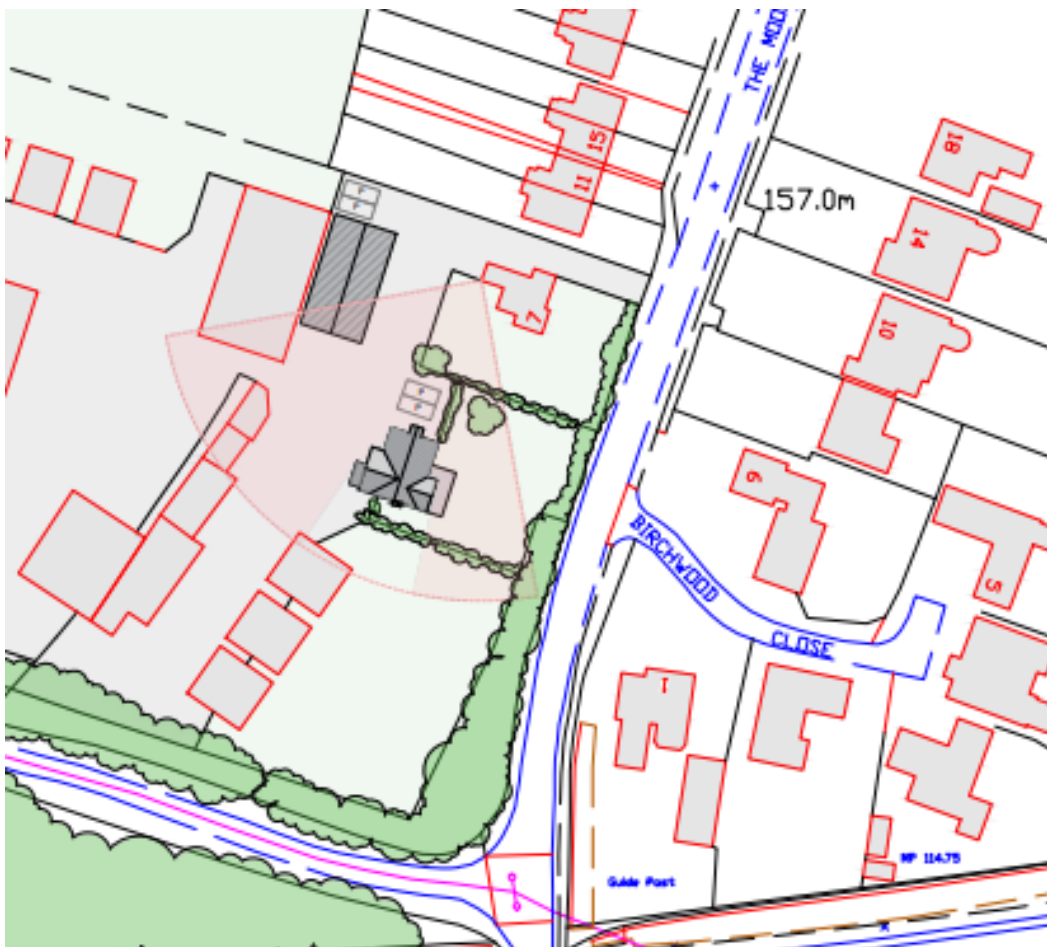
1. Proposals and Background

Approval is sought for the erection of a rural workers dwelling at an existing farming enterprise CA Jessop and Sons located to the rear of Rainbow Crescent, 7 The Moorlands, Coleorton. The dwelling would be located to the south of No.7 The Moorlands with the front elevation facing into the farm site. The application also includes a new agricultural building for the storage of farm equipment on the site located to the west of No.7 The Moorlands.

Access to the site would be via an existing vehicular access off The Moorlands which is shared by the farm site and the existing dwelling Rainbow Crescent, 7 The Moorlands.

No.7 The Moorlands is occupied and owned by the applicant's parents who previously ran a game rearing and farming business at the site before retiring and succeeding the business to the applicants. The applicant's parents retired to their family home of some 30 years (No.7 the Moorlands). The supporting information confirms that the applicant's parents have no personal or financial interest in CA Jessop and Sons and carry out no work for the current business. No.7 the Moorlands is in third party ownership and is not available for use by the applicants.

Amended plans have been secured during the application following officer concerns about the scale and appearance of the proposed dwelling.

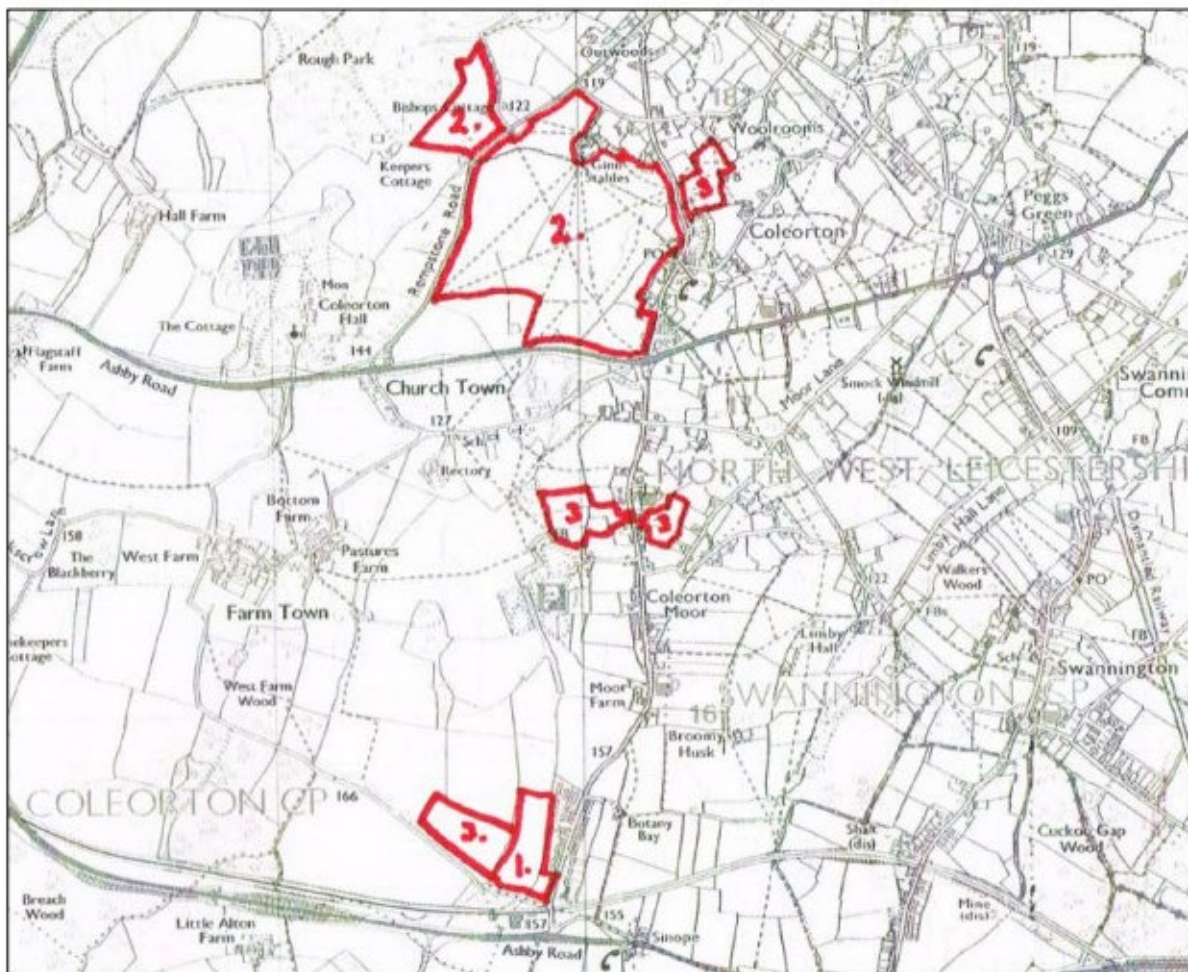


The supporting statement accompanying the application provides the following information about the farming enterprise at the site:

"The applicant's family have farmed at 7 The Moorland, Coleorton for three generations. The farming partnership currently comprises of Craig and Paula Jessop (husband and wife) who have ran the business since April 2020. The business comprises a commercial game rearing operation alongside a beef suckler cow herd, flock of sheep, breeding sow and pig fattening, and turkey and cockerel rearing for Christmas. The holding comprises 177 acres of land, all land is down to grass/pasture. The proposed dwelling is for Craig and Paula Jessop and their 2 sons. The applicants currently live circa 770m away but have been served notice to quit on their let residential dwelling at Glebe Farm and the 15 acres of land accompanied with it."

With the loss of the Glebe Farm site, the applicants total holding will comprise 162 acres (65.6 Ha) of owned and rented land. The proposed location of the rural workers dwelling is located within the 12 acres of land owned by the farming partnership (see area marked 1 on plan below). The main block at Coleorton (see areas marked 2 on Plan below) comprises of 100 acres has been let for the last 7 years on a rolling annual tenancy but the agent advises is now let on a 10-year Farm Business Tenancy (FBT) starting this year. The applicant's also rent other parcels of land in and around Coloerton on rolling annual agreements (see areas marked 3 on Plan below).

Plan showing owned and rented land:



In terms of livestock rearing numbers the following information has been submitted to set out the scale of the existing enterprise:

Pheasant	Rear 100,000 poultts each year. They keep 4,000 poultts on each year from their own stock as laying hens for the following year.
Turkey	Rear 200 turkeys and 200 cockerels per year.
Suckler Cows and Beef Fattening	A herd of pedigree Charolais cattle are kept, currently with 30 breeding cattle. These numbers will rise upon completion of the permitted livestock building. The weaned calves are kept through to finishing weight.
Sheep	10 Blue Texel ewes are kept with lambs kept through to finishing.
Pigs	1 pedigree Berkshire sow is kept which produces 2-3 litters per year. The piglets are reared on and finished at 5 months.

Relevant Planning History:

22/00801/FUL - Erection of an agricultural store to be used for cattle and general purpose (Permitted)

21/00331/AGP- Erection of an agricultural building for machinery, implement and fodder store (Permitted and implemented)

15/00543/FUL- Removal of existing timber framed workshop/garage/store and replace with an agricultural implements store and workshop (Permitted but not implemented)

09/00175/FUL- Retention of use of land for the mixed use of land for the stationing of livestock shelters and for the breeding and rearing of livestock upon the land and within those shelters and for an agricultural use (Permitted and implemented).

2. Publicity

6 Neighbours have been notified.
Site Notice displayed 30 March 2023.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Coleorton Parish Council raise objection on the following grounds:

- The site is outside the limits to development;
- Highways make mention of the fact that The Moorlands has a 30-mph speed limit, but this is not adhered to, and an independent speed survey should be requested;
- In the Design and Access statement the agent refers to the Local Plan which has expired;
- It is not clear from the statement who is going to occupy this property. The agent's statement continually refers to a rural worker - is this one worker in addition to the applicants?
- The agent's statement which demonstrates need is not visible;
- The new property should be a tied agricultural dwelling and rigorously enforced in the future if permitted.

NWLDC Environmental Protection has no objections, advising that the proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

NWLDC Contaminated Land has no objections subject to conditions.

NWLDC Waste Services advises that the residents of the proposed dwelling would be required to present waste and recycling receptacles at the kerbside adjacent to the adopted highway of The Moorlands as per the current collection arrangements for 7 The Moorlands and neighbouring properties.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Highways - has no objections subject to conditions.

Third Party Representations

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

Grounds of objection	Description of Impact
Inadequate Information	There is no proper analysis within the documentation to enable any adequate understanding of the proposal and its likely impact;
	All material considerations should be thoroughly assessed;
	An understanding of the full planning history of the site and related sites is required.

4. Relevant Planning Policy

National Planning Policy Framework (2023):

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraphs 8 and 10 (Achieving sustainable development);
- Paragraphs 11 and 12 (Presumption in favour of sustainable development);
- Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
- Paragraphs 55 and 56 (Planning conditions and obligations);
- Paragraphs 60, 61, 62, 69, 74, 75 and 77 (Delivering a sufficient supply of homes);
- Paragraph 80a – (Rural Housing)
- Paragraph 84 – (Supporting a prosperous rural economy)
- Paragraph 100 (Promoting healthy and safe communities);
- Paragraphs 104, 107, 110, 111 and 112 (Promoting sustainable transport);
- Paragraphs 119, 120, 124 and 125 (Making effective use of land);
- Paragraphs 126, 130 and 134 (Achieving well-designed places);
- Paragraph 167 (Meeting the challenge of climate change, flooding and coastal change);
- Paragraphs 174, 180, 183, 184 and 185 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2021)

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

S3 - Countryside

D1 - Design of New Development

D2 - Amenity

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

EN1 - Nature Conservation

CC2 - Water - Flood Risk

CC3 - Water - Sustainable Drainage Systems

Other Policies/Guidance

National Planning Practice Guidance

Leicestershire Highways Design Guide

Good Design for North West Leicestershire SPD - April 2017.

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

The application site lies outside the Limits to Development within the adopted Local Plan, with new dwellings not being a form of development permitted in the countryside, under Policy S3, unless there are special circumstances. One such special circumstance is agricultural development including agricultural workers dwellings and agricultural buildings which is outlined in criteria (a) of Policy S3 although any development deemed acceptable in relation to Policy S3 would need to adhere to criteria (i) to (vi) of this Policy.

The NPPF in Paragraph 8 outlines that there are three objectives to sustainable development (economic, social and environmental). The economic objective is particularly relevant to the provision of a permanent agricultural workers dwelling as the need for it must derive from the requirement of the farm business and not from the personal aspirations of the individuals concerned. The policy exception reflects support for agriculture as an economic activity; therefore, to allow such accommodation where a farming enterprise was not economically sustainable would not be justified.

Paragraph 80 of the NPPF outlines that isolated dwellings in the countryside should be avoided unless particular circumstances apply, one such circumstance is the "essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside" (criteria (a)).

Paragraph 84 of the NPPF indicates that planning decisions should enable "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings" (criteria (a)), as well as "the development and diversification of agricultural and other land-based rural businesses" (criteria (b)).

The Planning Practice Guidance (PPG) note 'Housing Needs for Different Groups' sets out considerations which it identifies 'may be relevant' to consider in applying the NPPF exceptions as set out in paragraph 80(a) including:

- a) Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise;
- b) The degree of confidence in the existing and foreseeable viability of the enterprise;
- c) whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- d). The availability of alternative options - including whether the need could be met through improvements to existing accommodation on the site; and
- e). In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

The enterprise to which the proposed dwelling relates, is not new and therefore, consideration against criterion (e) is not required in this case. The remainder of the criteria are discussed in turn below. This assessment is informed by the applicant's supporting information in the form of a Rural Workers Dwelling Appraisal (RWDA) including business accounts and the advice of an independent agricultural advisor employed by the District Council who has scrutinised the scheme on our behalf:

a) Evidence of an essential functional need and c) whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process:

The case for the presence of a worker at most times at the farmstead at The Moorlands derives primarily from the welfare considerations relevant to the animals kept at the farm and security concerns relating to the farm site.

The Council's Agricultural Consultant advises that *"All those responsible for the care of farmed livestock are subject to legal requirements to safeguard the wellbeing of individual animals in all reasonable circumstances. This does not translate into a proposition that a single animal or bird justifies the provision of a dwelling to enable a person to meet those requirements. The scale and nature of the circumstances to be managed are relevant. The standard labour calculation submitted shows that the livestock enterprises involved require the direct input of 1.7 workers, of whom 1.2 workers are applicable to the game bird element of the business. This is indicative of a scale of activity involving substantial numbers of birds and animals, with equally substantive welfare responsibilities.*

The functional need for a worker presence is concerned with the management of risk; specifically with the wellbeing of animals present. In normal circumstances this will be successfully achieved during normal working hours. The primary risk relates to events which routinely or in emergency situations occur outside normal working hours and to the ready availability of a worker to identify and/or respond to any events which pose a threat to animal welfare."

Details have been provided within the RWDA about the periods of greatest risk, when both predictable and unforeseen interventions outside normal working hours may be necessary. The Council's agricultural consultant considers that this is a realistic assessment of risk for the enterprise, noting that enhanced risk management (when the ready availability of a worker will

be necessary) is spread across most of the year with the scale and nature of the enterprise justifying the ready availability of a worker at most times. The agricultural consultant advises that *"the management of the above circumstances in a manner which enables the applicants to meet their statutory and best practice welfare obligations to the rearing of game birds and farmed livestock could not be achieved from any substantive distance from the farmstead."* Furthermore, the agricultural consultant considers that the spread of the periods of enhanced need is such that the use of temporary seasonal caravan accommodation would not be appropriate.

In respect of site security, the advisor states that *"losses of, and damage to, equipment is costly and disruptive, but more significantly the applicants appear to have experienced direct impacts on their game birds and Christmas poultry, which are not recoverable and have potential wider animal welfare effects. In the light of these particular security aspects, it is considered that the ability to deliver best endeavours to deter these threats carries some weight in the case of the essential need for a close presence to the farmstead."*

When having regard to the content of the RWDA and the advice of the council's agricultural consultant, it is considered that reasonable evidence exists to demonstrate an essential functional need for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural enterprise. The diverse elements of the enterprise have a labour requirement in excess of a full-time worker, with a potentially frequent need for a worker to be readily available outside normal working hours. It is considered that the proposed dwelling would accord with criteria (a) and (c).

b) The degree of confidence in the existing and foreseeable viability of the enterprise:

In order to determine whether the above criterion is met, it is essential to establish whether the enterprise is profitable and capable of covering its costs, had no underlying weakness in its financial structure and could fund the cost of the proposed dwelling. In this regard the Council's Agricultural Consultant advises as follows:

"The farm business has clearly been sustained over a long period, with the applicants representing the third generation of involvement. Accounts have been submitted for the last two financial years which show substantive profitability. The balance sheet shows no underlying weakness with positive net assets and limited long-term liabilities. The accounts for 2022 are stated to be representative of the general performance of the business taking out short-term trading difficulties associated with the Covid Pandemic and the avian flu outbreak. The financial outcome for the year demonstrates the ability to remunerate the input of the two full time workers at a level well above that of the statutory minimum wage and to carry the build cost of the proposed dwelling as either a return on investment or a charge on borrowed capital."

The business has existed for a significant number of years, and evidence has been submitted to demonstrate that it is currently viable and likely to remain so. The level of profitability achieved is capable of realistically funding two full-time workers and the proposed dwelling and, therefore, it is considered that the proposed dwelling would accord with criterion (b).

d) The availability of alternative options including whether the need could be met through improvements to existing accommodation on the site:

Insofar as the presence of workers on-site may be essential or desirable, this need cannot be satisfied by use of the existing dwelling (No.7 The Moorlands) at the site, which is legitimately occupied without an agricultural tie and, therefore, is unavailable.

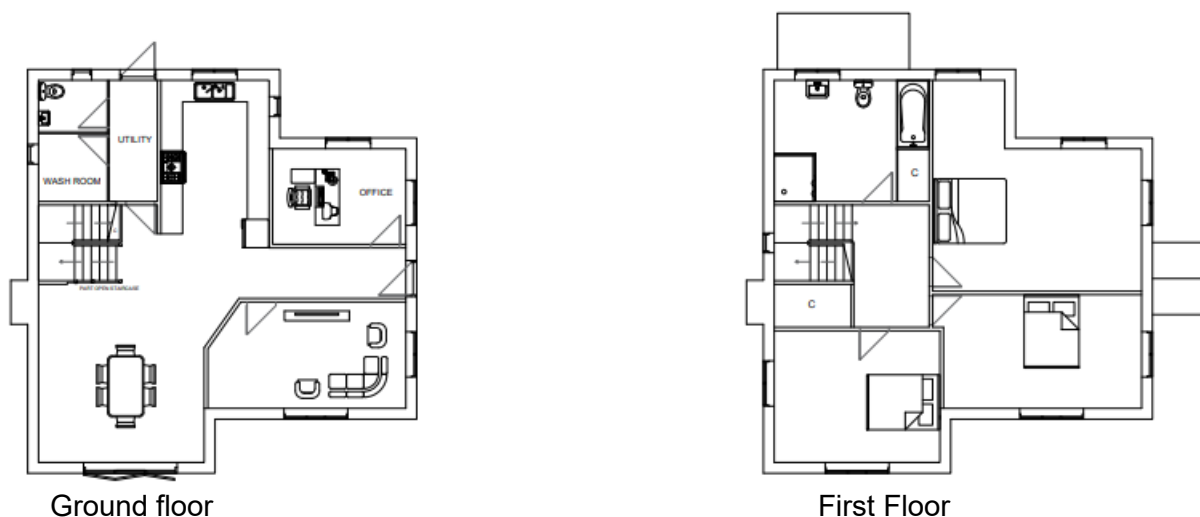
PLANNING APPLICATIONS- SECTION A

At the present time, available housing in the immediate locality appears to be extremely limited, although an online search revealed that a three bedroomed property located next to the application site (No.9 The Moorlands) is currently on the market.

The applicant's agent has been asked whether this nearby property has been considered by the applicant's and a summary of the agent's response is provided below setting out why the property is not suitable for the farming business:

- the dwelling for sale is not in an as suitable a location to provide security surveillance of the site;
- it is too small for the required purposes being only 76.2m;
- the second bedroom is too small (with a floor area of 4.95m²) to qualify as a bedroom for one of the applicants two teenage children – the agent notes that for new build dwellings Building Regulations require bedrooms floor areas for over 10 years old to be at least 6.51m²;
- A single bathroom downstairs would not be appropriate for an agricultural dwelling as a separate 'dirty' washroom directly off the farmyard is required and needs to separate from the bathroom in domestic use;
- the dwelling lacks a farm office or dining room;
- it would not be a financially astute decision, due to the cost difference between purchasing the dwelling and extending it to the necessary size to include the required internal accommodation;
- the property for sale is currently marketed for £240,000 and would need significant extensions to increase the floor space by 108.8m², which would more than double the size of the property. With an estimated build cost for the extension of £217,000 (possibly more dependent on existing foundations), this would come at considerable cost which would bring the total to well beyond the estimated cost of the proposed dwelling.

Image of floor plans for the proposed dwelling showing the accommodation required by the applicants including a wash room and WC directly off the farmyard and an office:



Overall, it is considered that the agent's assessment is reasonable in respect of the dwelling being unsuitable on the grounds of size, inappropriate accommodation, and the excessive cost

involved in purchasing and adapting the dwelling to meet the needs of the enterprise, which would exceed the likely costs of the new build dwelling proposed.

It is also noted that the property in question is the end of a row of modest terraced properties and there is no certainty that the property could be extended as required without adversely affecting neighbouring residential amenities, the character of the dwellings and the streetscene generally. The use of the property as an agricultural dwelling would likely give rise to a level and frequency of activity at all hours of the day that would be different to that of the adjoining residential dwelling, and which due to attached nature of No.9 to No.11, could adversely affect neighbouring amenities.

Overall, it is not considered that the need for a dwelling on the site could be met through existing or adapted accommodation on or near the site and the proposal would comply with criterion (d).

In conclusion, the proposed dwelling and secure agricultural store are needed and would accord with the provisions of Policy S3 of the adopted Local Plan. The proposed dwelling would meet the functional and financial tests set out in Planning Policy Guidance and would be compliant with the aims of criteria (a) of Policy S3 of the adopted Local Plan as well as the overarching objectives of the NPPF and in particular Paragraphs 80(a) and 84.

The application proposal would therefore, constitute a form of development permitted in the countryside under Policy S3. Policy S3 states that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

For the reasons discussed later in this report, it is considered that the appearance and character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.

(iii) It does not create or exacerbate ribbon development.

The proposed development would not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) Built development is well integrated with existing development and existing buildings, including the reuse of existing buildings, where appropriate.

It is considered the proposed development would be reasonably well related to existing development within the immediate vicinity noting that the proposed dwelling would be situated adjacent to and aligns with the nearest neighbouring property and the proposed agricultural storage building would be well related to other farm buildings at the site.

(v) The development will not seriously undermine the vitality and viability of existing town and local centres.

Given the nature of the proposal, it is not considered the proposal would seriously undermine the vitality and viability of existing town and local centres.

(vi) The proposed development is accessible or will be made accessible, by a range of sustainable transport.

Given the nature of the proposals which relate to an existing farming enterprise on the site, the proposal would not lead to an undue increase in vehicular movements but could reduce vehicular movements due to the on-site presence of farm workers. Therefore, the proposal does not need to be accessible, or to be made accessible by a range of sustainable transport.

It is therefore considered that the proposal complies with Policy S3 in terms of the principle of development.

Design and Impact on Character of the Area

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 127 and 130 of the NPPF.

Initial concerns were raised by officers about the square proportions of the proposed dwelling and resulting shallow hipped roof, the mass of the building (compounded by large areas of uninterrupted brickwork) and the poor siting of the chimney resulting in a dwelling that would not represent good design and that would not appear in keeping with development within the locality.

Original Scheme



A dwelling in the siting proposed would be clearly visible from public vantage points along The Moorlands and therefore, any development on the site would need to knit into the existing grain, scale, and character of development. Whilst it is accepted that functionally the building would need to have a rear entrance to the farmstead, the elevation to The Moorlands should still present a balanced and interesting elevation to the street and the original scheme was unsuccessful in this regard.

View of the site/site access from The Moorlands:

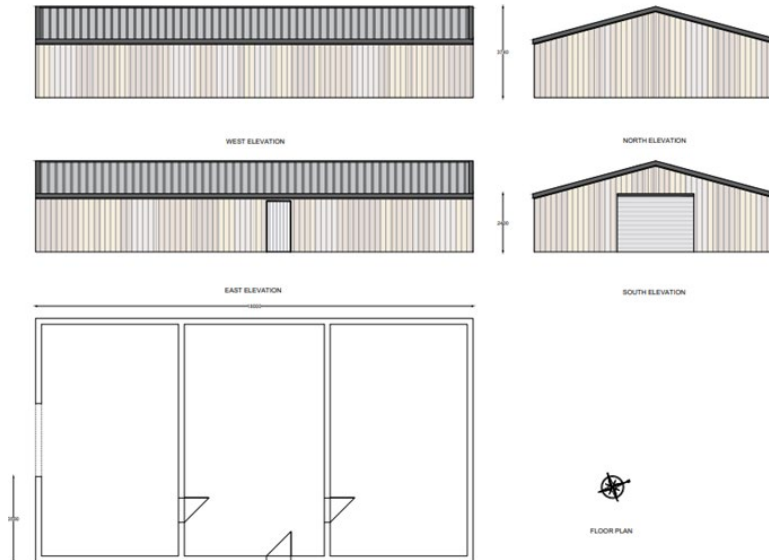


Proposed Amended Elevations:



Amended plans have been received following the concerns raised by officers showing a building of more linear form (north-south) with a projecting element to the east to provide for a more interesting elevation to the street scene (as per the existing dwelling on the site). The revised scheme also reduces the expanse of brickwork and windows are now detailed with heads and cills. Render is also proposed to the upper gable to brick up the mass of the brickwork and the chimney has been re-sited to the gable. It is considered that the improvements to the proposed dwelling are such that the amended proposals would knit into the existing grain, scale, and character of development within the locality, and would represent a good standard of design.

Proposed Agricultural Storage Building:



Regarding the proposed agricultural storage building, this would measure 10m x 18m with eaves and ridge heights of 2.4m and 3.7m respectively and would be sited immediately to the south of a larger agricultural building of greater dimensions, which would help mitigate the visual impact of the building within the wider landscape. The plans show a building constructed of brick to the south elevation and timber boarding with corrugated sheet roofing to the other elevations, which would not be out of keeping with other materials used on the wider site.

Whilst it is considered that the overall design would be improved by timber cladding to the southern elevation, this would face into the farm site and would be at a distance from the nearest public vantage point to the south along the road to Farm Town such that it would not be particularly prominent. There are also trees/hedgerow and intervening buildings that would obstruct views of the building from the south.

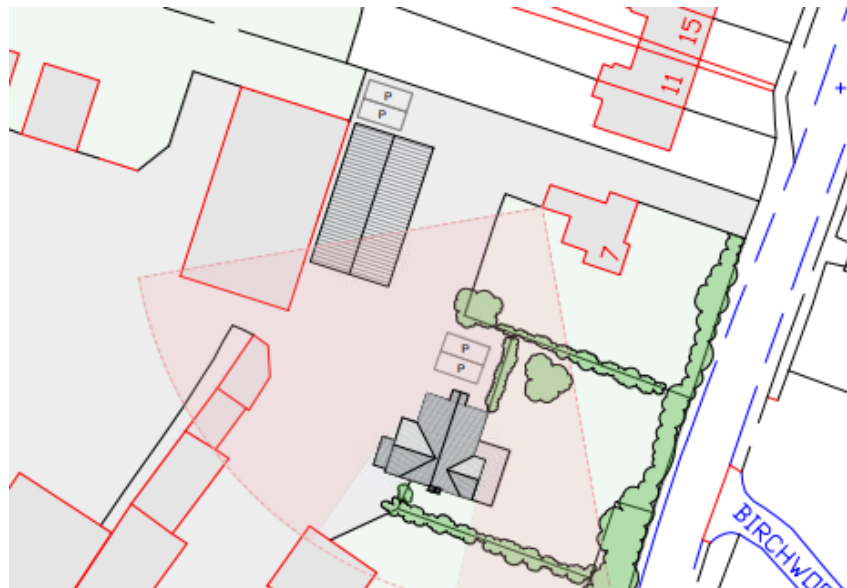
There is a dense, mature hedgerow along The Moorlands which along with the existing buildings on the site, would provide some screening for the building. However, given the height of the proposed building (3.7m to the ridge), the proposed buildings would be visible in medium views from the highway above the hedgerow but would be seen in the context of other larger agricultural buildings existing buildings.

Overall, the proposals for the dwelling and storage building would not appear out of keeping and would comply with the provisions of Policy D1 of the adopted Local Plan, the Council's Good Design SPD, National Design Guide and paragraphs 126 and 130 of the NPPF.

Residential Amenities

The property that would be most immediately affected by the proposals would be No's 7 and 9 The Moorlands. All other properties are either located beyond these neighbouring dwellings or are located on the opposite side of The Moorlands with sufficient distance between the development and those neighbouring properties to prevent any significant overbearing, overshadowing, or overlooking impacts.

Block Plan of the site showing the proposed buildings in black with 7 and 9 The Moorlands shown with a red dot:



Rainbow Crescent, No.7 The Moorlands is a two-storey dwelling with its principal elevation fronting The Moorlands and the majority of windows to the front and rear elevations.

Rear (eastern)/Side (southern) elevations of No.7 The Moorlands:



The proposed agricultural building would be located between 9.2m-10.1m to the west of the rear boundary with this neighbouring property and further from the dwelling itself due to the intervening garden.

When having regard to the storage use of the proposed building, the distances involved, along with the absence of any windows in the eastern elevation of the proposed building, and the existing proximity of this neighbouring dwelling to the farm site and other agricultural buildings of greater scale, it is not considered that the proposed building would give rise to any significant

overbearing, overlooking or overshadowing impacts, or significantly greater noise and disturbance to the occupiers of the dwelling.

View to the rear of No.7 The Moorlands (with rear boundary shown fenced):



Following officer concerns about siting of the proposed dwelling, amended plans have been received showing the proposed dwelling located 10m from the southern boundary of the neighbouring property and 20m from the dwelling itself due to the intervening garden. Whilst habitable room windows are proposed to the northern elevation of the proposed dwelling at ground and first floor level, when having regard to the distance to the common boundary and the neighbouring dwelling, it is not considered that there would be any significant overlooking, overbearing or overshadowing impacts arising from the proposed dwelling upon this existing neighbouring dwelling.

No.9 The Moorland lies immediately to the north of the site access and has its principal elevation facing The Moorlands such that the side elevation facing the site contains just one first floor window serving a landing. The side boundary to this neighbouring property is occupied by a mature hedgerow to the front and 1.8m close boarded fencing to the rear of the dwelling.

Photograph of the access drive between the two neighbouring properties:



It is noted that since the photograph was taken, a new 1.8m high fence has been erected along the boundary with No.9 beyond the hedgerow.

With No.7 The Moorlands separating No.9 the Moorlands from the proposed agricultural dwelling, there would be sufficient distance to prevent any significant overbearing, overshadowing or overlooking impacts. The proposed agricultural storage building would be located 6.5m from the bottom half of the garden to this neighbouring dwelling, approximately 19.5m from the nearest corner of the dwelling at No.9 The Moorlands. When having regard to the separation distances between the proposed building and the dwelling/common boundary, along with the scale and use of the proposed storage building, it is not considered that the proposed building would give rise to any significant overbearing, overlooking or overshadowing impacts, or significantly greater noise and disturbance to the occupiers of this neighbouring dwelling.

In terms of noise and disturbance arising from comings and goings to the proposed dwelling/agricultural building along the access drive between Nos 7 and 9 The Moorlands, it is not considered that this would be significant given the scale and nature of the proposals and that the applicant's residing at the site could reduce vehicular trips to and from the site.

Overall, the proposal is not considered to result in any significant impacts upon the residential amenities of neighbouring occupiers. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Safety

The site is located on The Moorlands, which is a classified C road subject to a 30mph speed limit and the proposed development would utilise the site's existing access. No alterations to the existing access arrangements are proposed.

Photograph of site access



The County Highways Authority has been consulted on the application proposal and advises that residential development and its use as a rural workers residence will reduce the number of trips on the local highway network such that the use of the existing access will not be intensified as a result of the proposal. In addition, the County Highways Authority advises that given the existing use of the wider site, the proposed agricultural storage would not result in additional trips to and from the site or the intensification of the use of the existing access.

The County Highways Authority has identified one Personal Injury Collision (PIC), as occurring within 500m of the site access within the most recent five year period. The PIC was recorded as 'slight' in severity and occurred approximately 15m south of the site access and involved a single vehicle colliding into a parked vehicle. The County Highways Authority has reviewed the PIC details and are satisfied that there is no evidence to suggest that the development proposal would exacerbate the likelihood of further such incidents occurring.

In terms of parking, the layout shows the provision of two parking spaces for the proposed three bedroomed dwelling which accords with the Leicestershire Highways Design Guide. The County Highways Authority, having regard to the new development proposed, is also satisfied that adequate parking and turning provision is achievable within the site to enable all vehicles including agricultural style vehicles to enter and exit in a forward direction. The County Highways Authority raises no objection subject to a condition to secure parking provision at the site in perpetuity.

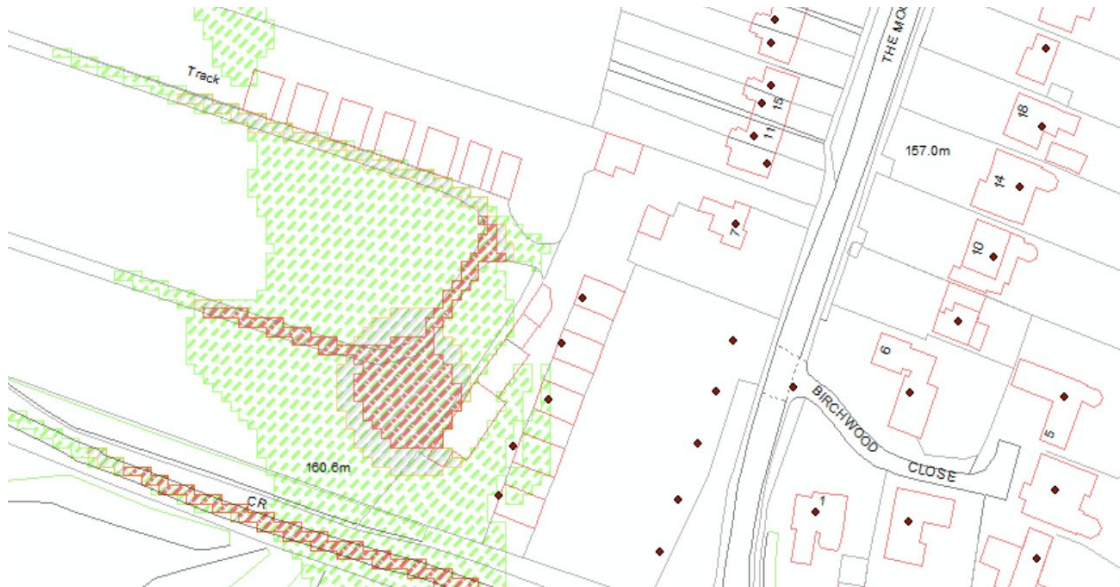
Subject to a parking condition, it is considered that the application is acceptable from a highway perspective and would comply with the provisions of Policies IF4 and IF7 of the adopted Local Plan and provisions of the NPPF.

Development and Flood Risk

It is noted that the application site and the proposed development fall within Flood Zone 1 which is at least risk of flooding and there are areas of low-high risk of surface water flooding to the west of the site of the proposed dwelling.

Areas at risk of surface water flooding are displayed on the following plan as follows:

Low risk = Green Medium risk = Amber High risk = Red



The proposed developments are located outside the areas at risk of surface water flooding.

Details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water), and as such any issues relating to how surface water run-off would be managed would be addressed at that time although the application submission indicates that surface water run-off would be directed to a soakaway. In the circumstances that the site lies in a flood zone 1 area, it is anticipated that any surface water run-off solution would not further exacerbate any localised flooding issue. As such the development would accord with Policies Cc2 and Cc3 of the adopted Local Plan.

Ecology and Biodiversity Net Gain

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

In terms of Biodiversity Net Gain (BNG), the mandatory requirement for 10% Biodiversity Net Gain on this scale of residential development has not yet been enacted through the Environment Bill (expected in April 2024). At present, paragraph 174(d) of the NPPF sets out a requirement to minimise impacts on biodiversity and provide net gains in connection with the schemes.

The County Ecologist has been consulted on the application during the validation of the application and advised that the submission of an ecology survey or biodiversity net gain

calculations were not necessary for the site, advising that there are no nearby records of protected species, no buildings appear suitable for roosting bats and from the photographs provided the habitats look very low value.

Two photographs of site for the proposed dwelling/garden:



Photograph of site of proposed agricultural building:



The application submission details 59m of new hedgerow made up of native species along the north, south and western boundaries of the proposed dwelling, along with the retention of the existing hedgerow along the highway boundary which would improve biodiversity on the site. The submitted drawings also include the provision of bat brick and a bird box within the proposed dwelling. Subject to conditions, the County Ecologist has no objections to the proposed development.

Therefore, subject to the imposition of conditions it is considered that the proposals would comply with Policy En1 of the adopted Local Plan, Paragraphs 174(d), 175 and 180 of the NPPF and Circular 06/05.

Conclusion

In conclusion, both the proposed dwelling and agricultural building are considered to be acceptable in principle providing that the use of the dwelling is restricted by a planning condition in connection with an agricultural use. Furthermore, the proposed development would have an acceptable impact upon design and the rural character of the area, neighbouring residential amenities, drainage and flood risk and ecology. The proposed access is also considered acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate that planning permission should not be granted, and the proposal is deemed to comply with the relevant policies in the adopted Local Plan, the council's Good Design SPD and the overarching guidance in the NPPF. Therefore, subject to conditions, it is recommended that planning permission be granted.