

Conversion of agricultural building to dwelling

**Report Item No
A3**

**Land Adjoining 1 Main Street Osgathorpe
Leicestershire LE12 9TA**

**Application Reference:
24/01541/FUL**

Grid Reference (E) 442989

Grid Reference (N) 319433

**Date Registered:
11 December 2024**

**Consultation Expiry:
10 February 2025**

**Applicants:
Mr And Mrs Tivey**

8 Week Date:

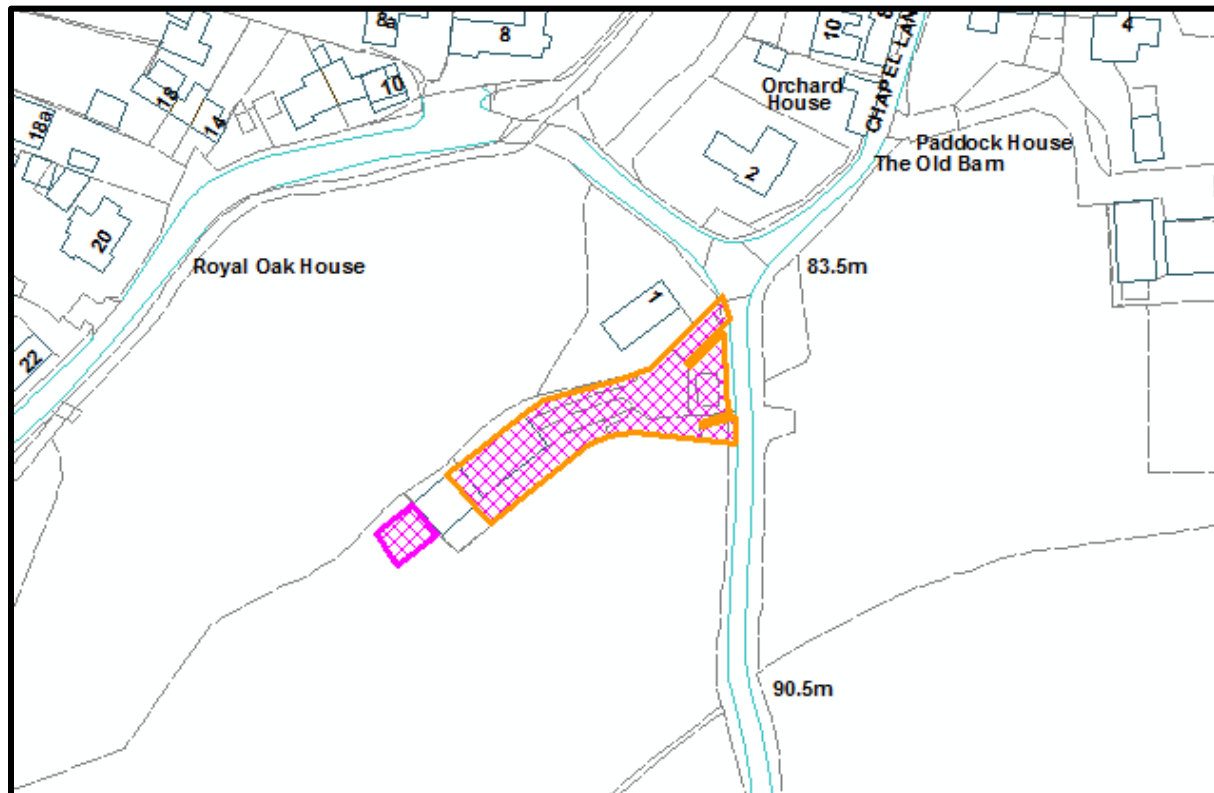
5 February 2025

**Case Officer:
Karina Duncan**

**Extension of Time:
10 March 2025**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



Reason the case is called to the Planning Committee:

The application is brought to Planning Committee because this application is recommended for approval by officers and has been submitted by the close relative of a serving member or officer of the Council.

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

- 1 Standard time limit (3 years).
- 2 Approved plans.
- 3 Implementation of car parking spaces, the surfacing of the access points in a hard bound material for a distance of least 5 metres behind the highway boundary, and the removal of permitted development rights for the installation of gates, barriers, bollards, chains or other obstructions to the vehicle accesses.
- 4 Submission of details of all external materials.
- 5 Submission of a landscaping scheme, including boundary treatment details.
- 6 Statutory Biodiversity Net Gain condition.
- 7 Development to be carried out in strict accordance with the measures stated in Section 4.4.2 (Bats) of the Ecology Report (Turnstone Ecology, January 2025) which includes replacement roosting provisions which would be provided in the form of the two boxes on nearby trees and a single integrated bat feature on the south-western gable wall.
- 8 Soakaway to be installed on site prior to any external materials being installed to the roof, unless an alternative scheme of surface water discharge (including evidence to demonstrate that the means of drainage via soakaway is not suitable for the site) has first been submitted and approved.
- 9 Full details of the proposed foul waste connection methods which should ensure that a connection to the mains sewer is made where feasible.
- 10 Scheme of bin storage and collection point prior to occupation to be submitted, approved and implemented.
- 11 Removal of permitted development rights - No extensions, outbuildings or hard surfaces to be carried out utilising householder permitted development rights (Classes A, AA, B, E and F of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)), without the express consent of the Local Planning Authority having first been obtained in writing.
- 12 Restriction for the creation of further first floor accommodation within the dwelling without express planning permission having first been obtained.

MAIN REPORT

1. Proposals and Background

Full planning permission is sought for the conversion of an agricultural building to a dwelling at Land adjoining 1 Main Street, Osgathorpe. The application form states that the proposal is for an open market dwelling and the proposed conversion is to be utilised for the applicant's personal home, although this could not be secured under any planning permission. The application form states that the applicant and his family live in the village but not on the site itself.

The dwelling would feature an open plan kitchen, living room and dining area, a hallway with study area, and two bedrooms with ensembles at ground floor level. A separate lounge and mezzanine are proposed at first floor level.

The submitted Planning Statement sets out that the applicants have farmed the land since 2005, with their wider land holding extending to around 40 acres.

The site is located to the east of the village of Osgathorpe with the building subject to this application positioned a distance of approximately 50 metres from Snarrow's Road. The existing building features a rectangular plan-form, a shallow pitched roof, and is constructed of metal sheet cladding to its walls, sheet cladding to its roof. Internally, half of the building features a concrete floor, the other half is open to its front and has no made-up floor. The building features steel rafters and timber purlins.

The building is positioned within a field which is bound at all sites by field hedgerows and trees. The existing access is taken from two gate access points to the east of the site off Snarrow's Road which is rural in nature featuring no footpaths or streetlighting. The most northern access is taken close to a bend just south of the T-junction with Main Street.

The red line boundary is split into two sections. One encompassing the two access points, proposed three car parking spaces, the proposed residential amenity space, and the main building which would be converted, and a separate red line boundary positioned approximately 14 metres to the south west of the proposed dwelling which is rectangular in shape and would be separated by the proposed dwelling. This additional piece of land is proposed to be used for biodiversity net gain purposes.

Amended plans have been received during the course of the application to amend the internal layout of the dwelling to address concerns relating to living conditions within the proposed dwelling.

The site is located outside Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021).

Site Location Plan



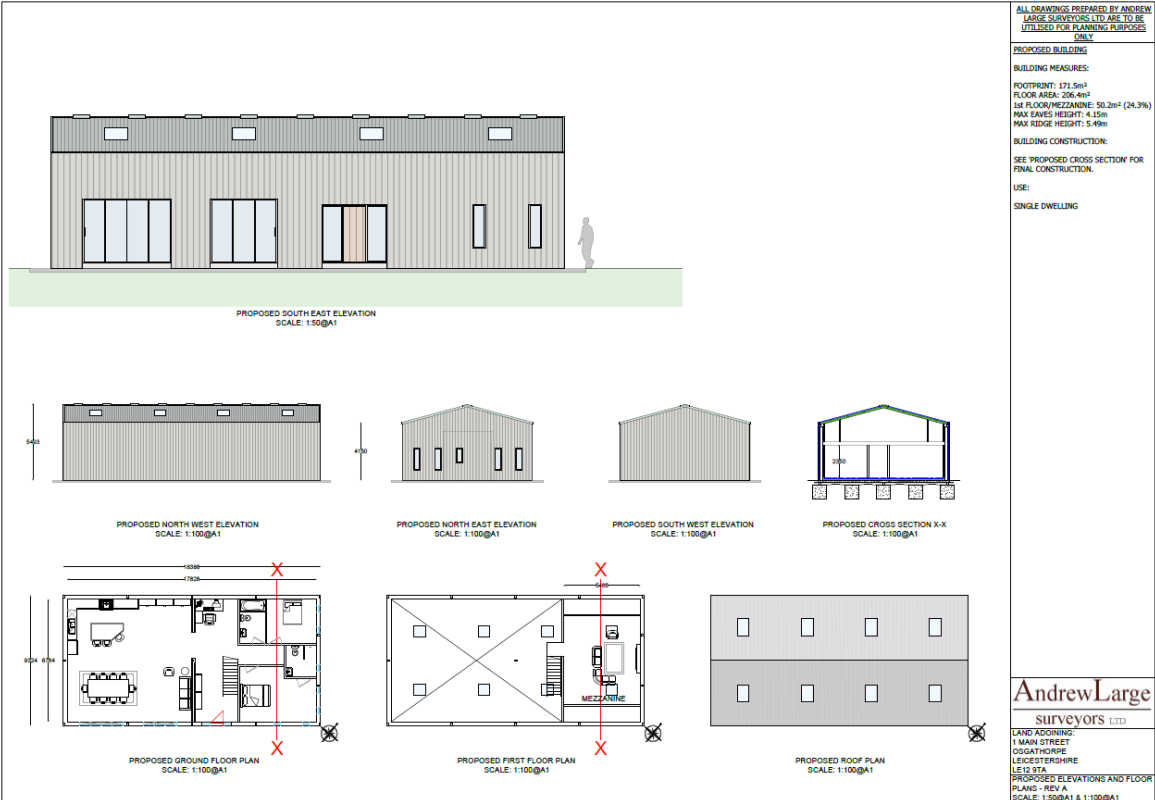
Aerial Image of Site Location



Proposed Site Plan



Amended Proposed Elevations and Floor Plans



Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

Relevant Planning History

- 15/00931/AGP – Installation of a 70.0 metre long by 3.0 metre wide road to serve existing agricultural buildings – Application Permitted – 14.10.2015
- 15/00664/AGP – Erection of a steel framed fodder and machinery store – No objection – 04.08.2015
- 07/00845/AGP – Erection of tractor machinery and fodder store – Prior Approval not required – 27.06.2007
- 05/01073/FUL – Erection of a stable – Application Permitted – 25.08.2005

2. Publicity

6 neighbours were initially notified on the 12th December 2024.

A site notice was displayed on the 12th December 2024.

A press notice was published in the Leicester Mercury on 1st January 2025.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Representations from:

Osgathorpe Parish Council makes one observation as to whether the application conforms with Policy S3(iii) of the Adopted Local Plan.

No Objections from:

North West Leicestershire District Council Environmental Protection Team
North West Leicestershire District Council Conservation Officer
Leicestershire County Council Archaeology

No Objections, subject to conditions and/or informatives, from:

Leicestershire County Council Highway Authority
Leicestershire County Council Ecologist
North West Leicestershire District Council Contaminated Land Officer

No comments to make:

Leicestershire County Council Planning Authority.

Third Party Representations

Two letters of support have been received with the comments raised summarised as follows:

Grounds of Support	Description of Impact
Impacts on neighbouring Farming Operations	The conversion of the building to a dwelling would not have any impact on neighbouring farming operations carried out on adjoining land and it would be helpful to have someone on site to assist the oversight and management of neighbouring grazing stock.
Other Matters	The application site is screened by mature tall hedgerows.

Four letters of objection have been received with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development and Sustainability	Nearby applications for building a dwelling have been refused and dismissed at appeal (22/01611/FUL).
	These are not derelict or old structures that would benefit from repurposing and/or renovating but, being less than ten years old, the existing buildings are fit for the modern agricultural nature that they are intended. Indeed, the Planning Statement in 24/01541/FUL includes the statement that the 'existing building has been demonstrated to be of sound construction'.
	A precedent may be set for further agricultural buildings in the village and on this site to be converted.
	The applicants currently live very close to the agricultural building that they are seeking to convert to residential use. Although not explicitly stated in the application, the inference is that they would like to reside on the site

	rather than walk a short distance to it. However, to achieve this, much of the existing agricultural facility, other than the stable, would be lost and there would be little or no facility on the site to store agricultural machinery, equipment, fodder etc.
	The applicant lives around 100 metres from this proposed development and thus the proposal in no way reflects any local needs.
	The applicant will apply for a further agricultural building on this site.
	The proposal does not meet any of the needs of the area nor do they improve anything remotely to do with improving the environment.
	Statements made relating to the need for an agricultural workers' dwelling in the planning statement have been challenged.
	There is a limited bus service but no other facilities, such as a shop or a school, thus how will this proposed development support any local services.
	The village is not sustainable and there is no need for additional large housing developments in the village.
	Granting permission would extend a small village with very limited resources outside its currently defined settlement boundaries.
	The dwelling would look to be outside of the village boundary and there is a very obvious hedge line showing where the village ends and farm land begins.
	The applicant had a long term plan to gradually turn these farming structures into domestic use.

Living conditions	The head heights in the first floor accommodation are restricted and the roof pitch is shallow.
Highway Safety Impacts	Highway safety concerns, including that the site entrance does not have clear visibility.
	The submission that journey and traffic movements would be reduced is preposterous as the applicants' current residence is little more than 100 metres away.
Visual Impacts and Impacts on the Countryside	Loss of an agricultural building could result in the need for a further agricultural building on site.
	The proposal will affect the aesthetics and environment and will not add to the overall quality of the rural area.
Other matters	Statements made in the planning statement relating to theft have been challenged to state that one incident has occurred in all the years the site has been operational.
	Comments have also been received relating to the consultation process and whether the correct advertisement of the application has taken place.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

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

Paragraphs 7, 8, 9 and 10 (Achieving sustainable development);
Paragraphs 11, 12 and 14 (Presumption in favour of sustainable development);
Paragraphs 39, 48 and 49 (Decision-making);
Paragraphs 56, 57 and 58 (Planning conditions and obligations);
Paragraphs 61 and 63 (Delivering a sufficient supply of homes);
Paragraph 96 (Promoting healthy and safe communities);
Paragraphs 109, 110, 115, 116, 117 (Promoting sustainable transport);
Paragraphs 124, 125, 128 and 129 (Making effective use of land);
Paragraphs 131, 133, 135, 136, 139 and 140 (Achieving well-designed places);

Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 192 193, 196, 197 and 198 (Conserving and enhancing the natural environment); and
Paragraphs 205, 212, 213, 214, 215, 217 and 218 (Conserving and enhancing the historic environment).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

Policy S1 – Future Housing and Economic Development Needs;
Policy S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and enhancement of North West Leicestershire’s historic environment;
Policy Cc2 – Water - Flood Risk;
Policy Cc3 – Water - Sustainable Drainage Systems.

Other Policies and Guidance

National Planning Practice Guidance
Good Design for North West Leicestershire Supplementary Planning Document (April 2017).
National Design Guide
Leicestershire Highways Design Guide (Leicestershire County Council)
The Conservation of Habitats and Species Regulations 2017
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
Nationally Described Space Standards

5. Assessment

Principle of the Development and Sustainability

In accordance with the provision 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).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy

Framework. The most important policies in the determination of the matter of principle are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply, and it is considered that Local Plan Policies S2 and S3, are effective, not out of date and carry significant weight.

The site is located within land falling outside the defined Limits to Development, designated as countryside within the adopted Local Plan. On sites falling outside the defined Limits to Development, residential development is not a form of development that is permissible by Policy S3 of the North West Leicestershire Local Plan (2021), save for limited exceptions as specified in the policy.

The description of development does not refer to the fact that the proposal is for the conversion of the building to create an agricultural workers' dwelling, and whilst it is noted that the submission states that the proposed dwelling would be occupied by the applicant and his wife who have farmed the land for a number of years, the application form specifically sets out that the dwelling would be an 'open market' dwelling (thereby capable of being occupied by any individual). The proposal has therefore been assessed as an open market dwelling. Furthermore, the application is not supported by sufficient information to demonstrate that there would be a functional and financial need for an agricultural worker to reside on site 24/7. Therefore, it cannot be concluded that the proposal would accord with criterion (i) of Policy S3 which supports agricultural workers dwellings.

Policy S3 supports the re-use and adaptation of buildings for appropriate purposes including housing in accordance with the Settlement Hierarchy (Policy S2) under criterion (d). Policy S2 of the Local Plan (2021) sets out the settlement hierarchy for the district and the approach to development within settlements, the intention being that those higher up the hierarchy will take more growth than those lower down. Osgathorpe is within the "small village" category; the small villages are described as having "very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework) or affordable housing in accordance with Policy H5 (Rural Exceptions Sites for Affordable Housing).

The proposal would be supported by criterion (d) of Policy S3 of the Local Plan (2021), however the Policy goes on to state that development in accordance with criteria (a) to (s) would be supported, subject to satisfying criteria (i) to (vi). An assessment of the application against criteria (i) to (vi) is 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 in the design section of this report, it is considered that the appearance and character of the landscape would be safeguarded. Therefore, the proposal is considered to accord with criterion (i) of Policy S3.

(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

The proposal would not introduce any extensions or new buildings to the site. Whilst a residential garden and parking areas are proposed, the development would be positioned a significant distance from the closest neighbouring settlements. Therefore, the proposal would not undermine the physical or perceived separation between nearby settlements. Therefore, no conflict has been identified with criterion (ii) of Policy S3.

(iii) it does not create or exacerbate ribbon development

The proposal, owing to its siting, would not create or exacerbate ribbon development. The proposal therefore accords with criterion (iii) of Policy S3.

(iv) built development is well integrated with existing development and existing buildings

The proposal would not introduce any existing buildings or extensions to the site and would re-use an existing agricultural building. It is therefore considered that the development would be well integrated with existing development and existing buildings. Therefore, no conflict has been identified with criterion (iv) of Policy S3.

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

Given the nature of the proposal, this criterion is not considered to be relevant.

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

In terms of facilities within the village itself, there is only the St Mary the Virgin Church and a public house. It is understood that 'The Storey Arms' Free House resumed trading on 2nd May 2025. Osgathorpe therefore contains very little in the way of everyday services. There is no local shop selling groceries, nor is there any education facilities or employment opportunities. Future residents of the dwelling would therefore be reliant on travelling to other places for shopping and other services.

The site is located on a rural lane with no footpaths or lighting for pedestrians leading from the site to the main part of the village and they would not provide easily accessible or convenient walking or cycling routes, especially at night or during inclement weather.

A bus service (bus number 129 running between Ashby and Loughborough) would be located within 125 metres walk of the proposed dwelling, however whilst this service provides a connection to larger centres, as it runs only every two hours (approximately) with only 5 services a day, no evening services and no services on Sunday, it is unlikely to be relied on by residents for access to day to day services and facilities.

Access to day-to-day services by walking, cycling or public transport would be poor, and future occupiers would be likely to be heavily dependent on the private car for access to shops, services

and community facilities. Given this, it is likely that they would often choose to drive to use clusters of shops and services in larger towns in the surrounding area.

The proposed development would therefore not be accessible, nor would it be made accessible, by a range of sustainable transport. The application therefore fails to accord with criterion (vi) of Policy S3.

In summary, the site is located outside of the Limits to Development set out in the North West Leicestershire Local Plan (2021) where the re-use and adaptation of buildings for appropriate purposes including housing in accordance with the Settlement Hierarchy (Policy S2) is supported. However, Policy S2 places Osgathorpe within the “small village” category which are described as having “very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land [...] or affordable housing”. The proposal would not represent sustainable development when having regard to the Settlement Hierarchy and the application would also conflict with criterion (vi) of Policy S3 as it would not be accessible, nor would it be made accessible, by a range of sustainable transport.

Members should be aware of the two appeal decisions relating to application references 22/01611/FUL and 24/00233/OUT. Planning application 22/01611/FUL related to the erection of a custom-build dwelling, garage and associated works at The Warren 6 Chapel Lane, Osgathorpe which is the appeal most closely related to this site being located approximately 115m to the east of the application site (as the crow flies) and positioned on the rural peripheries of the village.

Planning application 24/00233/OUT related to the erection of a self build detached dwelling at 72 Main Street, Osgathorpe, however this site is located within the village itself on Main Street.

A summary of the Inspector’s findings on both appeals has been set out below:

22/01611/FUL - The Warren 6 Chapel Lane (Appeal Ref: APP/G2435/W/23/3324219)

The above appeal was dismissed by the Planning Inspectorate on 19th July 2024 partly due to the location of the proposed development. It is important to note that the application site is located close to the appeal site as set out above. It is also important to note that Chapel Lane, like Snarrow’s Road and the part of Main Street fronting the application site, is a rural lane with no footways or streetlighting.

The Inspector for the appeal stated that; *‘Osgathorpe therefore contains very little in the way of everyday services.... residents would be reliant on travelling to other places for shopping and other services,’* and that; *‘access to day-to-day services by walking, cycling or public transport would be poor, and future occupiers would be likely to be overwhelmingly dependent on the private car for access to shops, services and community facilities. Given this, it is likely that they would often choose to drive to use clusters of shops and services in larger towns in the surrounding area, bypassing the smaller and more limited facilities in other villages.’*

The Inspector went on to state that; *‘the proposed development would be outside a defined settlement boundary, in a small village within the countryside which has limited access to services by a range of sustainable transport options. I therefore conclude that it would not be an appropriate location for the proposed development, having regard to local and national planning*

policy. The scheme would conflict with Policies S2 and S3 of the NWLLP, the principal relevant provisions of which I have set out above.'

24/00233/OUT - 72 Main Street (Appeal Ref: APP/G2435/W/24/3343890)

The above appeal was allowed by the Planning Inspectorate on 20th September 2024. The Inspector noted that the appeal site was directly adjacent to a footway with connections to public rights of way and that the village was sited in close proximity to the national cycle network which links to Thringstone and Coalville, both principal towns in the settlement hierarchy. The Inspector also noted that whilst the public rights of way may present challenging terrain for some users and cycling may not be an attractive option for all potential future occupiers, there was a bus stop located directly in front of the appeal site. For these reasons, the Inspector considered that *'future occupiers would not be wholly reliant on the use of a private car.'*

The Inspector concluded that 'the site would not be suitable for the development having regard to the spatial strategy of the development plan. The proposal would therefore conflict with Policy S2 and Policy S3 of the LP read together. However, given that the location would be acceptable with regard to the accessibility of services and facilities, the weight I attribute to the conflict with the spatial strategy is tempered in this case.'

It is however important to note that the above appeal site is materially different to that of the application site and the appeal decision relating to 6 Chapel Lane. 72 Main Street is located within the village itself and benefitted from footpaths, streetlighting and a bus stop directly in front of the appeal site. The only way to access the village and nearest bus stop is to navigate the rural lane with no streetlighting or footpaths.

Consideration of 'Fallback' Position

Whilst the above section of this report sets out that the proposal would not represent sustainable development and is in conflict with the development plan, consideration should be given to any relevant 'fallback position' available to the applicant. Such a fallback position would arise through the Permitted Development rights for changes of use of buildings on agricultural units and former agricultural buildings to dwellinghouses, under Class Q in Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO").

In making an assessment of any application for development, the Council are bound to consider what the alternatives might be for the site in terms of what could occur on the site without requiring any permission at all or using permitted development rights for alternative forms of development. It should be noted that no application to convert the building using Class Q permitted development rights has been made by the applicant in this case. However, the relevant law as to a "real prospect" of a fallback development being implemented has been applied by the Court of Appeal in *Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314* which related to the demolition of a barn and bungalow and the construction of four detached dwellings and consideration of Class Q permitted development rights as a fallback position. The judgement stated that *"...for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice."* In this case, it is therefore necessary to take into account the fallback position available to the applicant, including the permitted development rights arising under Class

Q in the GPDO. Not to do so would be a failure to have regard to a material consideration, and thus an error of law.

In an event that the applicant does have a PD fallback, such a scenario would, in effect, give rise to the site being occupied by a residential unit without express planning permission being required.

Officers consider there to be a clear desire of the landowner to develop the site for one dwelling in this case. It is therefore considered that any relevant permitted development rights by which the applicant could achieve residential development on the site would ultimately be relied upon if an application for planning permission for the construction of a new dwelling were to be refused. Any realistic fallback position would therefore need to be afforded substantial weight in the assessment of the application should one exist.

In practical terms for this site, the permitted development rights set out cannot be relied upon by the applicant as the floor space of the dwellinghouse would exceed 150 square metres which would not meet Q.1.(c) of Class Q of the GPDO. It should however be acknowledged that the amount of floorspace proposed is not significantly greater than 150 square metres and an alternative scheme with a reduced amount of floor space to accord with the above criteria could be advanced by the applicant and this fallback position should be given significant weight in the assessment of this application.

Overall, whilst the proposed dwellinghouse would not meet the requirements of Q.1.(c) of Class Q of the GPDO, there would be a realistic fallback position available for the applicant for the conversion of the building to provide up to 150 square metres of floor space. Such a form of development would result in the same planning impacts as this proposal. Importantly, the fallback position would also result in a scheme resulting in the same planning conflicts, namely a development which conflicts with Policies S2 and S3 of the North West Leicestershire Local Plan (2021), and one which would not be accessible, nor made accessible, by a range of sustainable transport.

Principle of Development Summary

The site is located outside of the Limits to Development set out in the North West Leicestershire Local Plan (2021) where the re-use and adaptation of buildings for appropriate purposes including housing in accordance with the Settlement Hierarchy (Policy S2) is supported. However, Policy S2 places Osgathorpe within the “small village” category which are described as having “very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land [...] or affordable housing”. The proposal would not represent sustainable development when having regard to the Settlement Hierarchy and the application would also conflict with criterion (vi) of Policy S3 as it would not be accessible, nor would it be made accessible, by a range of sustainable transport.

However, the assessment carried out above sets out that there would be a realistic fallback position available for the applicant for the conversion of the building to provide up to 150 square metres of floor space under Class Q of the GPDO. Such a form of development would result in the same planning impacts as this proposal. Importantly, the fallback position would also result in

a scheme resulting in the same planning conflicts, namely a development which conflicts with Policies S2 and S3 of the North West Leicestershire Local Plan (2021), and one which would not be accessible, nor made accessible, by a range of sustainable transport. This fallback position is afforded significant weight in the assessment of this application and is considered to outweigh the conflict identified with Policies S2 and S3 of the North West Leicestershire Local Plan (2021) in this case. The principle of the development is therefore considered to be acceptable.

Loss of Agricultural Land

In terms of environmental sustainability, the proposal would result in the loss of agricultural land which would arise as a result of the proposed residential garden, parking areas and the proposed area of land which would be required to provide a 10% Biodiversity Net Gain. Consideration has been given to Paragraph 125(b) of the NPPF which states that planning decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.

Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). DEFRA's provisional ALC identifies the site as likely to be Grade 3 (Good to Moderate) land and therefore the land could well be classed as BMV land, albeit the classification maps do not differentiate between Grades 3a and 3b. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of BMV agricultural land in this case is considered to be low given that approximately 0.1 ha would be lost. Furthermore, there is no development plan policy relating to the loss of agricultural land.

Therefore, given the relatively limited extent of the potential loss of the site, at approximately 0.1 of a hectare, it is considered that this is not sufficient to sustain a reason for refusal in this case, however, the loss would be a harm to be weighed in the planning balance which would be afforded limited weight.

Impacts on the Landscape and the Character of the Countryside

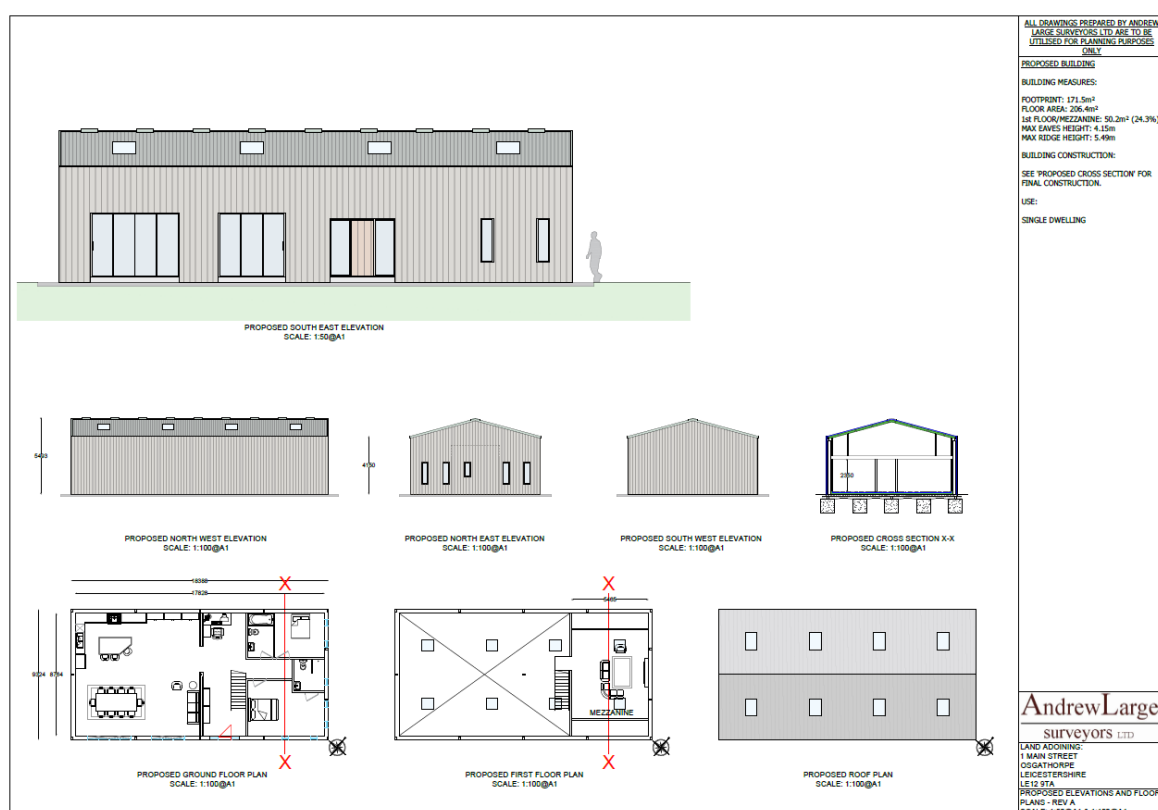
Policy D1 of the Local Plan (2021) supports proposed developments that are well designed and, as a minimum, offer a good standard of design based upon a robust opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. This is expanded upon in the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017) which states that developments must be underpinned by a thorough understanding and appreciation of the place, both the site and its immediate and wider context. Policy S3 of the Local Plan (2021), as referred to in the principle of development section of this report, requires developments to safeguard and enhance 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 (criterion (i)).

The NPPF includes several measures to improve design quality. This includes a test at paragraph 139 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The Council's Good Design SPD and the government's National Design Guide therefore carry substantial weight.

A number of objections have been received on grounds of visual impacts upon the rural area.



The application does not propose any extensions to the existing building and therefore there would be no additional built form proposed on the site. Whilst areas of amenity land and car parking would be introduced to the site, in addition to the usual paraphernalia associated with residential gardens, the areas of land in question are not excessive in size and would be well related to the proposed dwelling and existing hardstanding areas, ensuring that much of the land would retain its rural and undeveloped appearance. A planning condition could be imposed to secure full details of the proposed boundary treatments that would enclose the amenity spaces proposed, and permitted development rights for the erection of boundary treatments could also be removed through the use of a planning condition in the interests of protecting the visual amenities of the rural area.

In terms of the proposed external materials, the application form states that the walls of the dwelling would feature timber cladding to match the existing. Natural timber cladding is considered to be a suitable material in this rural location, subject to precise details being secured through the use of a planning condition. Whilst there is a lack of information relating to the materials proposed to the roof, windows, rooflights, doors and rainwater goods, these could be secured through the use of a planning condition.

The proposed addition of windows, doors and rooflights to the elevation of the building are not considered to be inappropriate for an agricultural conversion and the openings proposed are considered to be simple in their design, well placed within the elevations, and would be of a suitable proportion.

Full details of all proposed landscaping, including details of its implementation and retention, could also be secured through the use of a planning condition.

Subject to the imposition of conditions, the scheme is considered to be of an acceptable design and would protect the intrinsic character and beauty of the countryside as required by the NPPF. The scheme would also be acceptable when having regard to the requirements of Policies D1 and S3 of the North West Leicestershire Local Plan (2021) and the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017).

Neighbour Amenity and Living Conditions

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:

- 1) They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact, and;
- 2) They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Policy D2 of the Local Plan (2021) is consistent with the National Planning Policy Framework requirement that developments create places which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 198 of the NPPF also states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Assessment

The only neighbouring property located near to the proposed dwelling is No.1 Main Street which is a detached bungalow located to the north east of the site. No.1 sits at a lower ground level to that of the application site and presents its rear elevation towards the internal access track within

the application site. The south western side elevation of No.1 is orientated to face towards the proposed dwelling, however the distances between the closest elevations would be in excess of 26 metres which exceeds the separation distances set out within section 13 of the Council's Good Design for North West Leicestershire SPD.

There are no first floor openings proposed to the north eastern side elevation which would face towards No.1 or its private amenity spaces. Whilst rooflights are proposed to the front and rear facing roof slopes, views afforded from these rooflights would be limited owing to their high level positioning and the shallow slope of the roof. No extensions are proposed to the building which would result in any additional overbearing or overshadowing impacts to No.1.

Three proposed car parking spaces are proposed close to the shared side boundary with No.1. These spaces would be positioned to face towards the south western end of the amenity space afforded to No.1, however the noise and disturbance impacts (including headlight impacts) arising as a result of the use of the proposed parking spaces would not be unacceptable to the living conditions of the occupiers of No.1 to warrant a reason for refusal.

In the interests of preserving the amenities of the occupiers of No.1, planning conditions could be imposed to remove certain householder permitted development rights to ensure that no further extensions or alterations to the dwelling are capable of being carried out without requiring express planning permission from the Local Planning Authority.

The addition of one household would not result in unacceptable noise and disturbance impacts to nearby neighbours. Any construction related noise and disturbance is an unavoidable manifestation of any development project, however, it would be for a temporary period owing to the scale of the development and would not warrant a refusal of planning permission.

As such, subject to the imposition of a condition, the proposal would comply with Policy D2 of the Local Plan (2021), the Council's Good Design SPD and the relevant paragraphs of the NPPF.

Living conditions for future occupiers

The Council's Good Design SPD states that *"Buildings should be designed internally to ensure that spaces are fit for their intended purpose with adequate internal space for their intended purpose. The Council will encourage applicants to provide furnished internal floor plans to demonstrate that homes and the rooms within them are fit for purpose. Internal layout plans should demonstrate that there is sufficient space within the home for the following activities:*

- o (The maximum number of) occupants to sit together in the living room.*
- o (The maximum number of) occupants to sit around a table together.*
- o A space to allow work at a desk to be undertaken without disturbance, i.e. located away from the kitchen or living room.*
- o Applicants must demonstrate that homes offer sufficient internal storage space to enable residents to store items conveniently and out of sight when not in use."*

Policy D2 of the adopted Local Plan (2021) does not refer to the Technical housing standards – nationally described space standard (March 2015) (NDSS); however, as a well-established expression of national housing standards, it provides a reasonable guide to appropriate room sizes. Both bedrooms would achieve the minimum internal floorspace and dimensions for double rooms as set out in the NDSS.

Paragraph 016 Reference ID: 26-016-20191001 of the Planning Practice Guidance refers to the National Design Guide as a tool for assessing and improving design quality. Paragraph 126 of the National Design Guide states that *'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'* Paragraph 135(f) of the National Planning Policy Framework (2024) also states that planning decisions should ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users. The NPPF also includes a test at paragraph 139 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Assessment

The originally submitted proposal failed to achieve the minimum requirements in terms of head heights within the first floor. The NDSS states that the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area (GIA). The amended scheme now proposes two bedrooms to the ground floor of the dwelling where the required ceiling height of 2.3m would be exceeded.

Returning to the issue of the Class Q fallback position, Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a) a change of use of an agricultural building and any land within its curtilage from a use as an agricultural building to a use as a dwellinghouse, and b) building operations reasonably necessary to convert the building, Class Q.1 of the GPDO sets out circumstances where such development is not permitted. Furthermore, Article 3(9A) of the GPDO provides that Schedule 2 does not permit any new dwellinghouse where it does not comply with the NDSS (The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 Statutory Instrument No. 1243).

Following a request from officers, the agent for the application has submitted a cross section drawing of the originally proposed accommodation at first floor level. This cross section showed achievable head heights of 1.6 metres at their lowest points, only a 1.4m wide strip of floorspace to the first floor would have achieved a 2.3m ceiling height, meaning the majority of the originally proposed habitable rooms at first floor level fell significantly below the minimum ceiling height set out above. The originally proposed scheme therefore failed to achieve the minimum floor to ceiling height requirement of 2.3 metres for at least 75% of the GIA. Consequently, the originally proposed dwellinghouse would not meet the requirements of Part 3 of the GPDO given the provisions of Article 3(9A) of the GPDO. The amended scheme now only proposed a lounge at first floor level and the scheme overall achieves the minimum floor to ceiling height requirement of 2.3 metres for at least 75% of the GIA, however, the creation of further accommodation at first floor level may be unacceptable when having regard to the NDSS, and for this reason, it is

recommended that a planning condition be imposed to restrict the creation of further first floor accommodation within the dwelling without express planning permission having first been obtained.

The proposed floor plans show that adequate natural light would be afforded to all habitable rooms at ground floor level. The amended first floor accommodation would feature a mezzanine lounge area which would be served by two rooflights and would benefit from other natural light afforded from the remaining six rooflights proposed within the roof space. Whilst the proposed first floor lounge would not afford any positive outlook as any views afforded would only be achieved when looking upwards towards the roof space, this is, on balance, considered acceptable in this case given that a secondary open plan living area is proposed at ground floor level.

The Good Design SPD states that *"The rear private garden spaces must be at least equal to the footprint of the property"* and that *"this is a minimum required standard."* The proposed garden area would be at least equal to the footprint of the proposed dwelling and would therefore meet this minimum standard.

Neighbour Amenity and Living Conditions Summary

Overall, subject to the imposition of a planning condition, the proposal would meet the minimum floor to ceiling height requirements of the NDSS and the proposal achieves a high standard of internal accommodation. In addition, the scheme would achieve a sufficient level of positive outlook from both bedrooms. Subject to the imposition of a condition to remove householder permitted development rights, the proposal would also be acceptable when having regard to the impacts upon the amenities of neighbouring occupiers.

The application therefore accords with the requirements of Policies D1 and D2 of the Local Plan (2021), the guidance set out at paragraph 12.2 of the Council's Good design for North West Leicestershire SPD, the guidance set out within the Government's Nationally Described Space Standards, paragraph 135(f) of the National Planning Policy Framework (2024) and paragraph 126 of the National Design Guide.

Highway Safety

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy IF7 of the Local Plan (2021) requires that development incorporates adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 of the NPPF states 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

One objection from the public has been received stating that the site access does not have suitable visibility. The County Highway Authority (CHA) have been consulted on the application and have raised no objection to the application.

The CHA have advised that the access to the site, which is via two access points, is taken from Snarrow's Road, an unclassified road subject to a 30mph speed limit, the speed limit changes to 60mph approximately 5m south of the northern access. No amendments to the existing access arrangements are proposed as part of this application and the CHA have advised that given the current permitted use of the site, no amendments to the site access are required.

The CHA have advised that there have been no recorded personal injury collisions within the last five years within 500m of the site access and on this basis the CHA have no pre-existing highway safety concerns regarding this location.

In terms of trip generation, the CHA have reviewed the Transport Statement which states, *'the proposed dwelling is for the use of the applicants. On a daily basis the applicants are required on site throughout the entirety of the year. The development will remove the need to travel to and from site for work.'* The CHA have therefore concluded that the proposal will lead to a reduction in trips to and from the site. However, the Local Planning Authority consider that as this application does not propose that the dwelling would be occupied by the agricultural worker working on the site, the occupancy of the dwelling cannot reasonably be controlled through the use of a planning condition in this case. On that basis, the proposed dwelling could be occupied by any individual in the future and in such circumstances, there would not be a reduction in trips to and from the site. Notwithstanding this, the trips generated to and from the site associated with the occupancy of one dwelling would not be significant and the CHA have raised no concerns in terms of highway safety and the use of the access points for the proposed development. It is therefore concluded that safe and suitable access to the site can be achieved for all users of the site access.

The proposal would provide three car parking spaces, one more than the minimum number of car parking spaces required to serve a two bedroom dwelling. The parking provision is therefore considered to be in accordance with Table 28 of the Leicestershire Highway Design Guide (LHDG).

Overall, subject to the imposition of planning conditions to secure the provision of the proposed car parking spaces, the surfacing of the access points in a hard bound material for a distance of least 5 metres behind the highway boundary, and the removal of permitted development rights for the installation of gates, barriers, bollards, chains or other obstructions to the vehicle accesses, the CHA are satisfied that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions.

The application is therefore considered to accord with Policies IF4 and IF7 of the North West Leicestershire Local Plan (2021), the Leicestershire Highway Design Guide, and the guidance set out within paragraph 115 of the National Planning Policy Framework (2024).

Ecology and Biodiversity Net Gain

Policy En1 of the Local Plan (2021) supports proposals that conserve, restore or enhance the biodiversity of the District. It goes on to state that new development will be expected to maintain existing ecological networks, hotspots and landscape features (such as water courses and waterways, disused railway lines, trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Ecology Impacts

The site consists of a steel framed barn, its associated access points and a managed field. The site also contains a wooden shed unit. An area within the red line boundary (to the west of the main barn) is proposed to be used for biodiversity enhancements and is comprised of modified grassland. A smaller barn unit is situated between the building to be converted and enhancement area, but is not within the redline boundary itself. Hawthorn dominated hedgerows are situated along the north and east of the site but are not within the redline boundary. Habitats immediately surrounding the site include a grazed, modified grassland field, with native hedgerows around the field border

The County Council's Ecologist has been consulted on the application and has advised that the Ecology Report (Turnstone Ecology, Revision 02) submitted to support the application is satisfactory with the assessment identifying that protected species and the habitats on site are generally of low ecological value.

The Ecologist raises no objection to the application subject to a planning condition to ensure that the development is carried out in strict accordance with the measures stated in Section 4.4.2 (Bats) of the Ecology Report (Turnstone Ecology, January 2025) which includes replacement roosting provisions which would be provided in the form of the two boxes on nearby trees and a single integrated bat feature on the south-western gable wall. Informatives are also recommended to be attached to any planning permission granted to advise the applicant of the protection afforded to nesting birds and bats.

The proposal does not result in the losses of any existing trees or hedgerows on site and a landscaping planning condition could be imposed to secure the submission of a detailed hard and soft landscaping scheme.

Biodiversity Net Gain

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. This application was validated on 11th December 2024 and therefore is a development which is required to demonstrate that at least the statutory minimum 10% net gain will be achieved.

The County Council's Ecologist has been consulted and has advised that the submitted metric (version 2) and the amended Ecology Report (Revision 02) is demonstrating at least a 10% net gain in habitat units (12.41% gain) and hedgerow units (18.54% gain).

The County Council's Ecologist has advised that the habitat enhancement measures on-site are considered significant due to the creation / enhancement of medium distinctiveness habitats. On this basis, the Ecologist has advised that measures need to be legally secured for 30 years. The Local Planning Authority do however consider that as the biodiversity net gain is being provided within the red line boundary on land owned by the applicant, the biodiversity net gain can be secured through the use of the statutory Biodiversity Gain condition.

On the above basis, the proposal is considered to be acceptable subject to the imposition of the Biodiversity Gain Condition.

Ecology and Biodiversity Net Gain Summary

Subject to a condition which would secure bat mitigation and a condition to secure the 10% Biodiversity Net Gain, the application is considered to be acceptable when having regard to ecology and biodiversity. It is not considered that the proposal would result in any adverse impacts to protected species or biodiversity in accordance with Policy En1 of the Local Plan (2021) and paragraph 187(d) of the NPPF.

Flood Risk and Drainage

Policy Cc2 of the Local Plan (2021) seeks to minimise the risk and impact of flooding through: (a) Directing new development to areas with the lowest probability of flooding; and (b) Ensuring that all new development addresses the effective management of all sources of flood risk; and (c) Ensuring that development does not increase the risk of flooding elsewhere; and (d) Ensuring wider environmental benefits of development in relation to flood risk.

The site lies within Flood Zone 1 which is the lowest risk area for fluvial flooding. The site is also at a 'very low risk' of surface water flooding. The application would result in an increase of surface water run off given the addition of further surfacing for the proposed car parking areas to the west of the site.

The application proposes the use of a soakaway to dispose of surface water which is considered to be acceptable. A package treatment plant is also proposed to deal with foul waste disposal. In this case, there is no evidence to demonstrate that the development would not be capable of connecting to the mains sewer, and therefore, on this basis, a planning condition could be imposed to secure full details of the proposed foul waste connection methods which should ensure that a connection to the mains sewer is made where feasible. Should a non-mains drainage system be demonstrated to be required, a Package Treatment Plant is the most sustainable form of disposal method, after a connection to the mains sewer, and in such circumstances a Package Treatment Plant would be acceptable in this location.

Overall, subject to the imposition of planning conditions, it is considered that the proposal would be acceptable in terms of drainage, fluvial and pluvial flood risks and would accord with the aims of Policies Cc2 and Cc3 of the North West Leicestershire Local Plan (2021).

Archaeology

Criterion (4) of Policy He1 of the North West Leicestershire Local Plan (2021) states that the District Council will support development that conserves the significance of non-designated heritage assets including archaeological remains.

The application has been assessed by the County Council's Planning Archaeologist who does not believe that the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets.

The application therefore warrants no further archaeological action, and no conflict has been identified with Policy He1 of the North West Leicestershire Local Plan (2021) or the guidance set out in the NPPF.

Waste Storage and Collection

In this case, the bin storage areas for the dwelling would likely be provided around 50 metres off the public highway. The Building Regulations requirement for bins to be stored no more than 25 metres from a bin collection point would therefore be exceeded in this case. However, this is separate legislation and there is no requirement in the Local Plan (2021) or the Council's Good Design for North West Leicestershire SPD to meet this requirement.

As the Council's waste collection vehicles would not be able to enter the site, bins would need to be left for collection adjacent to the highway in a location which would not impede access or visibility splays. A bin collection point adjacent or near to the roadside would be required given there is no public footpath to the front of the site for waste receptacles to be placed on collection day. This could be accommodated without adversely impacting on visual and residential amenities, trees or highway safety. A planning condition could be imposed to secure full details of bin storage and collection arrangements.

Conclusion and Planning Balance

The site is located outside of the Limits to Development set out in the North West Leicestershire Local Plan (2021) where the re-use and adaptation of buildings for appropriate purposes including housing in accordance with the Settlement Hierarchy (Policy S2) is supported. However, Policy S2 places Osgathorpe within the "small village" category which are described as having "very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land [...] or affordable housing". The proposal would

not represent sustainable development when having regard to the Settlement Hierarchy and the application would also conflict with criterion (vi) of Policy S3 as it would not be accessible, nor would it be made accessible, by a range of sustainable transport. Accordingly, the proposal is fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan (2021) and would also be contrary to Policy S3.

However, there would be a realistic fallback position available for the applicant for the conversion of the building to provide up to 150 square metres of floor space under Class Q of the GPDO. Such a form of development would result in the same planning impacts as this proposal. Importantly, the fallback position would also result in a scheme resulting in the same planning conflicts, namely a development which conflicts with Policies S2 and S3 of the North West Leicestershire Local Plan (2021), and one which would not be accessible, nor made accessible, by a range of sustainable transport. This fallback position is afforded significant weight in the assessment of this application and is considered to outweigh the conflict identified with Policies S2 and S3 of the North West Leicestershire Local Plan (2021) in this case. The principle of the development is therefore considered to be acceptable.

There are no technical concerns arising from the proposal and matters in relation to landscape and the character of the countryside, ecology, archaeology, living conditions of future occupiers, neighbour amenity, highway safety, and flood risk and drainage are acceptable and can therefore only be considered neutral factors in the planning balance.

The application would also result in a small loss of agricultural land which would be a harm which weighs against the proposal in the planning balance. This harm would attract limited weight against the granting of planning permission owing to the small size of the loss involved.

There are no other concerns with the application which could not be addressed through the use of planning conditions.

The scheme would result in some benefits, including the delivery of a 10% biodiversity net gain on site. The proposal would support local services and facilities available which would lead to economic and social benefits. Economic benefits would also arise as a result of an increase in local spending and by support to construction employment. However, these benefits attract limited weight in favour of granting planning permission owing to the small scale of the proposal.

On the above basis, and when having regard to the fallback position available to the applicant in this case, it is recommended that the application be approved planning permission.