STATUTORY DECLARATION

BY

SIMON CHRISTOPHER SMITH

DEVELOPMENT SERVICES
20 APR 2010
RECEIVED

"Enclosure SCS2"

This is the document referred to in the Statutory Declaration of Simon Christopher Smith.

Declared this 14th day of April 2010

Before me,



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~~Commissioner for Oaths~~/Solicitors

Planning Inspectorate
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Messrs Steedman Jervis Clarke
Castle House
South Street
ASHBY-DE-LA-ZOUCH
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Your reference
TWP/BAS/T24
Our reference
T/APP/K2420/A/89/136476/P8
K2420/A/90/146214/P8
Date
20 JUN 1990

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY THE TRUSTEES OF MRS M THOMPSON
APPLICATION NOS: [illegible]1503/4 AND 89/1242/4

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Hinckley and Bosworth Borough Council to refuse planning permission for A. the conversion of farm outbuildings to residential accommodation (and widening of access road) and B. the conversion of farm outbuildings to residential accommodation at Hall Farm, Orton on the Hill. I held a hearing into the appeals on 10 April 1990.

2. In both application forms the development is described as the conversion of farm outbuildings to residential accommodation but in Appeal A it is indicated that the proposal would involve the alteration of an existing access. At the hearing it was clarified that the highway from Orton Lane not only crosses The Green but also includes that section of the approach to the farmhouse between the first and second gate, the latter being in line with the rear boundary of Nos 16-18 The Green (Plan H). Appeal A therefore involves the widening of a highway part of which adjoins the appellant's land and part The Green which is owned by Twycross Parish Council (Document 4).

3. From my inspection of the site and its surroundings, from the discussion at the hearing and from written representations including a letter from Twycross Parish Council, I consider that the main issue is the effect of the development on the safety and convenience of road users.

4. The appeal site is on the south-western edge of Orton on the Hill in that part of the village which has a loose informal pattern of development. The local planning authority do not object to the principle of the conversion of the farm outbuildings to 3 dwellings. The farmstead was separated from the main acreage of the original farm some time ago. The outbuildings, except for a modern stable block, are quite old, built in a traditional U shape and are sufficiently sound to be converted with care. In my view, the farmstead is an attractive group of buildings forming an intrinsic part of the village scene. The proposed use of the modern stable block for garages, the provision of individual amenity space in addition to the communal courtyard and the elevational treatment particularly the fenestration in drawing T24/4a in Appeal B (Plan O), suggests a sympathetic approach to the conversion. I therefore concur with the view of the local planning authority on the principle of the conversion to residential use.

5. Access to the proposed development would use the existing highway from Orton Lane. The local planning authority point out that the existing road servicing the site across the village green is restricted in width so that 2 vehicles cannot pass without overriding the grass areas adjoining the carriageway. In their view, this restricted width could also result in vehicles having to reverse which would not be in the interests of road safety. The local planning authority would have approved the application, designated Appeal A, subject to a section 52 agreement that the highway would be widened to 5 m where it crosses The Green, but in the light of the views of Twycross Parish Council they considered that this was unlikely to be forthcoming. Consequently, as a negative condition to the effect that the development should not commence until the road was widened was unlikely to be implemented, there appeared no option but to refuse the application. In relation to Appeal B, the access as proposed was regarded as inadequate.

6. You contend that the access is not inadequate for any likely change in traffic generation and indeed you suggest that there could be a traffic gain due to the former use as a livestock and dairy farm and the current use as stables. You point out that there are opportunities at the mouth of the accessway, at the entrance to the appeal site and in other accessways for vehicles to reverse into when faced by oncoming traffic. The highway authority consider that 4 individual dwellings would create a greater frequency of movement and the chance of 2 vehicles meeting would be increased. In addition there are no refuges for pedestrians who in wet weather would be more likely to use the surfaced carriageway than walk on The Green.

7. The highway from the junction with Orton Lane to the second gate as shown on Plan H varies in width. As was confirmed at the site visit there is a wide area at the junction with Orton Lane, then the highway narrows to about 3 m for about 30 m from the junction with the access to No 18 The Green to where the 2 accesses to Church Farm meet the highway. The stretch of highway leading to Hall Farm varies from just over 3 m to just under 4 m. The part between the gates could be widened so that 2 cars could pass as the land is owned by the appellant who has no objection to widening this section, as it is shown widened to 4.25 m on Plan B.

8. The highway across The Green serves the garage of No 6 The Green, Church Farm and Hall Farm. From the hearing, I understand that a knitwear business is run from Church Farm using outworkers so this generates more traffic than a domestic use. I also understand that about a dozen horses and ponies are kept at Hall Farm so that traffic is generated from the delivery of hay and straw and by the use of horse-boxes including a large articulated horse-box to transport the horses to shows. I accept that the addition of 3 dwellings is likely to generate more movement but compared with the existing movement associated with the stables attached to the farmhouse, which is likely to cease, and that generated by the business at Church Farm I do not consider that the net addition of traffic would be so significant as to markedly affect the traffic generation across The Green.

9. I observed that Orton Lane, which The Green joins, is lightly trafficked and within the 30 mph speed restriction. There is clear visibility across the narrowest part of the highway where it crosses The Green from the gateway at the entrance to Hall Farm and also from the access to No 18. In my opinion, this means that traffic can see if it is necessary to stop on the wider sections of the highway to give way to oncoming traffic and I observed that this occurs with traffic to Church Farm. It would be more convenient if 2 cars could pass along the entire length of the access to Hall Farm but with adequate visibility and a number of passing places I do not consider that approximately 30 m of roadway of about 3 m width would be so hazardous or inconvenient to road users as to justify refusal. Nor do I consider that it would be so inconvenient for pedestrians in this rural setting to stand on The Green even in wet conditions when vehicles are passing.

10. The local planning authority also expressed concern regarding the precedent that might be created in relation to other barn conversions as many redundant farm buildings are located off single width farm tracks. It is their aim to improve the access to a standard appropriate to new residential development but there is no local plan covering Orton on the Hill expressing such a policy. It is also necessary for me to consider the site on its merits and in this instance I do not consider that the development would be so harmful to the safety and convenience of other road users as to lead me to dismiss the appeals.

11. Concern has been expressed by interested persons on the effect on the appearance of The Green of widening the carriageway to 5 m. I saw that there is a vehicle access to No 18 bisecting the main part of The Green and that there is a second access to Church Farm so restricting the grassed area to the west of the highway (Plan K). Whilst I can understand the concern about the further erosion of The Green in my view the widening of the highway to 5 m would generally have a minimal effect and would not be harmful to the appearance of the main expanse of The Green that is visible from the junction with Orton Lane.

12. I have concluded that the proposal in Appeal B is acceptable subject to conditions. Though not essential, the widening of the access road as proposed in Appeal A would be desirable. Nevertheless, it is clear from the objections of the Parish Council as landowner that the widening of the access road across The Green would not be imminent. It would therefore not be reasonable to impose a negative condition so Appeal A has to be dismissed.

13. Regarding the conditions suggested by the local planning authority, I consider that it is necessary to impose conditions on materials and to restrict permitted development in order to protect the appearance of the buildings. The landscaping on the block plan is only indicative so I propose to impose the standard conditions on landscaping. As the approach road is narrow it is necessary that a turning space is provided so that vehicles may enter and leave the site in forward gear. You are aware of the drainage requirements of this site so I propose to impose a condition regarding separate systems for surface water and foul drainage. It is desirable that the highway between the 2 gates be widened to at least 4.1 m so that 2 cars may pass, thus reducing the length of highway which is single width.

14. I have taken into account all other matters raised at the hearing and in the representations including the question of the validity of the first reason of refusal for Appeal A but as I find the existing access adequate, this is no longer pertinent. Neither this nor any other matter raised is of such importance as to outweigh the considerations that have led me to my decision.

15. For the above reasons, and in exercise of powers transferred to me, I hereby dismiss Appeal A and allow Appeal B and grant planning permission for the conversion of farm outbuildings to residential accommodation at Hall Farm, Orton on the Hill in accordance with the terms of the application (No 89/1242/4) dated 3 October 1989 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. Details of the materials to be used in the external walls and roofs shall be submitted to and approved by the local planning authority before the development commences.

3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) no development within Schedule 2 Part I Classes A to E shall be carried out without the prior written consent of the local planning authority.

4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained together with measures for their protection in the course of development.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

6. No dwelling shall be occupied until space has been laid out within the site for vehicles to turn so that they may enter and leave the site in forward gear.

7. A scheme for the separate disposal of surface water and foul drainage shall be submitted to and approved by the local planning authority and no dwelling shall be occupied until such a scheme has been carried out.

8. That section of the highway between the first and second gates shall be widened to at least 4.1 m before the conversion commences.

16. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

17. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

E M Ingram

E M INGRAM BA(Hons) MA MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr T W Redfern BSc DipTP MRTPI	- Messrs Steedman, Jervis Clarke, Castle House, South Street, Ashby de la Zouch, Leics, LE6 5BQ.
Mrs M Thompson	- Hall Farm, Orton on the HIll.
Miss H Thompson	- Trustees of Mrs M Thompson, 75 Chapel Street, Barwell, Leics, LE9 8DE.

FOR THE PLANNING AUTHORITY

Mr J D Eagles DipTP MRTPI	- Hinckley and Bosworth Borough Council.
Mr J Adams	- Assistant Engineer, Department of Planning and Transportation, Leicestershire County Council.

INTERESTED PERSONS

Mr E Neal	- Cyclists Touring Club, c/o 26 Sandy Crescent, Hinckley, Leicestershire, LE10 0TG.

DOCUMENTS

Document 1	- List of persons present at the hearing.
Document 2	- Letter of Notification of Hearing.
Document 3.1-3.3	- Letters received in response to notification.
Document 4	- Letter from District Planning Officer Hinckley and Bosworth Borough Council dated 3 January 1989.
Document 5	- Letter from District Planning Officer Hinckley and Bosworth Borough Council dated 26 January 1989.
Document 6	- Notice of Public Meeting at Orton Church for Tuesday 7 February 1989.
Document 7	- Letter to Director of Development Hinckley and Bosworth Borough Council dated 16 March 1989.

DOCUMENTS CONTINUED

Document 8 - Letter from District Planning Officer Hinckley and Bosworth Borough Council dated 22 March 1989.

Document 9 - Notice of Refusal of Planning Permission (88/1503/4) dated 21 March 1989.

Document 10 - Letter to Clerk of the Twycross Parish Council dated 28 April 1989.

Document 11 - Letter from Clerk of Twycross Parish Council dated 7 June 1989.

Document 12 - Letter to County Director of Planning and Transportation dated 6 July 1989.

Document 13 - Letter from County Director of Planning and Transportation dated 8 August 1989.

Document 14 - Letter to Director of Development Hinckley and Bosworth Borough Council dated 1 September 1989.

Document 15 - Notice of Refusal of Planning Permission (89/1242/4) dated 21 November 1989.

Document 16 - List of conditions suggested by Local Planning Authority.

PLANS

Plan A - Appeal A: Site Plan 1:2500.

Plan B - Appeal A: Block Plan 1:500 Drawing T24/1C.

Plan C - Appeal A: Existing elevations 1:100 Drawing T24/2.

Plan D - Appeal A: Existing floor plans Drawing T24/3.

Plan E - Appeal A: Proposed Elevation Drawing T24/4.

Plan F - Appeal A: Proposed Floor Plans Drawing T24/5.

Plan G - Amount of The Green required for road widening proposal.

Plan H - The highway, The Green and public footpaths submitted by Highway Authority.

Plan K - Appeal B: Site Plan 1:2500.

Plan L - Appeal B: Block Plan 1:500 Drawing T24/1d.

Plan M - Appeal B: Existing Elevations 1:100 Drawing T24/2.

Plan N - Appeal B: Existing floor plans 1:50 Drawing T24/3.

PLANS CONTINUED

Plan O - Proposed Elevations Drawing T24/4a.

Plan P - Proposed floor plans Drawing T24/5a.