

# Hinckley & Bosworth Borough Council

## Town and Country Planning Act 1990

### Planning Permission

#### Name and Address of Applicant

Mr Nitesh Devji  
The Homestead  
Thornton Lane  
Markfield  
Leicestershire  
LE67 9RP

#### Name and Address of Agent (if any)

Mr Steven Nightingale  
Draw My Plans UK  
154 Tay Road  
Lubbesthorpe  
Leicestershire  
LE19 4DJ

### Part I - Particulars of Application

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**Date of Application**

16 August 2023

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**Application No.**

23/00813/HOU

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**Particulars and location of development :**

Two storey side and rear extensions, detached triple garage, re-location of vehicular access and new boundary front wall

**The Homestead Thornton Lane Markfield Leicestershire LE67 9RP**

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**Part II - Particulars of decision**

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

**In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-**

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

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan, Proposed Site Plan, Proposed Garage Floor Plans and Elevations and Access Plan Drawing No. BTH[20]003 Rev E, Proposed Ground Floor Plan and Proposed Elevations Drawing No. BTH[20]001 Rev E and Proposed First Floor Plan Drawing No. BTH[20]002 Rev D received by the local planning authority on 16 August 2023.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

**IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT**

3. The materials to be used on the external elevations of the proposed extensions and alterations and detached triple garage hereby permitted shall be in accordance with the details within the submitted Planning Application form and on the approved Proposed Elevations Drawing No. BTH[20]001 Rev E and Proposed Garage Elevations Drawing No. BTH[20]003 Rev E received by the local planning authority on 16 August 2023.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the submitted details, prior to first use of the new vehicular access hereby permitted, vehicular visibility splays of 2.4 metres by 160 metres shall have been provided on both sides of the access. These shall thereafter be permanently so maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

5. Notwithstanding the submitted details, prior to the first use of the new vehicular access hereby permitted, it shall have been constructed with a width of a minimum of 2.75 metres and shall have been surfaced in a hard-bound permeable material (not loose aggregate) for a minimum of 5 metres behind the highway boundary with a dropped crossing of 7 dropped kerbs, measuring 6.4 metres. The access once so provided shall be permanently maintained as such at all times thereafter.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway in a slow and controlled manner and to reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

6. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) any vehicular access gates, barriers, bollards, chains or other such obstructions shall only be erected a minimum distance of 5 metres behind the highway boundary and shall only be hung so as to open away from the highway boundary.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

7. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Thornton Lane that has become redundant as a result of this proposal has been closed permanently and reinstated to grassed highway verge.

**Reason:** In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

8. The extensions hereby permitted shall not be occupied until such time as off-street parking and turning facilities have been provided and hard surfaced in permeable materials in accordance with the approved Proposed Site Plan and Access Plan Drawing No. BTH[20] 003 Rev E received by the local planning authority on 16 August 2023. Once so provided, the on-site parking and turning facilities shall then be permanently so maintained as such at all times thereafter.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

9. The approved soft landscaping scheme (hedgerow) shall be planted in accordance with the approved Access/Landscaping Plan Drawing No. BTH[20]003 Rev E received by the local planning authority on 16 August 2023 in the first planting season following the completion of the new vehicular access. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any hedgerow plants which die or are damaged, removed, or seriously diseased shall be replaced by plants of a similar size and species to those originally planted.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained in the interests of visual amenity in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

**NOTES TO APPLICANT :-**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. The applicant/developer is advised that Public Right of Way R29 runs along the western boundary of the site.
  - a) Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
  - b) The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
  - c) The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
  - d) If the developer requires the Public Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
  - e) Any damage caused to the surface of the Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

C. Brown.

**Christopher Brown MRTPI**  
**Head of Planning**

Date : 27 September 2023

## NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. As this is a decision to grant planning permission subject to conditions for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-householder-planning-decision>). You must use a Householder Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

### **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS**

- 1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
- 2 The buildings to which these requirements apply are :-
  - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
  - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
  - c) Factories as defined by Section 175 of the Factories Act 1961.  
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

### **PPNOTES (02/07/2014)**



Hinckley & Bosworth  
Borough Council

## Start Notice

### **Important Information – Please keep this with your decision notice**

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commencement conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk) or complete the form on the reverse.

**Hinckley & Bosworth Borough Council**  
**Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR**  
**TEL: 01455 238141    EMAIL: [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk)**



Hinckley & Bosworth  
Borough Council

**Development Details**

|                                  |                                                                                                                          |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>Planning application ref:</b> | 23/00813/HOU                                                                                                             |
| <b>Proposal:</b>                 | Two storey side and rear extensions, detached triple garage, re-location of vehicular access and new boundary front wall |
| <b>Site Location:</b>            | The Homestead Thornton Lane Markfield Leicestershire LE67 9RP                                                            |

|                                                              |                    |
|--------------------------------------------------------------|--------------------|
| <b>Date when work is intended to start:</b>                  |                    |
| <b>Have all pre-commencement conditions been discharged?</b> |                    |
| <b>Signed:</b>                                               | <b>Print Name:</b> |

**Your contact details (or attach letterhead/business card):**

|                   |  |
|-------------------|--|
| <b>Name:</b>      |  |
| <b>Address:</b>   |  |
|                   |  |
|                   |  |
| <b>Telephone:</b> |  |
| <b>Mobile:</b>    |  |
| <b>Email:</b>     |  |

Hinckley & Bosworth Borough Council  
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR  
TEL: 01455 238141 EMAIL: [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk)