



**Hinckley & Bosworth
Borough Council**

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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	101
Suffix	
Property Name	
Address Line 1	Barton Road
Address Line 2	Congerstone
Address Line 3	Leicestershire
Town/city	Shackerstone
Postcode	CV13 6NB

Description of site location must be completed if postcode is not known:

Easting (x)	Northings (y)
436865	305459
Description	

Applicant Details

Name/Company

Title

Mr

First name

Neil

Surname

Morgan

Company Name

Address

Address line 1

101 Barton Road

Address line 2

Congerstone

Address line 3

Town/City

Nuneaton

County

Country

United Kingdom

Postcode

CV13 6NB

Are you an agent acting on behalf of the applicant?

- ☐ Yes
☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☒ Yes

☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

Installation of external heat pump unit to external wall of existing residential building at ground level

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes

☒ No

Has the proposal been started?

☐ Yes

☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

This proposal is for an air source heat pump to be installed to the side elevation of 101 Barton Road which is located within the Congerstone Conservation Area. The installation of the heat pump is lawful as permitted development under Schedule 2, Part 14, Class G of the Town and County Planning (General Permitted Development) Order 2015.

Paragraph 11 of the National Planning Policy Framework (NPPF) (2023) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise, the local development plan is the starting point for decision making, and the NPPF is a material consideration in determining planning applications.

The development plan in this instance consists of the Site Allocations and Development Management Policies (2016) (SADMP).

The main relevant policies to be considered alongside national policies and guidance are as follows:

Site Allocations and development Management Policies (SADMP) Development Plan (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

The fact the property is within the Conservation Area, does not preclude an air source heat pump from being permitted development. The proposal complies namely with criteria (j) and (k) of the above regulations. Additionally, as can be seen from the plans, the heat pump will be set back more than the minimum required distance from the boundary of the curtilage of the dwelling house to satisfy criteria (e).

The proposed development relates to a site in the settlement boundary of Congerstone. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and the wider policies of the NPPF. The sustainable principle of development is subject to all other material planning matters being appropriately addressed.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Impact upon the Character of the Area

Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.

Policy DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

Due to its siting well back from the front elevation of the property, the standard dimensions and scale of the pump, and the presence of the tall timber fence and hedgerow along the side boundary to provide further visual screening, the proposed pump would be a minor development that would have a neutral impact upon the character and appearance of the host dwelling and the wider Congerstone Conservation Area.

The proposal would therefore preserve the significance of the conservation area and would comply with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on Residential Amenity

Policy DM10 of the SADMP states that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.

Due to the scale and size of the proposed heat pump and its location being based on the side elevation on the ground floor and adjacent to a 1.8m wooden boundary fence, it is considered that it would not detrimentally impact neighbouring residential amenity in terms of loss of light, loss of privacy, overbearing impacts or overshadowing.

Overall it is considered that the proposal is acceptable in terms of neighbouring residential amenity impacts and as such is in accordance with Policy DM10 of the SADMP.

Impact on Highway Safety

Policies DM17 and DM18 of the SADMP require all development to provide an appropriate level of parking provision.

The proposal has no impact on highway safety or vehicular parking due to the nature of the proposal and the siting of the heat pump. The proposal is therefore in accordance with Policies DM17 and DM18 of the SADMP.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

- ☒ Permanent
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The proposed development relates to a site in the settlement boundary of Congerstone. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and the wider policies of the NPPF. The sustainable principle of development is can be evidenced as compliant when considering all other material planning matters being satisfied as per comments above.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
- ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
- ☒ The applicant
- ☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
- ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

24/10022/PREHMO

Date (must be pre-application submission)

11/03/2024

Details of the pre-application advice received

The proposed development relates to a site in the settlement boundary of Congerstone. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and the wider policies of the NPPF. The sustainable principle of development is subject to all other material planning matters being appropriately addressed.

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Neil Morgan

Date

14/04/2024