



Town and Country Planning Act 1990
Section 78 Appeal by Mr Ryan Pugh

Written statement on behalf of the appellant

Planning Appeal by Mr Ryan Pugh following the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the erection of a single storey extension to form a garage and workshop (revised scheme of 23/00698/FUL) at Willow Barn, Wykin Lane, Stoke Golding, Leicestershire

Hinckley and Bosworth Borough Council reference 24/00338/FUL

1. Qualifications and Experience

- 1.1 My name is Lance Stewart Wiggins and I am a Director at Lion Planning Ltd. I hold a Post Graduate Diploma in Urban Planning and I am a Member of the Royal Town Planning Institute.
- 1.2 I have over 30 years experience in town and country planning, initially in local government, with the last eighteen years in private practice. Prior to entering planning consultancy, I was Planning Manager for the East Midlands region of David Wilson Homes, a national volume house builder within Barratt Developments.
- 1.3 During my career I have had extensive experience in appearing as an expert witness at Public Inquiries and at hearings in relation to a wide variety of planning applications.
- 1.4 I am fully conversant with the appeal site, its surroundings and the relevant planning policies that apply to it.

2. The Appeal Site and its surroundings

- 2.1 The location and description of the site and its surroundings is detailed in paragraphs 3.1 and 3.2 of the officers' report. A copy of the officer's report is attached as Appendix 1 to this Statement.

3. Planning History

- 3.1 Section 4 of the officers report provides the previous planning applications that are relevant to appeal proposals. Planning permission was refused in October 2023 (reference 23/00698/FUL) for a previous garage and workshop extension. A copy of the application form, the proposed plans and refusal of planning permission are provided as Appendix 2 to this Statement.

- 3.2 The appeal application was submitted in the spirit of working pro-actively and to overcome the reasons for refusal of the previous application. The inspector will note that reason for refusal two of application reference 23/00698/FUL (relating to ecology) does not appear on the decision notice for the appeal application.

4. Planning policies and guidance

- 4.1 The following planning policies and guidance are considered relevant to the determination of the appeal. Compliance with policy and accordance with guidance is assessed in the sections 6 and 7 of this statement.

(i) The Hinckley and Bosworth Local Development Framework Core Strategy, adopted December 2009.

(ii) The Site Allocations and Development Management Policies Development Plan Document, adopted July 2016.

(iii) The Stoke Golding Neighbourhood Plan Review 2020-2041 (made version, May 2024).

(iv) The revised National Planning Policy Framework, December 2023 ('the Framework').

5. Determination of the appeal application by the Local Planning Authority

- 5.1 The appeal application was validated on 9th April 2024. The application was allotted the reference 24/00338/FUL.
- 5.2 The appeal application was refused under delegated powers on 28th June 2024.
- 5.3 The reason for refusal of the application is reproduced for convenience, below:

The application proposal to extend the existing barn is considered unacceptable in design terms. The extension would result in the loss of the historic form of the former agricultural building, would fail to complement or enhance the character of the surrounding area with regard to scale, layout and design and would not lead to an enhancement of the immediate setting. As such the proposal is in conflict with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the Council's Good Design Guide (2020).

5.4 In my view, the Council's refusal of the appeal application raises a number of issues and fails to address (or give sufficient weight to) a number of considerations, which weigh in favour of the proposals. I will deal with in turn in the following sections of my statement as set out below.

- Accordance with national planning guidance;
- Weight to be attached to the policies that make up the development plan; and
- The impact of the development proposals on the character and appearance of the surrounding area

6. Accordance with National Planning Policy

6.1 The revised Framework retains a presumption in favour of sustainable development. Paragraph 11 confirms that planning permission should be granted for development proposals that accord with an up-to-date development plan without delay. In my view, the appeal proposal should benefit from the presumption as it is in clear accordance with the development plan.

6.2 The development plan applicable to planning applications in Stoke Golding comprises the adopted Core Strategy, the adopted Site Allocations and Development Management Development Plan Document (SADM DPD) Local Plan and the policies contained within the recently made Stoke Golding Neighbourhood Plan Review.

- 6.3 It is clear from the adoption date of the both the Core Strategy and the SADM DPDP that they predate the latest revisions of the Framework (December 2023, July 2021, February 2019 and July 2018) however, the policies contained within both documents are considered to be largely consistent with the guidance set out in the Framework. In accordance with the advice contained in paragraph 213 of the Framework, significant but not full weight can be afforded to the policies contained within these elements of the development plan. The policies contained within the recently made Stoke Golding Neighbourhood Plan Review should be afforded full weight.
- 6.4 My view is that the overall thrust of the Framework weighs in favour of the development. The Framework seeks the achievement of sustainable development. The three objectives that are required to be met in order that development proposals can be seen as sustainable development are all met by the appeal proposals.
- 6.5 In terms of the **economic objective**, the proposed development would clearly have a positive economic impact by virtue of the employment of labour, contractors and suppliers in the construction of the garage/workshop extension, many of whom would be likely to be local to the area.
- 6.6 The **social objective** of achieving sustainable development would also be met as the extension of the appellant's dwelling would improve its attractiveness to the appellant and to owners in the future, ensuring that this good example of a building conversion is occupied and maintained for the foreseeable future.
- 6.7 The appeal proposals indicate the appellants commitment to the improvement and good design of a high quality dwelling meeting the Government's aim to see 'well designed, beautiful and safe places'.

- 6.8 The environmental objective is made up of a number of facets. As indicated in the submitted Design and Access Statement, the appeals proposals relate to an extension of single storey erection of an existing dwelling (a converted barn) to form a garage and workshop. The appeal site is located on the northern side of Wykin Lane, outside of but close to the main part of the village of Stoke Golding. The site lies in a predominantly rural area characterised by agricultural and leisure uses but with the nearest residential dwellings being the single dwelling on the road and the collection of dwellings on Wykin Lane and Stoneley Road around 200 metres away. Although the proposed extension may be visible from these dwellings and from the nearby public rights of way, the extension would not be prominent and accordingly, any environmental harm that would be caused by the development would be minimal.
- 6.9 In terms of the overall environmental impact of the appeal proposal, this will be discussed later in this statement but the conclusion reached in the development would extend an existing building for a beneficial purpose without giving rise to any adverse impacts.
- 6.10 The scheme respects the design, form and construction of the original building on the appeal site and the submitted scheme proposes a carefully considered design response to the location and context of the appeal site and overall, no significant environmental impact would arise. To the extent that the appeal proposals would result in any environmental harm (and the appellant has gone to great lengths to ensure that this would be minimised), this would be outweighed by the benefits of the appeal proposals in terms of the provision of additional accommodation and improved facilities (a new garage and workshop) for the appellant and any subsequent occupiers.

- 6.11 The appeal proposal constitutes sustainable development, as it would achieve the economic, social and environmental gains sought by paragraph 8 of the Framework. The presumption in favour of sustainable development set out in paragraph 11 of the Framework can, by definition, only be employed by schemes that constitute sustainable development. The appeal scheme constitutes sustainable development as it would accord with the policies set out in an up-to-date development plan and accordingly paragraph 11 of the Framework is engaged.
- 6.12 Section 12 of the Framework relates to achieving well designed places. Paragraph 131 advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. The guidance in paragraph 135 advises that planning (policies and) decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive as a result of good architecture, layout and landscaping and that they are sympathetic to local character and history while not preventing appropriate innovation or change. The appeal proposals have been designed by the project architects (in conjunction with the appellant) with this guidance fully in mind. The submitted scheme indicates that only a small amount of external change is proposed but notwithstanding this, it is considered that the aims set out in Section 12 of the Framework has been successfully achieved.

7. Weight to be attached to the development plan

- 7.1 As indicated in paragraph 6.2 above, the development plan for decisions in Stoke Golding comprises the Core Strategy, the adopted Site Allocations and Development Management Development Plan Document (SADM DPD) Local Plan and the policies contained within the recently made Stoke Golding Neighbourhood Plan Review.

- 7.2 The Hinckley Core Strategy was adopted in December 2009 and accordingly it predates all versions of the Framework, which was first published in 2012. Notwithstanding the time of preparation of the Core Strategy and the date of its adoption, the policies of the Core Strategy are considered to be largely consistent with the Framework, however, it is not considered that there are any policies which would be specifically relevant to the proposed extension.
- 7.3 The SADM DPD was adopted in 2016 and accordingly this predates all of the published versions of the Framework except the original from 2012. Notwithstanding this, in common with the policies of the Core Strategy, the policies of the SADM DPD are considered to be largely consistent with the Framework and accordingly the SADM DPD is still regarded as up to date. Copies of the relevant policies are provided as Appendix 3 to this statement.
- 7.4 In my view, the information submitted to support the appeal proposal, including the submitted plans and the Design and Access Statement (DAS) combine to demonstrate that the new development would comply with policies DM1, DM4, DM6, DM10, DM17 and DM18 of the SADM DPD. It is clear from the officers report that the Council regard the design of the proposal to be unacceptable, citing the loss of the historic form of the agricultural building. This is despite the approval of the garage at the northern end of the range (shown as later garage addition on the submitted plans).
- 7.5 As the submitted DAS advises, the revised scheme provides a simple single storey addition which would be unobtrusive in the streetscene. The proposals respect the plan form of the building and group layout as, for example, it has been designed to be of a lesser width than the main barn conversion and it would extend no further north west than the later garage addition.

- 7.6 The appeal proposals are clearly capable of being considered compliant with policy DM4 as sustainable developments will include, inter alia, the extension of existing buildings which lead to the enhancement of the existing setting. The appeal proposals relate to the extension of an existing dwelling (a former agricultural building). In terms of the further criteria set out in policy DM4, these include the need to ensure that the scheme does not have a significant adverse effect on the intrinsic value and landscape character of the countryside. In my view, no significant impact would result from the proposed single storey extension and its setting would be enhanced. This is particularly the case given the context of the appeal site away from near neighbours.
- 7.7 With reference to policy DM10, which is also cited in the reason for refusal, in my view, all of the requirements of this policy are met, however, it is notable that the only reference from this policy is in relation to the character of the surrounding area and indeed at paragraph 8.13 of the officers report, it is confirmed that the proposal is in general accordance with policy DM10. This will be analysed further in the next section of this statement. As indicated in paragraph 8.11 of the officers report, the proposal is for the extension of the existing structure and conversion to form a workshop and garage. Details of the activities conducted within the workshop have not been submitted as part of the application and an objection has been raised within concerns to this element of the proposal, however, the Council's Environmental Health officer has confirmed that they have no objections in terms of pollution caused by this proposed use. In terms of residential amenity, paragraph 8.12 of the officers report confirms that the proposal would not have an unacceptable effect on neighbours by reference to loss of light, loss of privacy or overbearing impacts.

7.8 As indicated above, the Stoke Golding Neighbourhood Plan Review was made in May 2024 and accordingly the Neighbourhood Plan regarded as up-to-date. A copy of the relevant policy is provided as Appendix 4 to this statement. Policy SG15: Design advises that only development that reflects the traditional character of Stoke Golding will be supported unless the development is of exceptional quality or innovative design. A number of criteria for acceptable design are set out which include, inter alia, that the development is in keeping with the scale, form and character of its surroundings. The submitted scheme has been designed with this aim in mind and the submitted plans demonstrate that the aim is met by the proposals.

8. Impact of the development proposals on the character and appearance of the surrounding area

8.1 As indicated above, the reason for refusal of the appeal application suggests that the proposals would not compliment or enhance the character of the surrounding area by reference to scale, layout and design and that the scheme would not lead to an enhancement of the immediate setting. In addition to policy DM10 of the SADM DPD, the Council's Good Design Guide, 2020 is referred to. The Good Design Guide advises that it is usually not appropriate to extend an agricultural building in its curtilage. In certain circumstances, however, the Guide advises that a very high quality addition or extension might be appropriate, and such additions should be simple, unobtrusive and respect the plan form of the building and group layout. In my view, the appeal proposals provide a very high quality but simple single storey addition which is unobtrusive in the streetscene. The proposals respect the plan form of the building and group layout as, for example, it has been designed to be of a lesser width than the main barn conversion. In addition, the extension proposed would extend no further north west than the later garage addition. The proposal would utilise good quality materials and the project architects have taken great care to include appropriate vernacular architectural features that would respect the existing building conversion.

- 8.2 The proposed extension is subordinate in scale as required by the key considerations for such a proposal. The siting has been designed not to impact on the spatial and historic form of the farmstead or its relationship with the streetscene as the addition is orientated away from the road. The concern expressed in paragraphs 8.5 and 8.6 of the officers report that the form of the building would be changed to a horseshoe is noted, however, such farmstead forms (and indeed the form of converted barns) are common in the county. This view is shared by the case officer on the appeal application. In my view, there are as many U shaped or horseshoe shaped farmsteads as there are L shaped ones. In my view, it is also common to have a plain elevation face towards the road and many examples can be found in Stoke Golding and neighbouring villages of this. The inspector will see on the site visit that from inside the courtyard the property is sunken by approximately 500mm and with the stone wall being almost at eave height it already there is already the feeling of a U shaped dwelling.
- 8.3 It is noted that the Neighbourhood Plan does not include Wykin Lane as a location where there is a locally important view (as indicated on Map 7 of the Neighbourhood Plan). Overall, notwithstanding the concerns raised by the Council in relation to its design, the proposed scheme is considered to comply with the requirements of the Good Design SPD. In my view, the reason for refusal has not been evidenced and the proposed scheme would provide an acceptable addition to the property.

9. Conclusions

- 9.1 In my view, the appeal proposals constitute sustainable development by reference to the economic, social and environmental objectives set out in paragraph 8 of the Framework. The contents of this statement (and the submitted appeal application) demonstrate that the appeal should be allowed because it accords with development plan policy. The presumption in favour of granting planning permission that paragraph 11 of the Framework provides applies where the scheme accords with an up to date development plan.

- 9.2 The principle of the development proposed is considered to accord with the Framework and the development plan in that it would provide an acceptable addition to the property that would have no adverse impact on the character and appearance of the converted agricultural building or the surrounding area.
- 9.3 Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Planning Country Planning Act 1990 indicate that planning permission should be granted for development proposals that accord with the development plan unless material considerations indicate otherwise. It is my view that the appeal scheme accords with the development plan and that there are no material considerations that would weigh against the proposal in this case. Accordingly, it is respectfully requested that planning permission should be granted.

List of appendices

Appendix 1 – Officers report on the appeal application

Appendix 2 – Copies of the application form, plans and decision notice for the previous application (ref 23/00698/FUL)

Appendix 3 – Copies of relevant SADM DPD policies

Appendix 4 – Copy of Stoke Golding Neighbourhood Plan Review policy SG15