

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Refusal of Planning Permission

Name and Address of Applicant

Mr and Mrs Oldham
The Old Workshop
5 Pipe Lane
Orton On The Hill
Leicestershire
CV9 3NF

Name and Address of Agent (if any)

Mr Mark Heaven
Code 6 Developments Limited
16 Fox's Covert
Fenny Drayton
Leicestershire
CV13 6BG

Part I - Particulars of Application

Date of Application

18 September 2024

Application No.

24/00881/HOU

Particulars and location of development:

Single storey front extension

The Old Workshop 5 Pipe Lane Orton On The Hill Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work 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 as required by the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s):-

1. By virtue of its siting, orientation, plan form, size and design, the proposal would result in an unsympathetic, uncharacteristic and incongruous right angled addition to the building that would be out of scale with the existing barn conversion and would fail to respect, complement or enhance the simple linear rectangular plan form, plain elevations and overall rural character and appearance of the existing building. It would therefore result in permanent adverse impacts and harm to the application building and its historic plan form, to the character of the street scene on Pipe Lane, and to the

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

character and significance of the Orton on the Hill Conservation Area and the setting of the grade II listed building Lower Farmhouse. This would be in clear and significant conflict with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Council's adopted Good Design Guide Supplementary Planning Document (2020), the overarching principles contained within Sections 12 and 16 of the National Planning Policy Framework (Dec 2023), and the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The approval of such an uncharacteristic, unsympathetic and incongruous extension projecting at a right angle from the plain linear rectangular plan form and elevations of the former agricultural building would set a precedent for the consideration of future similarly undesirable proposals that would subsequently be more difficult to resist and would result in further adverse impacts upon the historic layout and rural character and appearance of this and other barn conversion schemes throughout the Borough. This would be in clear conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Council's adopted Good Design Guide Supplementary Plan Document (2020) and the overarching design principles contained within Section 12 of the National Planning Policy Framework (Dec 2023).

NOTES TO APPLICANT :-

1. This application has been assessed and determined with regard to the following documents and plans: Householder Planning Application Form, Heritage/Design and Access Statement by Code 6 Developments Limited, Location Plan Drawing No. 1367_07, Existing Site Plan, Ground Floor Plan and Elevations Drawing No. 1367_01 and Proposed Site Plan, Ground Floor Plan and Elevations Drawing No. 1367_06 received by the local planning authority on 18 September 2024.

Date : 12 November 2024



Christopher Brown MRTPI
Head of Planning

NOTES

1. It will be most helpful if the application number shown overleaf is quoted on 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 refuse planning permission 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 Planning 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 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 any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. If you intend to submit an appeal that you would like examined by inquiry then you must notify your Local Planning Authority (planning@hinckley-bosworth.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found on [GOV.UK](https://www.gov.uk).
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/](https://www.gov.uk/appeal-enforcement-notice/).*
5. If permission to develop land is refused 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. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

RNOTES (02/07/2014)