

Planning Appeal Final Comments

Appeal under Section 78 of the Town and Country Planning Act 1990

Proposal: Conversion of existing water tower to residential dwelling with associated parking, landscaping, access improvements and other works

Location: Land at Roe House Lane, Norton Juxta Twycross,
Leicestershire DE12 7AP

Appeal Ref: APP/K2420/W/24/3343898

Submission: July 2024

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Response to LPA STATEMENT

- 1.1. In response to the LPA statement by Hinckley and Bosworth Borough Council dated July 2024, we make the following comments to paragraph numbers as below.
- 1.2. Section 2 – During the course of the application we advised the case officer that they ought to consult their neighbouring authorities due to the location at the boundary. We sent all the details of the application to both authorities to ensure that they were informed.
- 1.3. Para 4.5 refers to the City Council, which presumably should be the Borough Council.
- 1.4. Para 4.11 we confirm that paragraph 124 states that planning decisions should promote and support the development of underutilised land and buildings and is relevant here. 128 is also relevant.
- 1.5. Section 5, the appeal for Kendals barn is not considered similar as the building proposed was not disused or redundant and added a significant extension, therefore would not fall within the remit of policy DM15. The proposed new build would comprise approximately 3250 square feet with the existing barns providing 450 square feet. The resultant build would comprise a four/five bedroom dwelling which the Inspector regarded as a new dwelling.
- 1.6. The current appeal refers to a disused building in compliance with policy DM15.
- 1.7. The Flockton example was refused principally due to its harmful effect on the openness of the Green Belt and the Inspector's decision letter clearly sets out why it was felt that the proposals had minimal harm. We consider that this also applies here.
- 1.8. Section 6 refers to domestication of the site and harms of associated domestic paraphernalia, which incidentally is not stated in the reason for refusal. Any such 'domestication' would be clearly well screened by the existing trees and especially not viewed from greater distances. The Council state (in reference to the appeal at Kendals barn) that the site is screened at short distances, while any domestic paraphernalia would also be screened at longer distances.
- 1.9. Para 6.11, *It is the view of the Local Planning Authority that the Appellant is simply relying on the fact that the proposal re-uses an existing structure to justify unsustainable development.* We rely on this as it is clearly stated in DM4 that reuse of disused buildings is acceptable and therefore *sustainable* in the broad sense of the word. Sustainability in terms of

location is not relevant to buildings that already exist. The policy specifically says: Development in the countryside *will be considered sustainable* where:

b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting;

- 1.10. Section 7, paragraph 7.1, again Sustainability in terms of location is not relevant to buildings that already exist. Development in the countryside will be considered sustainable where it involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting;
- 1.11. Para 7.2 is not relevant.
- 1.12. Para 7.3 - Our design and access statement was also a planning statement and indeed written by planning consultants. It included all of the submitted plans which referenced design and materials. We do not agree that it was a *half hearted attempt to justify the design*, to which the Council say they have no objection. We do indeed consider that this is an exceptional high quality scheme and will create a unique and exceptional dwelling.
- 1.13. Para 7.4 - The first time the council mention that the proposal *would appear as an incongruous, alien, and uncharacteristic feature*. This is not as referred to in the reason for refusal.
- 1.14. Para 7.5 - We do not agree that it was a *half hearted attempt to justify the design*, to which the Council say they have no objection. We do indeed consider that this is an exceptional high quality scheme and will create a unique and exceptional dwelling.
- 1.15. Para 7.6 - applications to the adjoining planning authorities were withdrawn at their request.
- 1.16. Para 7.7 - the applicants specifically failed to claim that the design was of exceptional design quality is refuted. This is shown in the initial submissions and visuals.
- 1.17. Para 7.8 - We do recognise that conserving an enhancing the natural environment is relevant to the appeal and make reference to retaining trees and vegetation and adding new landscaping, which can also be addressed by a condition if approved.
- 1.18. Para 7.9 - 7.10 - The development would enhance the setting of the site by embellishing a dull concrete structure, prone to graffiti, by bringing it to good use and introducing high quality materials as shown on the plans.

- 1.19. Para 7.11 – There are no other similar structures within the borough or surrounding areas. Therefore, it is uncharacteristic in this area. We acknowledge this and therefore have created what we consider an outstanding conversion that enhances the setting.
- 1.20. Para 7.12 – It is fact that the local plan is out of date, however some of its policies are still relevant where consistent with the NPPF. In any event, the NPPF is the most up to date and therefore has the greater weight.
- 1.21. Para 7.13 - The Inspector in the Flockton Water Tower appeal made reference to the impacts of domestic paraphernalia and found them to be acceptable. In this case they would be screened from view.
- 1.22. Para 7.14 – As above at 1.14.
- 1.23. Para 7.15 - The tower is capable of conversion without significant alteration but requires an internal frame to hold the new floors.
- 1.24. Para 7.16 – We are making the point that there is no loss of countryside ‘openness’ with no new building. While this term refers to green belt, the concept is essentially the same in the countryside. In respect of policy DM4, in this case i) *It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and ii) It does not undermine the physical and perceived separation and open character between settlements.* These are the same attributes as openness.
- 1.25. Para 7.17 – see 1.9 and 1.10 above, and our appeal section on Access and highways.
- 1.26. 7.18 –At no point in the Councils officer report or refusal is there any mention of the impacts of the parking, the bin store, the garden landscaping, the comings and goings and the associated domestic paraphernalia on the character of the site and the surrounding area or that the site would be highly visible to anyone using the byway. We do not consider that these matters would have any adverse impact but would enhance the site and have already stated that the existing tree and hedge would be retained and enhanced to provide screening.
- 1.27. Para 7.19 – Our statement fully considers the Framework as a whole with references to all sections. It is clear that situations identified in policy such as re-use of buildings confirms the acceptable nature of the application site for housing. As such the proposal can be considered to be sustainable development.
- 1.28. Para 7.20 – We are fully entitled to make an application and have demonstrated how it complies with policy. We fail to see how this can be considered unreasonable.

- 1.29. Para 7.21 – we reiterate our conclusions.
- 1.30. Section 8 appears to be from another appeal case.
- 1.31. Again we conclude that Planning policy, both national and local, sets out what is considered to be sustainable development. The conversion of existing disused buildings is considered to be sustainable development and therefore complies with policy. The scheme put forward addresses all matters and concludes that scheme would have a positive impact on the environment.
- 1.32. We also note the comments from a neighbour and confirm that the site has been subject to ongoing graffiti and vandalism. We fully support their comments that the scheme will have:
- potential for this development to have a very positive impact for the area
 - the development of the property will not change the visibility, the building already exists.
 - the development of the water tower could improve the situation as it is currently regarded as an eyesore that is covered in graffiti and has a general appearance abandonment and neglect.
 - the tower is obscured by a significant and mature tree screen.
 - Roehouse lane has been in a neglected state of repair for some time, it's woeful appearance attracts all kind of anti social behaviour, particularly with off road vehicles
 - there has also been problems with flytipping, littering and criminal damage to council signs
 - there are four other properties within 250m of the curtilage of the water tower, so it is not a totally isolated area in terms of sustainability
 - the improvement to the surface of the right of way and the enhancement of the water tower and its curtilage will vastly improve the area, not only for residents but for anyone wishing to use the right of way in a respectful manner, especially walkers who are currently put off using it because of its condition.
 - the presence of a residential property will put a stop to a lot of the problems that currently exist there.
- 1.33. Therefore, for the reasons given above and having had regard to all other matters raised, we request that the appeal should be allowed with any appropriate conditions that are considered necessary, or as suggested by the LPA.

