May 2009
DCAPLPOE

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEALS UNDER SECTION 78



Hinckley & Bosworth Borough Council

APPEALS BY MR G WRAGG AT COMMON FARM, BARTON ROAD, CARLTON, LEICESTERSHIRE

HBBC REFERENCES 08/00978/FUL and 09/00029/FUL

THE PLANNING INSPECTORATE REFERENCES APP/K2420/A/09/2099681/NWF and APP/K2420/A/09/2101955/NWF

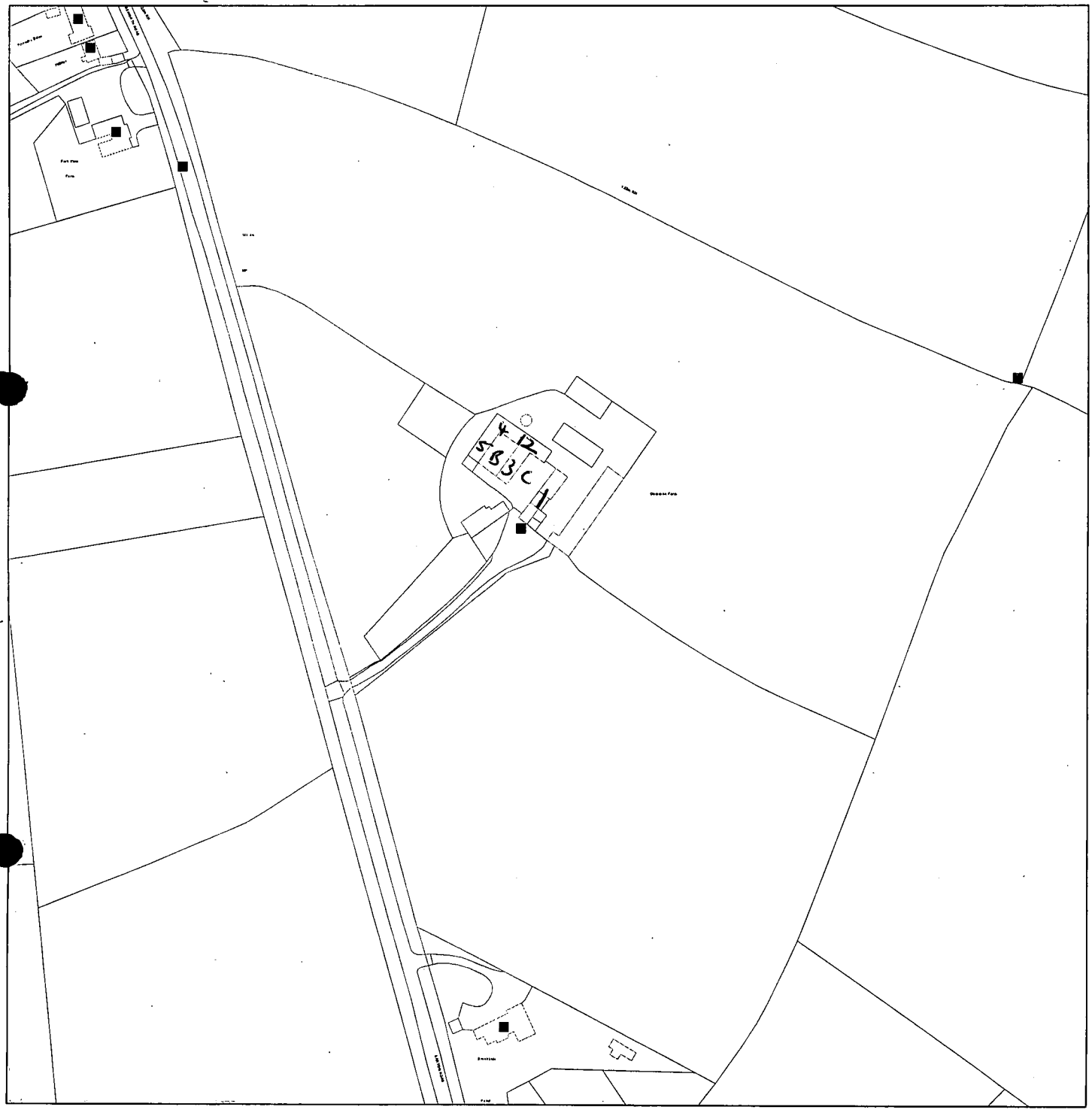
PROOF OF EVIDENCE OF LOUISE FORMAN

ON BEHALF OF THE LOCAL PLANNING AUTHORITY

APPENDIX 1
SITE LOCATION PLAN

Not Set

Not Set



Scale : 1:2500

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Organisation	Hinckley & Bosworth Borough Council
Department	Planning
Comments	Not Set
Date	03 June 2009
SLA Number	n/a

*Produced using ESRI (UK)'s MapExplorer 2.0 - **http://www.esriuk.com***

jms CIVIL & STRUCTURAL CONSULTING ENGINEERS

Structural and Civil Engineering Project Management Planning Supervisor Surveying Structural Inspections

Ref : DJS/NM/CO05/438/08

Date : 30 August 2005

Structural Inspection Report

On Behalf Of

Mr & Mrs Thompson

Common Farm

Barton Road

Carlton

Nuneaton

CV13 0RL

COPY

Structural Inspection

Common Farm

Barton Road

Carlton Nuneaton

CV13 0RL

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STRUCTURAL INSPECTION REPORT

Site : Common Farm Barton Road Carlton Nuneaton CV13 0RL

Client : Mr & Mrs Thompson Common Farm Barton Road Carlton Nuneaton CV13 ORL

Date : 30 August 2005

Brief

1.0 In accordance with your instructions we visited the above site in order to carry out a structural inspection of the barns and identify their overall structural integrity.

2.0 We visited the site on the afternoon of Thursday 18 August 2005, which was a dry day following a period of generally unsettled weather conditions.

3.0 This report is issued subject to our standard limitations of inspection, attached as Appendix 'A'.

Observations

4.0 There are five barns being considered with Barn 1 standing on its own. Barns 3, 4 and 5 stand in a 'U' shape around a covered courtyard whilst Barn 2 forms a spur off the corner of Barn 3/4.

5.0 All of the barns are primarily of load bearing masonry supporting tiled roofs over and, although they generally maintain their original shape/structure, all the barns have received modifications/alterations during their working life.

5

Barn 1

6.0 This consists of three linked buildings, stepped both vertically and along the front elevation. The right hand end, (when viewed from the front), has a hay loft set within the roof void whilst the ground floor is currently being used for light industry purposes.

7.0 The building is generally free from significant structural defect although the roof structure will require some minor remedial work to ensure its long-term integrity.

8.0 Ivy growth over the left hand gable wall has led to some disturbance of the masonry and displacement of the tiles and ingress of water. This ivy should be cut back and repairs carried out to prevent further distress arising.

Barn 2

9.0 This is a tall, threshing type barn, with internal buttressing walls. It has been extended to one end which has a large opening.

10.0 Original stone walls/foundations are visible up to approximately 600mm above ground level with the brickwork walls built off these. This stonework would indicate that the barn has shallow foundations.

11.0 The internal buttressing walls are in a fragile state with various holes etc having been taken through. Subsequently, these will need repairing/reinforcing to ensure their future stability is maintained and that they continue to buttress the external walls.

12.0 It would appear that a first floor was originally present to the rear of the barn and this would have provided a significant degree of additional robustness to the building. We assume that any future use of the barn will incorporate a first floor and this should be tied to the existing walls to provide additional stability.

13.0 The gable wall to the rear of the building, (where it abuts Barn 4), leans into the building. Access to this level was not available during our inspection but we consider it likely that some rebuilding will be required in this area.

14.0 The wall to the rear also leans/bulges outwards at approximately midway along its length and this will require additional buttressing and/or tying in to any new structure to restore its integrity.

15.0 The roof structure is formed by rafters spanning between purlins which in turn are supported by walls or timber trusses. The roof will need stripping off and the introduction of additional structural ties/supports will be required to prevent further eaves spread occurring.

Barn 3

16.0 This is a low level barn with internal cow stalls. The roof is of low quality construction and in a poor condition.

17.0 Although the building is generally is a stable condition we would recommend that wholesale replacement of the roof is considered as this is likely to prove to be more economically viable than repairing and strengthening the existing. This would also allow the introduction of suitable eaves restraint which would be beneficial to the front elevation which has several openings.

18.0 The cow stalls and floor are of insitu concrete and will require removing as part of any conversion work. Such work should be carefully carried out as heavy "jack hammering" will dislodge the roof and/or walls.

Barn 4

19.0 This barn is generally is a sound structural condition with no significant structural defects.

20.0 The covered courtyard and positioning of Barns 2 and 5 have provided protection from the elements and its use as a tack room or similar has limited its structural abuse.

Barn 5

21.0 This barn is of more recent construction than the others and is robustly built with six internal buttressing walls.

22.0 Slight weathering has occurred to the rear masonry wall but not to a degree where structural distress has arisen.

23.0 Although a lightweight sheeted roof is currently in position we consider it likely that this could readily be replaced with a tiled roof without detriment to the supporting structure.

Conclusions/Recommendations

24.0 The barns are generally in a sound structural condition with the expected deterioration from the weather elements and their agricultural use.

25.0 Their conversion/modernisation will not need significant structural alterations nor enhancements assuming suitable consideration is given to the design and specification.

26.0 Barn 2 is the only barn where significant structural works will be required which is due to its height and "modifications" over the years. However, as previously mentioned, the

introduction of necessary strapping and the utilisation of the existing buttresses will restore its long-term stability.

27.0 Where first floors are to be introduced, we recommend that these are supported of new walls and piers so that the equilibrium of the existing foundations is not disturbed.

28.0 Before any works are undertaken on the barns we would advise that suitable inspections are undertaken to determine the degree of any timber infestation. Similarly, an asbestos survey should be carried out.

For and on behalf of
JMS CONSULTING ENGINEERS LTD

D J Staines BEng(Hons) CEng MIStructE FConsE

CO05/438/08
Common Farm, Barton Road Carlton

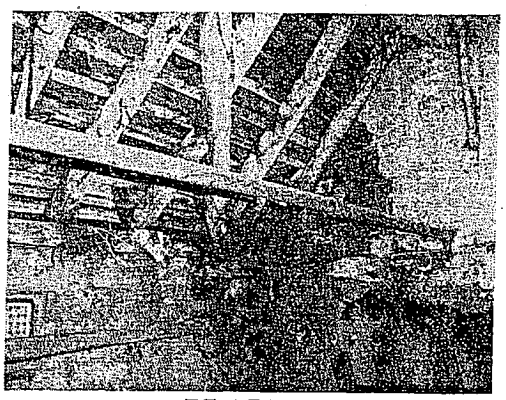
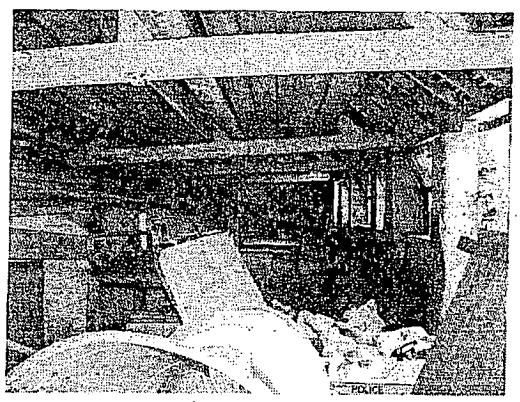


PLATE 1



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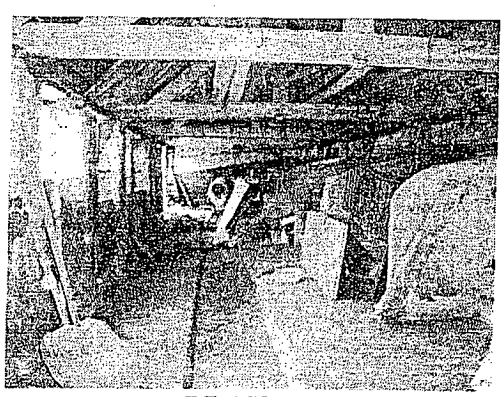

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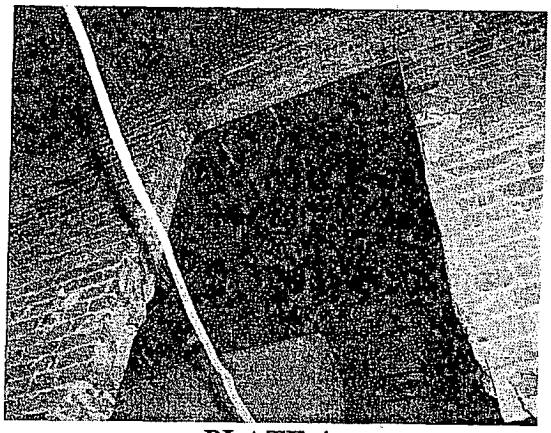

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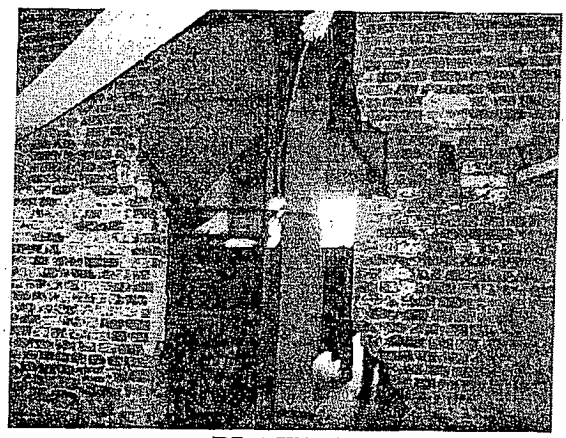

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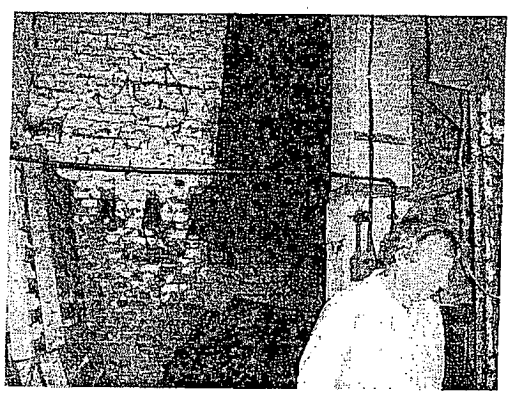
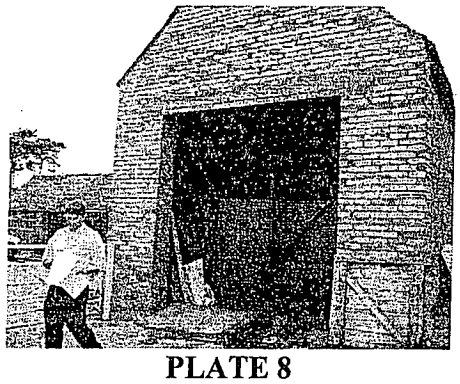


PLATE 6

CO05/438/08
Common Farm, Barton Road Carlton



PLATE 7



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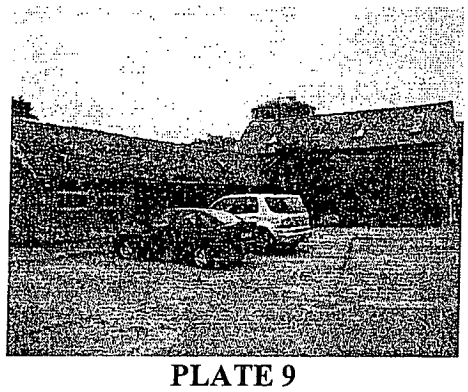


PLATE 9

APPENDIX 'A'

1.0 During our inspection of the premises as presently existing, which is normally carried out in a single visit, we shall check all visible exposed and accessible elements of construction in order to identify defects and shortcomings which are likely to adversely affect the use of the property or give rise to expenditure in the foreseeable future. We shall consider the condition and durability of the building fabric in relation to the type and age of the property, the need for repairs or special maintenance and, where appropriate, comment on the suitability of the structure for its proposed use.

2.0 We shall, where possible, lift loose laid floor coverings and inspect cellars and roof voids where appropriate, but we shall not empty the contents of any fitted cupboards, move heavy furniture or lift carpets or floorboards and our report specifically excludes all covered, and unexposed or inaccessible areas and buried elements of construction such as foundations and built-in steels and timbers. Apart from any balconies and roofs to which external access may be available, our external inspection will be carried out from ground level. Unless requested otherwise the main building shall be the form of this report.

In accordance with our professional indemnity insurance cover we have to state that "we have not inspected woodwork or other parts of the structure which are covered unexposed or inaccessible and we are therefore, unable to report any such part of the property is free from defect."

3.0 We will not arrange for exposure works to be carried out to the superstructure or below ground, or carry out tests for high alumina cement concrete, calcium chloride, asbestos or the use of woodwool slabs as permanent shuttering, but where appropriate, will seek further instructions for these to be carried out for an additional charge.

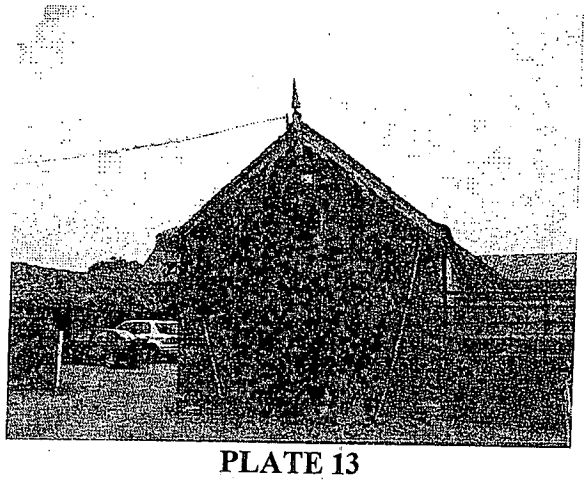
4.0 With regard to service installations, incoming mains, waste and drains, we shall report on any matters that come to light during the course of our inspection as requiring further investigation by specialists, but we shall not arrange for tests to be carried out unless specifically instructed.

5.0 Although where appropriate, we will be happy to examine any lease or title documents, planning or any other consents or fire certificates which are made available to us prior to our inspection, we shall assume in such cases that solicitors will be advising in detail upon these matters and that they will also check on the responsibility for the maintenance of all boundaries and rights of way and the existence of any easements or necessary rights of light, drainage etc.

6.0 We require to be informed, prior to the undertaking of any excavation or boring work, of the positions of any underground services or plant beneath the site. Whilst reasonable care will be taken during the execution of field work we cannot accept liability, either direct or consequential, for the damage to any service not clearly identified to us.

7.0 Our written report will be addressed and forwarded to the aforementioned Client. Any liability which may arise from its contents will be specifically restricted to the Client.

CO05/438/08
Common Farm, Barton Road Carlton



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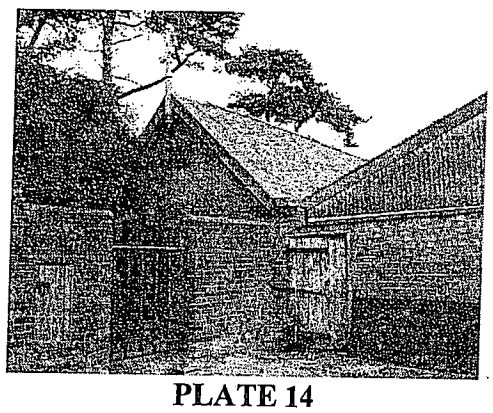

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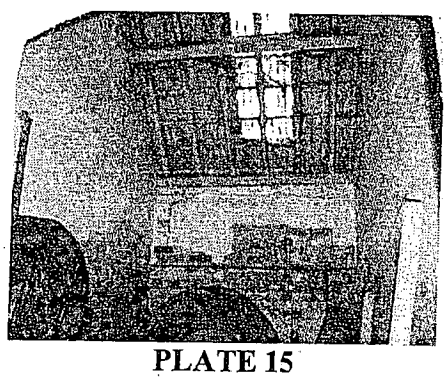

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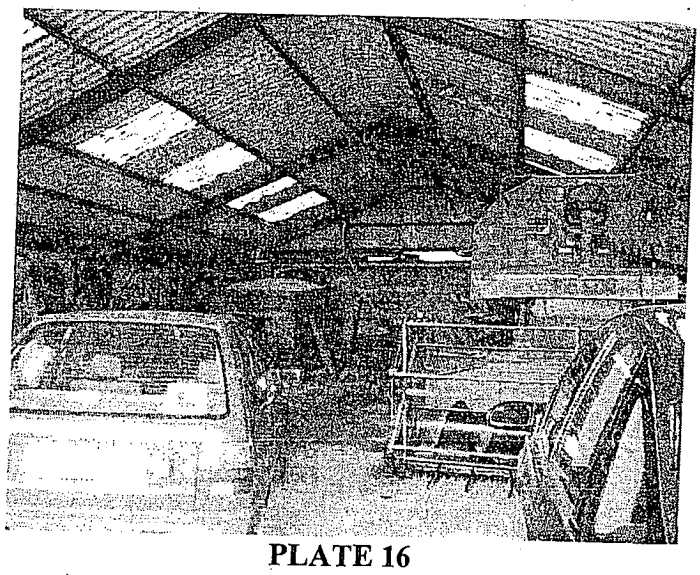
CO05/438/08
Common Farm, Barton Road Carlton



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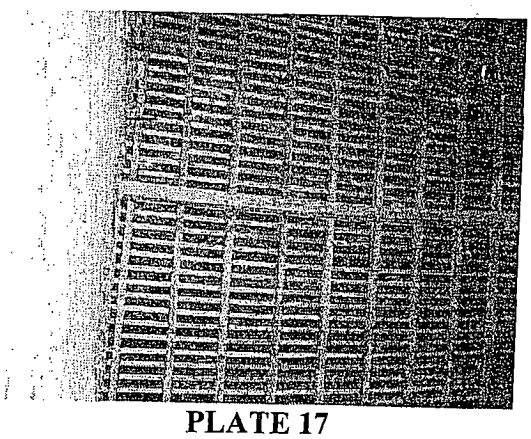

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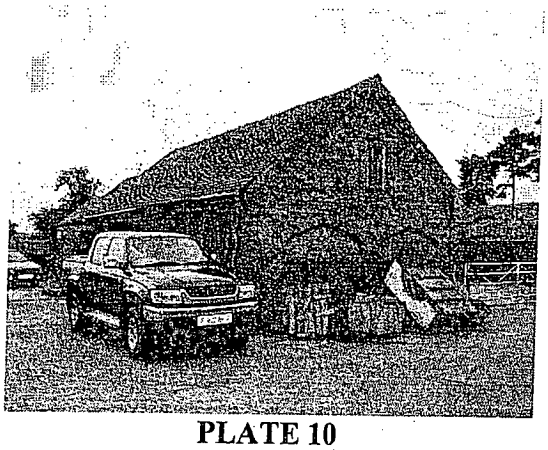
CO05/438/08
Common Farm, Barton Road Carlton



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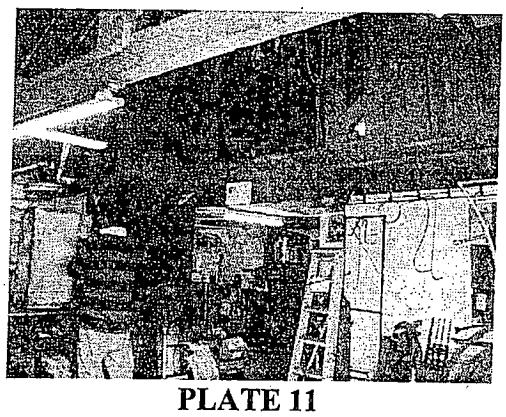

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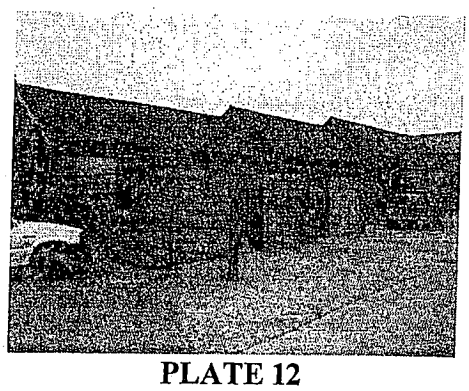

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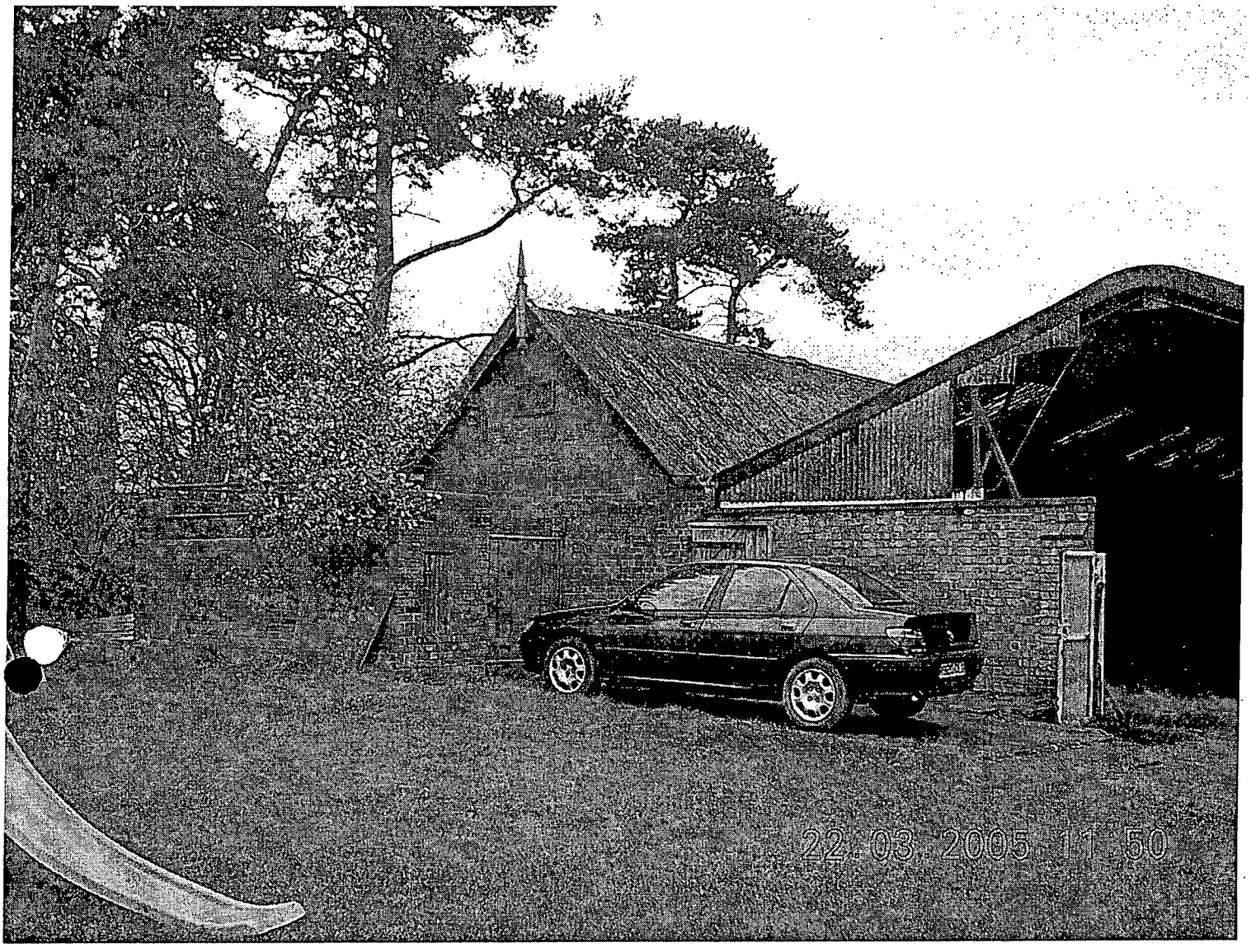
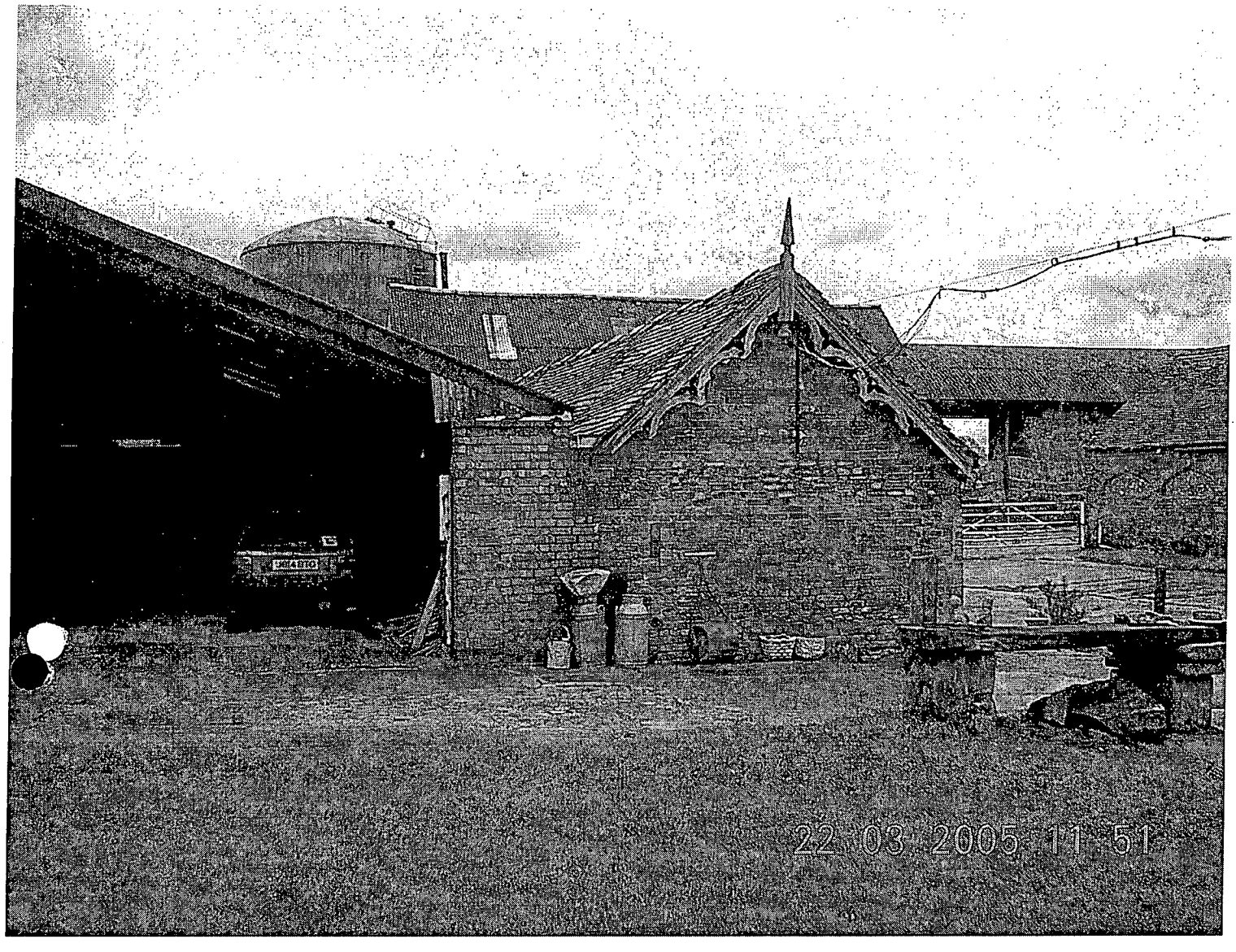


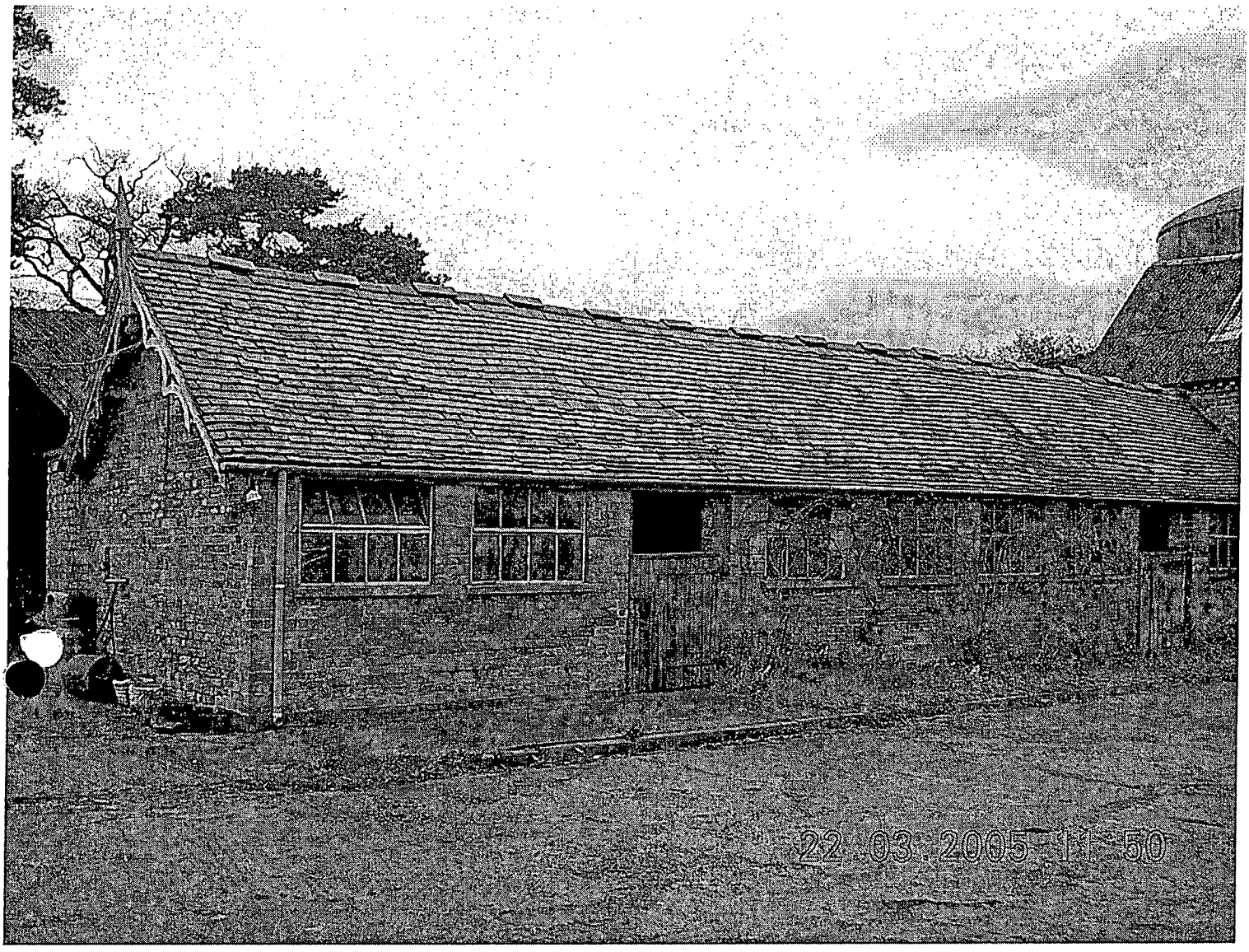
BARNS AND BUILDING TO BE REMOVED.

PHOTO 1



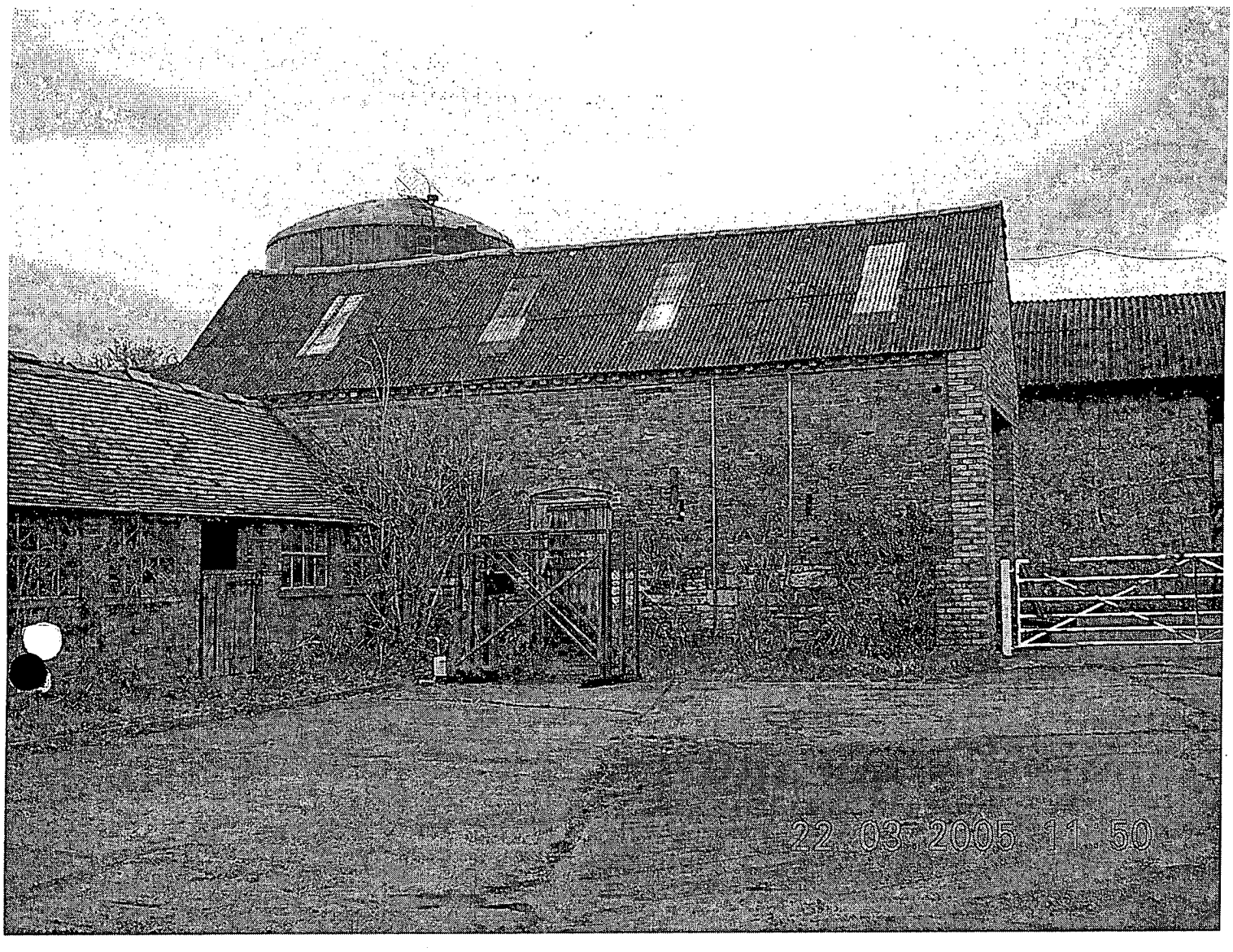
BUILDING TO BE REMOVED AND BARN 3

PHOTO 2



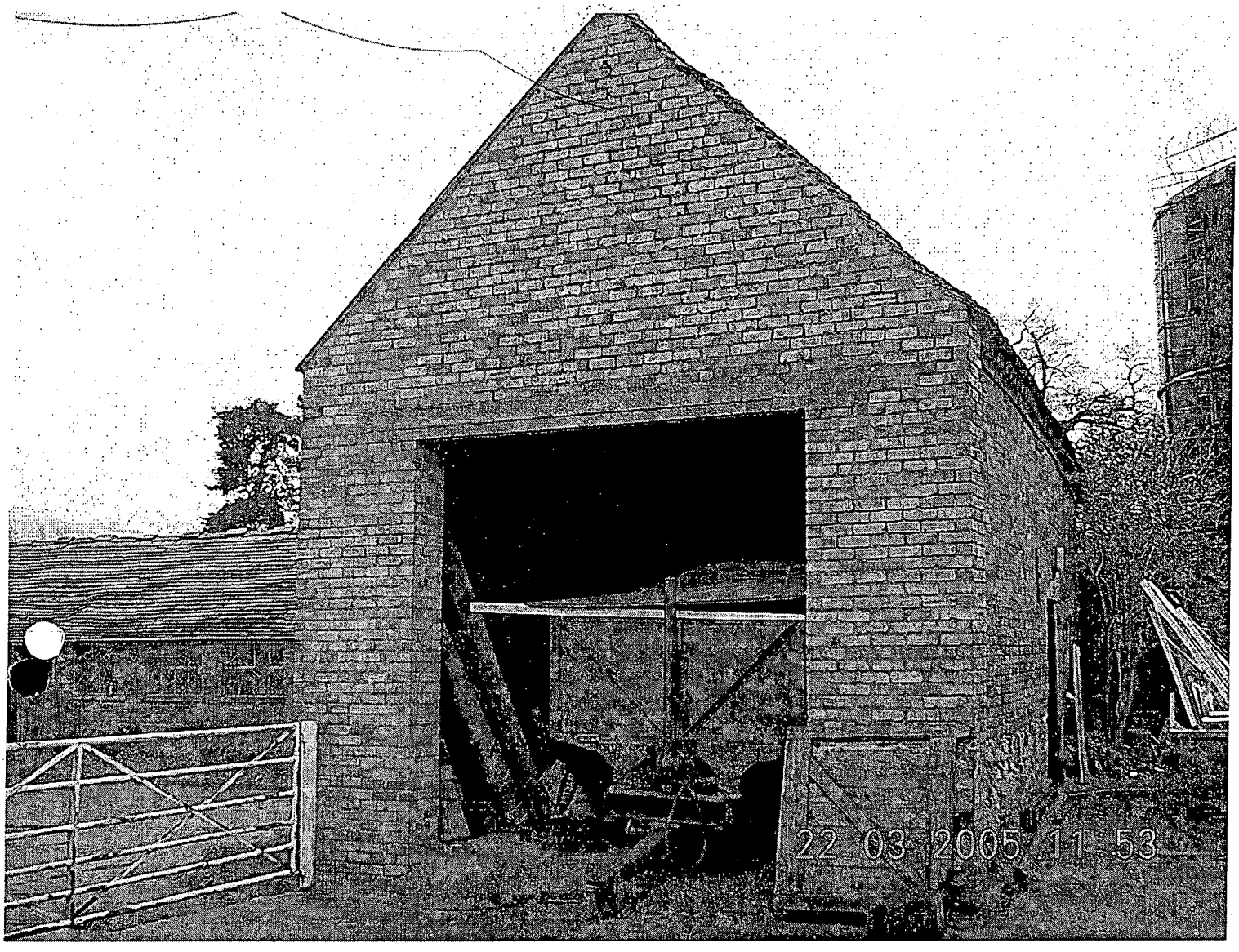
BARN 3

PHOTO 3



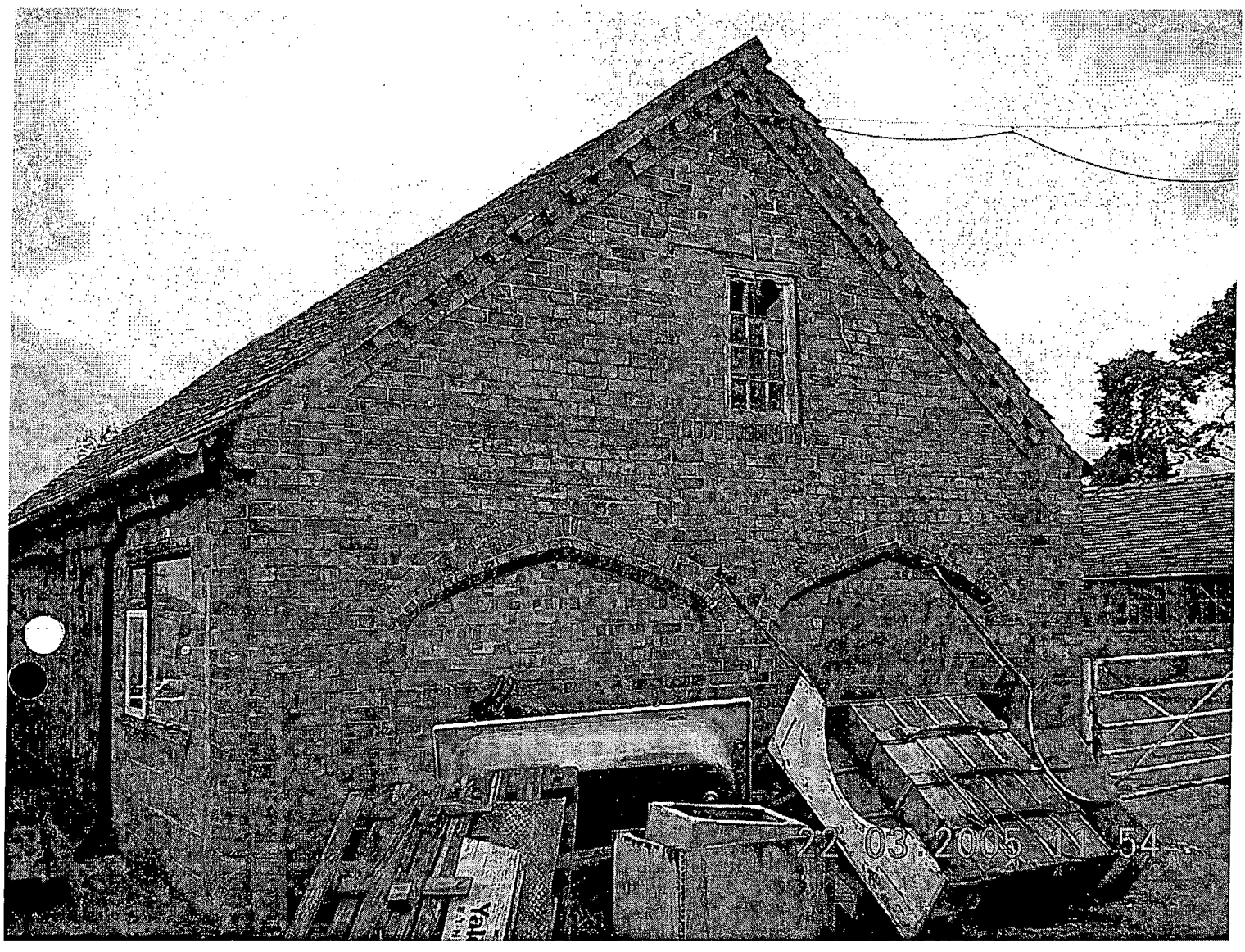
BARN 2

PHOTO 4.



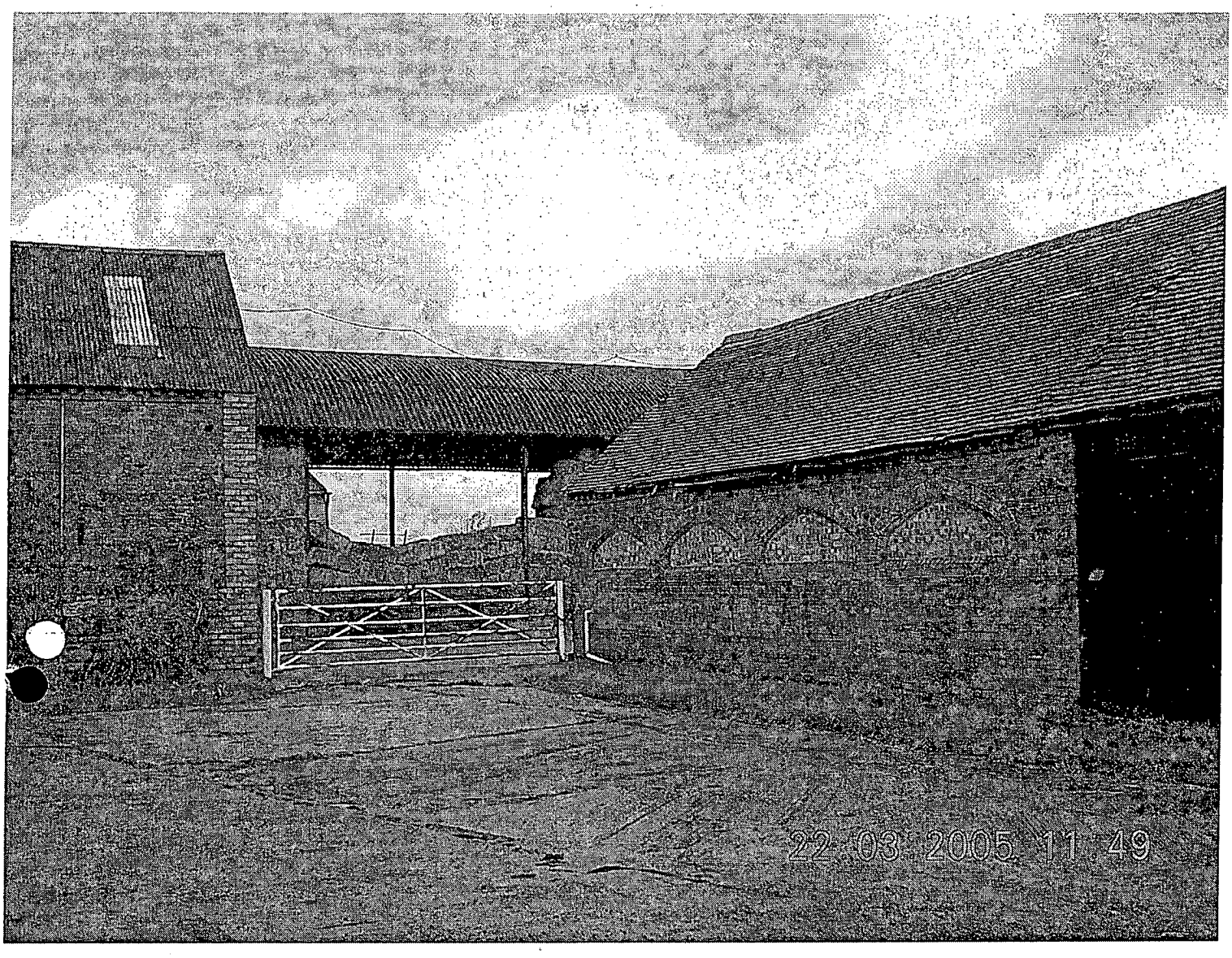
BARN 2

PHOTO 5



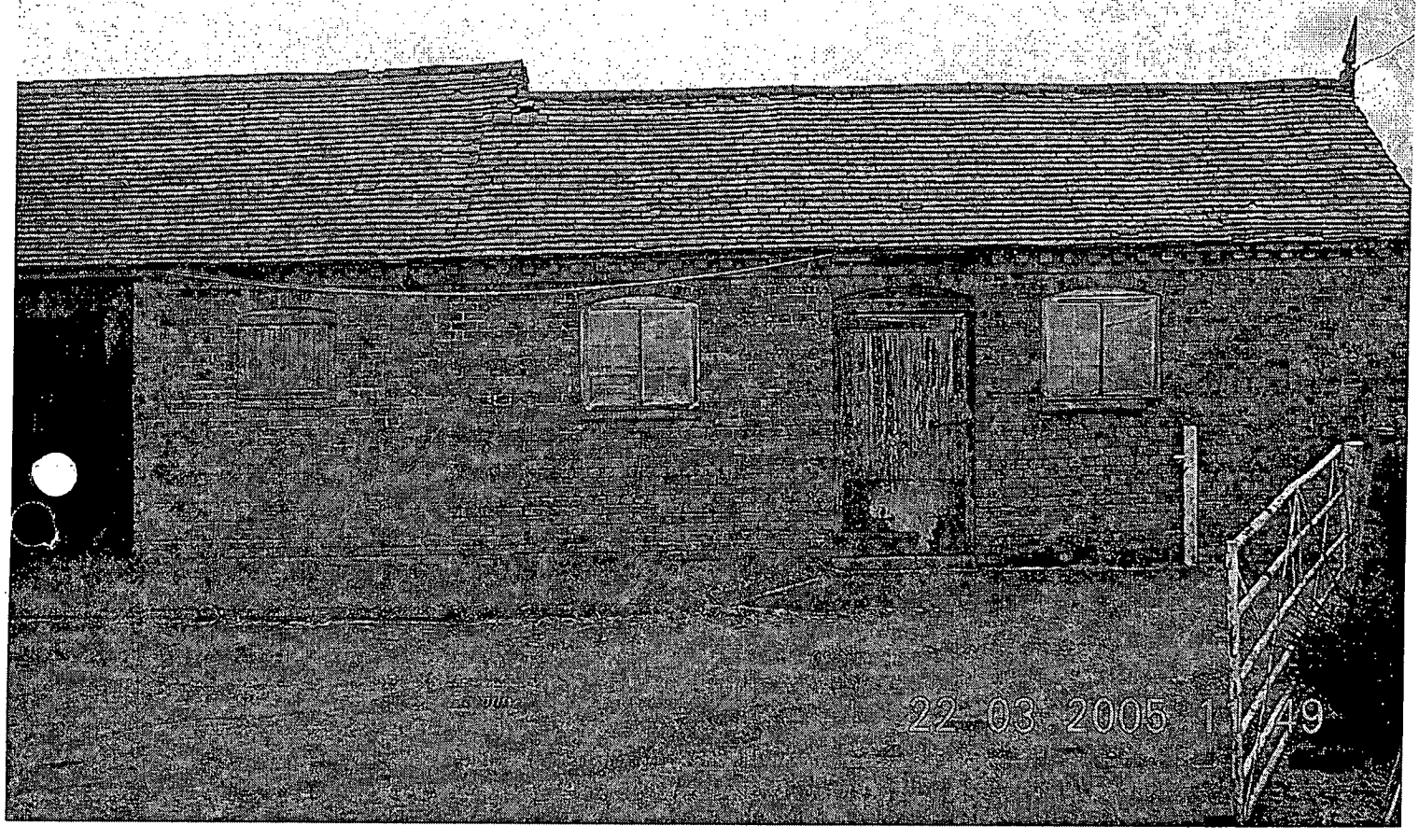
BARN 1

FOTO 6



BARN 1

PHOTO 7



BARN 1

PHOTO 8



BARN 1

PHOTO 9

COMMITTEE EXTRACT

Committee Date: 04.10.2005

Reference:- 05/00197/FUL **Parish:-** Market Bosworth

Applicant:- Mr & Mrs R Thompson
C/o Agent

Location:- Common Farm Barton Road Market Bosworth Nuneaton, Warwickshire CV13 0LQ

Proposal:- BARN CONVERSIONS TO TWO RESIDENTIAL UNITS AND ONE COMMERCIAL INDUSTRIAL UNIT

Introduction:-

This is a full application for the conversion of a group of five barns to two residential properties and the use of another barn for industrial purposes. The proposed conversion to two residential properties provides barn one with accommodation on ground floor only and the other over two floors, utilising the high barn. Barn one has three bedrooms, one with ensuite, kitchen, dining room, sitting room, utility and bathroom. Barn two has four bedrooms; two with ensuites, kitchen, dining room, study, sitting room, utility and bathroom.

Common Farm is located on Barton Road, between Market Bosworth and Carlton. The existing buildings are visible from the main road as the area is open with isolated farms and dwellings.

The applicant has submitted a Structural Inspection Report that concludes that the barns are generally in a sound structural condition with the expected deterioration from the weather elements and their agricultural use. Their conversion/modernisation will not need significant structural alterations nor enhancements assuming suitable consideration is given to the design and specification.

History:-

None relevant.

Consultations:-

No objections have been received from Central Networks.

No objections subject to standard conditions have been received from:-

Borough Council's Land Drainage Consultant
Head of Health and Environment Service
Environment Agency
Director of Highways Transportation and Waste Management
Director of Environment and Heritage Services (Archaeology)

No comments have been received at time of writing the report from Severn Trent Water Ltd.

Parish Council raised a number of queries:-

a) Have Leicestershire County Council Highways been consulted on the new access?
b) Are the outbuildings that are not part of the planning application to be demolished?
c) Is the industrial unit to have conditions regarding the type of industry permitted? There was some concern about noise pollution.

Following a response to these queries, no formal objections were raised.

Site notice provided and neighbours notified. One letter received raising the following points:-

a) There has been light industrial use at the farm for many years and have no complaints in terms of noise pollution and work activity outside normal office hours.
b) Restrictions should be imposed to ensure that the new use remains as a light industrial unit and the current situation is maintained regarding noise pollution.

Development Plan Policies:-

The site is located within the open countryside, close to Market Bosworth and Carlton as identified in the adopted Hinckley & Bosworth Local Plan.

Planning Policy Statement 7 supports the reuse of appropriately located and suitably constructed existing buildings in the countryside. The countryside should be protected and where possible, enhanced. Farm diversification should not result in excessive expansion and encroachment of buildings into the countryside.

Policy NE5 aims to protect the countryside and only permit development where it its either important to the local economy, cannot be provided within/adjacent an existing settlement, change of use/reuse of buildings of historic value or for sport or recreational purposes. The development should not pose a detrimental impact on the landscape, should be in keeping with existing buildings be effectively screened, and not generate traffic likely to impact on road safety. BE20 stipulates a number of criteria by which proposals in the countryside should adhere to. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. Conversion of the premises is only possible by significant adaption and rebuilding, future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria. The proposal should not include significant areas of external storage. Policy T5 aims to apply the County Council highway standards and parking standards to new developments.

Supplementary Planning Guidance Guide to Conversion of Rural Buildings gives advice on external building character, internal features, the setting of converted buildings, habitat preservation and creation, landscaping, submission requirements, etc.

Appraisal:-

Design

The application involves some changes to the barns to be converted. The majority of the proposed doors and windows make use of the existing openings in the barns. The original proposal for the conversion of barn 2 and 4 did involve the addition of new openings for doors and windows. The conversion also involved an extension to barn 5 that is currently an open roofed pen.

The new openings are in keeping with the other doors and windows, and are considered acceptable additions. The extension, although retaining the same footprint of the barn by utilising the open pen, does remove/replace the existing end elevation of the barn and includes a new window completely different to the others in the same elevation. Amended details were submitted removing the extension and reducing in the number of new openings.

The proposals include the removal of a structure which enclosed the courtyard between the two proposed dwellings. This provides a better aspect for the new properties.

The proposed industrial unit utilises a barn for employment purposes. There is already manufacturing taking place in the barn opposite where a small business uses the space to produce garden accessories etc. The main changes to this building are the style of the windows. It has not been specified at this stage as to what/who the end user shall be.

Access

The barn conversions are to be accessed via a new access from Barton Road, while the conversion for industrial purposes will use the existing access. The Highway Authority initially objected to the new access regarding the potential increase in vehicle numbers and movements in and out of an access on a Class III road. Following these concerns the applicant advised that the agricultural use was to cease and therefore reduce the total number of vehicle movements, not increase them.

In response to this the Highway Authority have commented that depending on the scale of the existing farming activities on the site, it may be difficult for the Highway Authority to justify its original reason for refusal. Without the benefit of entering the site, and viewing the level of farming activity on the site, it is difficult for the Highway Authority to assess the number of vehicular movements that the existing use of the site generates. If the scale of the agricultural activities on the site could generate in the region of 20-30 vehicle movements per day, the Highway Authority would not be in a position to demonstrate that the application would result in an increase in vehicle movements to and from the site, and conditions should be imposed on any approval.

Principle

Policy seeks to encourage either employment, recreation or tourism uses in the first instance, and only if it proves that there is no interest in the barn for these uses then residential may be looked upon favourably. Both Policy BE20 and adopted Supplementary Planning Guidance state that planning permission will only be granted for the re-use and adaptation of a rural building if it can be converted without significant extensions that alter the form of the building so as to detract from its existing character and appearance.

It has already been assessed that the barns can be converted without significantly altering the form of the barns. As well as the submitted structural survey outlining that the barns are generally suitable for conversion with any works to be undertaken with due care and appropriate support to prevent collapse or damage to the structure.

However, the application submitted does not include justification as to why residential should be considered acceptable but given the joint uses proposed (both residential and employment) and suitability of conversion of the buildings, it is considered to outweigh the strict control of residential development in open countryside. It is also important to note that employment use is established at the farm.

Impact on Open Countryside

The site lies within the open countryside where policy seeks to protect the countryside for its own sake. The policy allows for the change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and it is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, the Supplementary Planning Guidance pays particular regard to the setting of converted buildings, requiring the appearance to retain rural and for the domestic appearance to be concealed from general view.

It is considered that this site is not overly prominent, even though the buildings can be viewed from the main road. The proposal would not have an adverse effect on the appearance of the landscape through introducing a domestic element to what is currently rural. The extensions proposed are in keeping with the scale and character of the existing buildings. The Supplementary Planning Guidance is specific and states 'significant extensions to a barn as part of an overall conversion will be unacceptable. If a building merits retention then it must be capable of conversion to a new use in its own right.' The scheme meets this criteria.

Overall the proposals are not considered likely to have a detrimental impact on the open countryside.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policies NE5, BE1, BE20 and T5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 This permission relates to the application as revised by amended plan 03A and 04A received by the Local Planning Authority on 14 July 2005

3 This permission relates to the application as endorsed by additional plan No.05A received by the Local Planning Authority on 11 April 2005.

4 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing unless previously agreed in writing with the Local Planning Authority.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order l995 (or any order revoking or re-enacting that Order with or without modification development within Schedule 2, Part 1 Class A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

6 The barn for industrial purposes shall only operate between the hours of 8 a.m. and 6 p.m. Mondays to Saturdays but at no times on Sundays, and bank holidays.

7 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.

8 No development shall take place within the application area until the applicant has undertaken a desktop study and site investigation to fully characterise the nature and extent of any land and/or water contamination. A report detailing the findings of the investigation providing an adequate risk assessment shall be submitted to and approved in writing with the Local Planning Authority. This shall include a method statement detailing necessary remediation proposals. Any works required shall be carried out in accordance with the approved details.

9 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the methods statement is submitted to and approved in writing by the Local Planning Authority to detail how the unsuspected contamination shall be dealt with.

10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the proposed new vehicular access they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.

11 The gradient of the new access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.

12 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

13 Before first occupation of either dwelling hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

14 Before the first occupation of either dwelling, car parking provision shall be made within the curtilage of the development site on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces

for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

15 Before first occupation of either dwelling hereby permitted, the proposed vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.

16 Before first use of the development hereby permitted the proposed access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

17 The proposed access shall have an effective width of a minimum of 4.25 metres for a distance of at least 5 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.

Reasons :-

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2 To define the permission.

3 To define the permission.

4 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and BE20 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that the use remains compatible with the surrounding area to accord with policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policies BE1 and BE20 of the Hinckley & Bosworth Local Plan.

7 To ensure that the site does not deteriorate into an untidy condition to accord with policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.

8&9 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan.

10 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

11 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

12 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

13 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

14 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

15 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

16 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckey and Bosworth Local Plan.

17 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local PLan.

Notes to Applicant:-

1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

2 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority. If the groundwater strata are unsuitable for soakaway drainage systems, the applicant should consider discharging to existing or new ditches.

3 The septic tank proposal will require the consent of the Environment Agency and must comply with that Authority's conditions. An alternative system would be RBC type treatment plant (biodisc or similar), which does not depend on an irrigation network to dispose of effluent.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Area Manager - (telephone 01530 414151).

Contact Officer:- K Burnett Ext 5898

HINCKLEY & BOSWORTH BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant	Name and Address of Agent (if any)
Mr & Mrs R Thompson C/o Agent	Savage Hayward 19 Station Road Hinckley Leics LE10 1AW

Part I - Particulars of Application

Date of Application	Application No.
28.02.05	05/00197/FUL

Particulars and location of development :

BARN CONVERSIONS TO TWO RESIDENTIAL UNITS AND ONE COMMERCIAL INDUSTRIAL UNIT

Common Farm Barton Road Market Bosworth Nuneaton, Warwickshire CV13 0LQ

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies NE5, BE1, BE20 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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.

2. This permission relates to the application as revised by amended plan 03A and 04A received by the Local Planning Authority on 14 July 2005

3. This permission relates to the application as endorsed by additional plan No.05B received by the Local Planning Authority on 17th October 2005..

4. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing unless previously agreed in writing with the Local Planning Authority.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification development within Schedule 2, Part 1 Class A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

6. The barn for industrial purposes shall only operate between the hours of 8 a.m. and 6 p.m. Mondays to Saturdays but at no times on Sundays, and bank holidays.

7. There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.

8. No development shall take place within the application area until the applicant has undertaken a desktop study and site investigation to fully characterise the nature and extent of any land and/or water contamination. A report detailing the findings of the investigation providing an adequate risk assessment shall be submitted to and approved in writing with the Local Planning Authority. This shall include a method statement detailing necessary remediation proposals. Any works required shall be carried out in accordance with the approved details.

Continued .....

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

35

NOW

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the methods statement is submitted to and approved in writing by the Local Planning Authority to detail how the unsuspected contamination shall be dealt with. Any further works required shall be carried out in accordance with the addendum.

10. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the proposed new vehicular access they shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.

11. The gradient of the new access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.

12. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

13. Before first occupation of either dwelling hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

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15. Before first occupation of either dwelling hereby permitted, the proposed vehicular access to the site shall be provided with 6 metre control radii on both sides of the access. This radii shall be permanently maintained.

16. Before first use of the development hereby permitted the proposed access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the Highway boundary and shall be so maintained at all times.

17. The proposed access shall have an effective width of a minimum of 4.8 metres for a distance of at least 15 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.

The reasons for the conditions are :-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 & 3 To define the permission.

4. To ensure that the development has a satisfactory external appearance to accord with policies BE1 and BE20 of the adopted Hinckley & Bosworth Local Plan.

5. To ensure that the use remains compatible with the surrounding area to accord with policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.

6. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policies BE1 and BE20 of the Hinckley & Bosworth Local Plan.

7. To ensure that the site does not deteriorate into an untidy condition to accord with policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.

8 & 9 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan.

10. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

11. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Continued .....

12. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

13. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

14. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

15. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

16. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

17. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

2. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority. If the groundwater strata are unsuitable for soakaway drainage systems, the applicant should consider discharging to existing or new ditches.

3. The septic tank proposal will require the consent of the Environment Agency and must comply with that Authority's conditions. An alternative system would be RBC type treatment plant (biodisc or similar), which does not depend on an irrigation network to dispose of effluent.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Area Manager - (telephone 01530 414151).

RF

Date :- 22.11.05

Proper Officer of the Council

08/00978/FUL

09 OCT 2008

THE DIAMOND WOOD PARTNERSHIP

CONSULTING ENGINEERS

REPORT

Structural Inspection:

Barn C
Common Farm
Carlton

for

G Wragg Esq

DEVELOPMENT SERVICES
16 OCT 2008
RECEIVED

Prepared by:

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SCANNED

09 OCT 2008 08/00978/FUL

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3.	Description of Building	4
4.	Survey Findings	5

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09 OCT 2008

08/00978/FUL

1. INTRODUCTION

1.1 Instructions were received on behalf of Mr G Wragg to inspect and report upon the condition of a former barn referred to as Barn C at Common Farm, Barton Road, Carlton.

1.2 It is proposed to convert the building for residential occupation. Our brief was to advise whether the existing structure is capable of being adapted for the proposed new use.

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2. SCOPE OF SURVEY

2.1 Our survey comprised a visual inspection of the superstructure. We have not inspected the foundations to the building.

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08/00978/FUL

3. DESCRIPTION OF BUILDING

3.1 The Barn comprises part of a group of outbuildings located to the rear of the main farmhouse. For the purpose of this report, the Barn is assumed to face due West.

3.2 The Barn is of double-storey height with a pitched roof supported on solid masonry external walls. At the time of survey the roof, including the rafters, had recently been taken down although the timber purlins were still in place. The first floor structure had also been taken out but in this instance it was obvious that this work had been undertaken at some time in the distant past.

3.3 The North gable is abutted by a later single-storey outbuilding. There is a further single-storey outbuilding which extends from the West flank wall. Both flank walls are of solid brickwork construction built off plinth bases constructed using random stone. The South gable has been rebuilt using common bricks. The wide entrance door in this gable is formed under precast concrete lintels. Two internal cross walls in the Barn have been removed up to eaves level. Steel beams have been inserted to support the upper level cross wall brickwork, which, in turn, supports the roof purlins.

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09 OCT 2008 08/00978/FUL

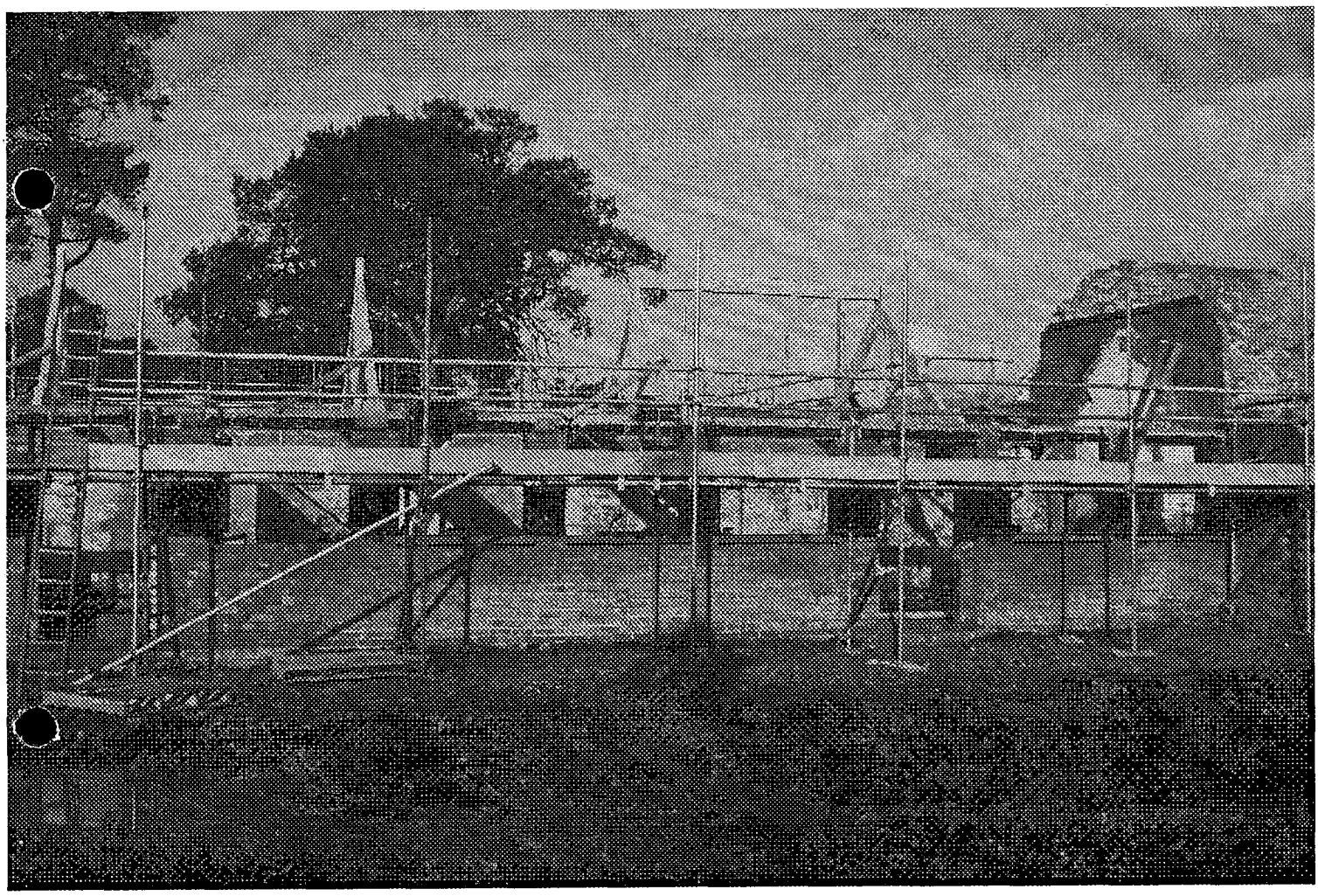
4. SURVEY FINDINGS

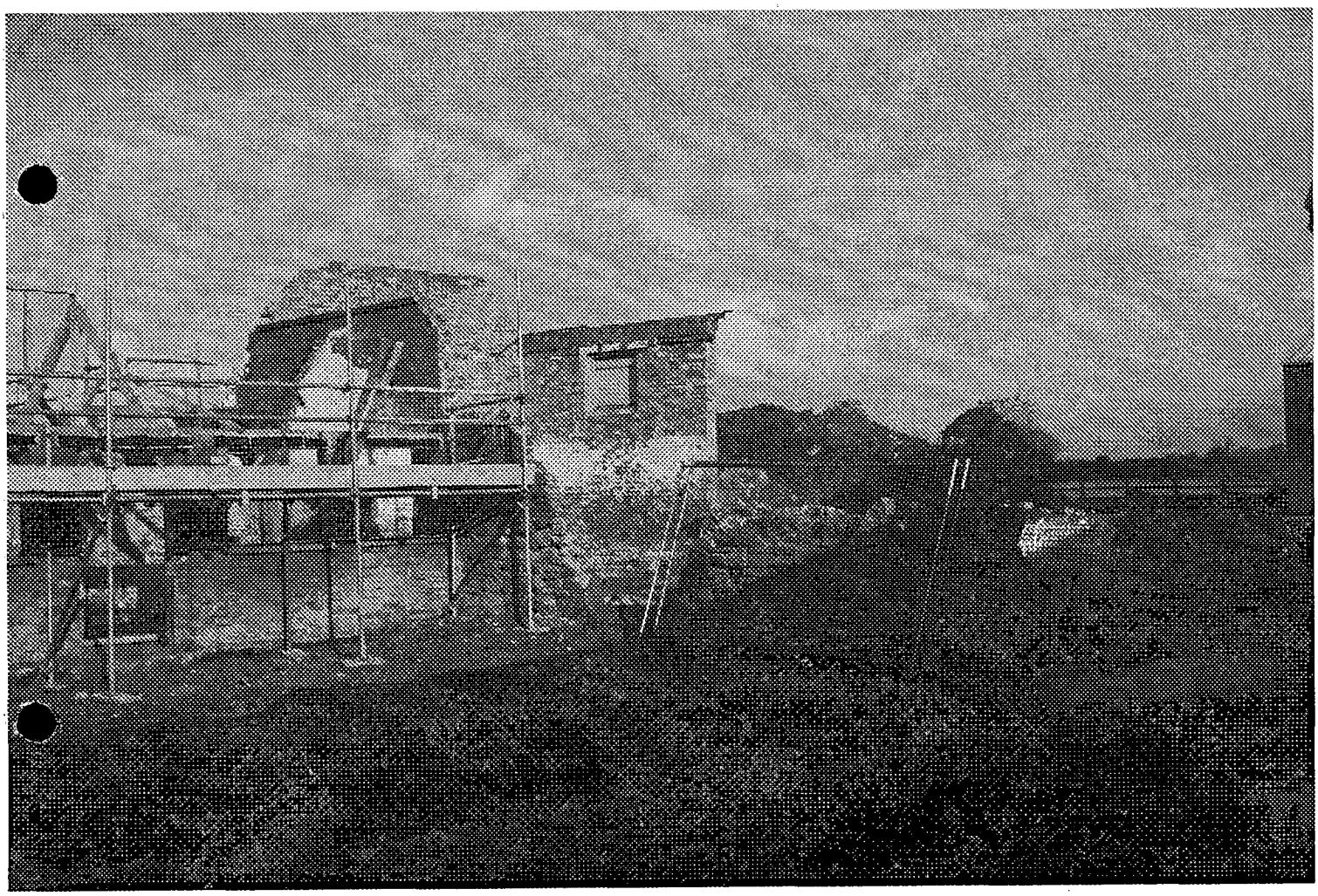
4.1 We found that both the West and East flank walls had rotated outwards. This movement is clearly a consequence of the previous demolition of the buttressing cross walls and the removal of the intermediate floor structure. The rotation had given rise to the formation of wide separation cracks, 25mm – 40mm, between the flank walls and both gables. As well as being out of plumb, the flank walls are also noticeably distorted at eaves level.

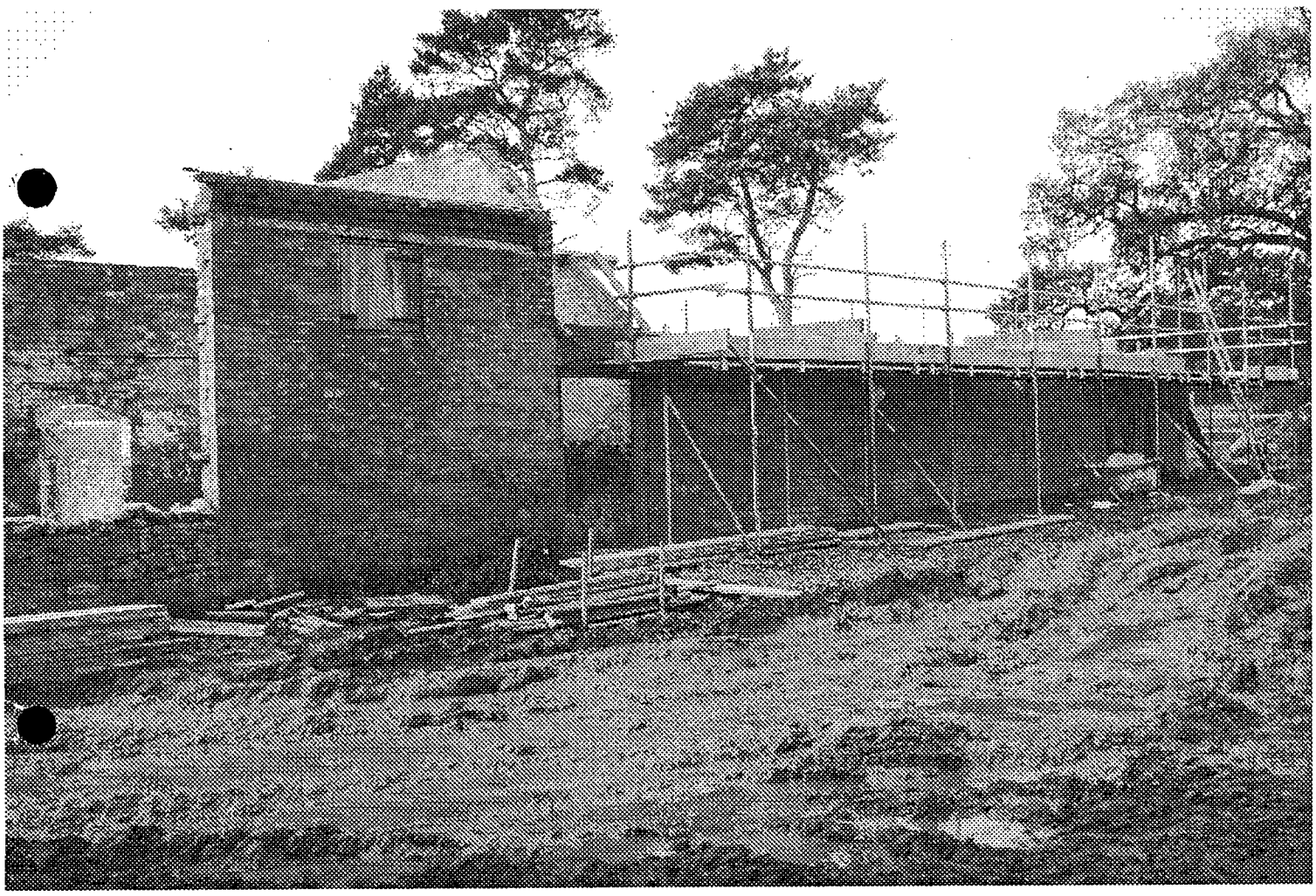
4.2 Whilst the reconstruction of the roof and first floor would return some stability to the structure, the movement now evident in the flank walls is so severe that they can no longer be salvaged. Furthermore, any attempt to execute rebuilding or repair works on the scale required to convert the building would present unacceptable safety hazards to the workforce.

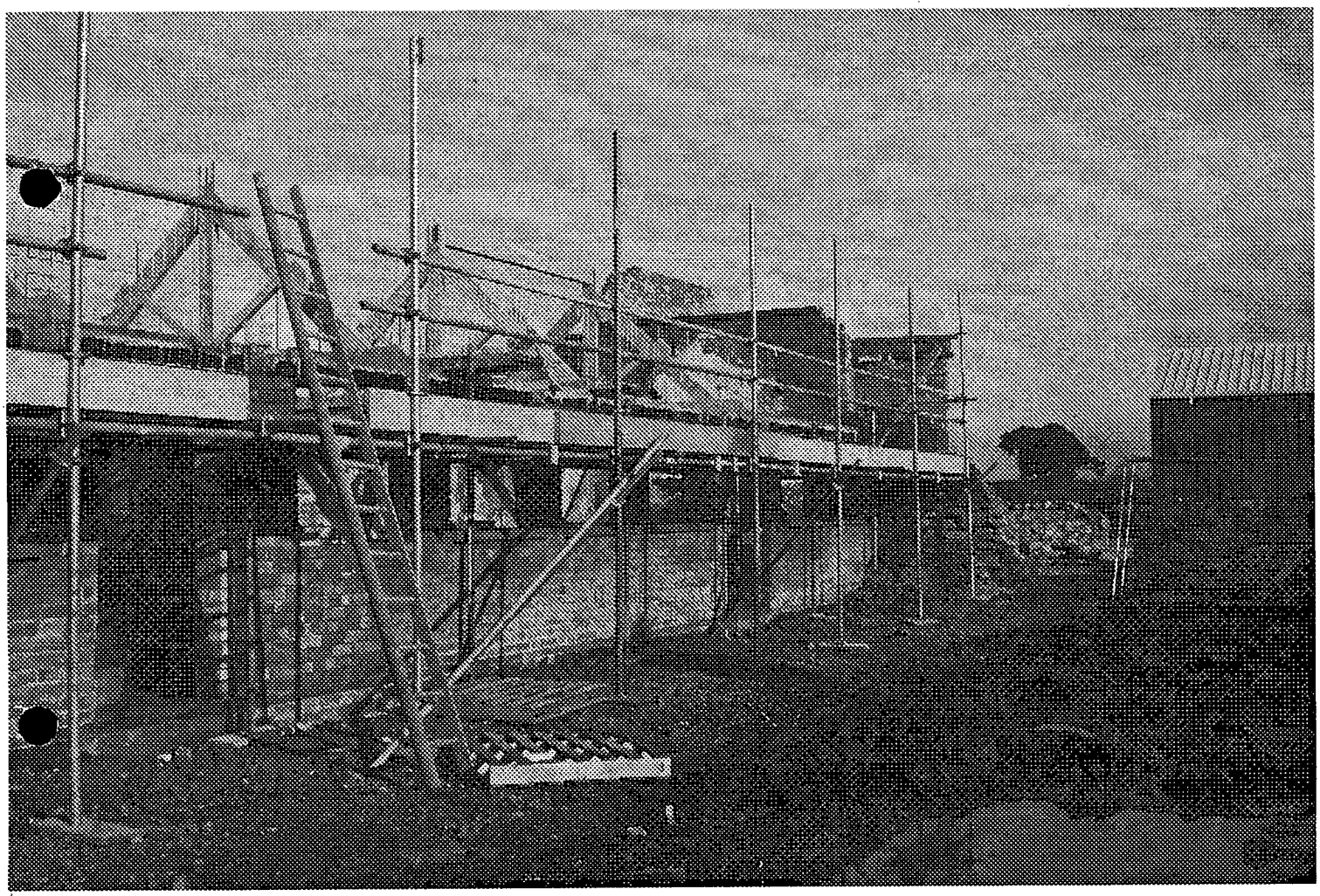
P. DIAMOND Eur. Ing. C Eng. MIEI MICE FFB
THE DIAMOND WOOD PARTNERSHIP

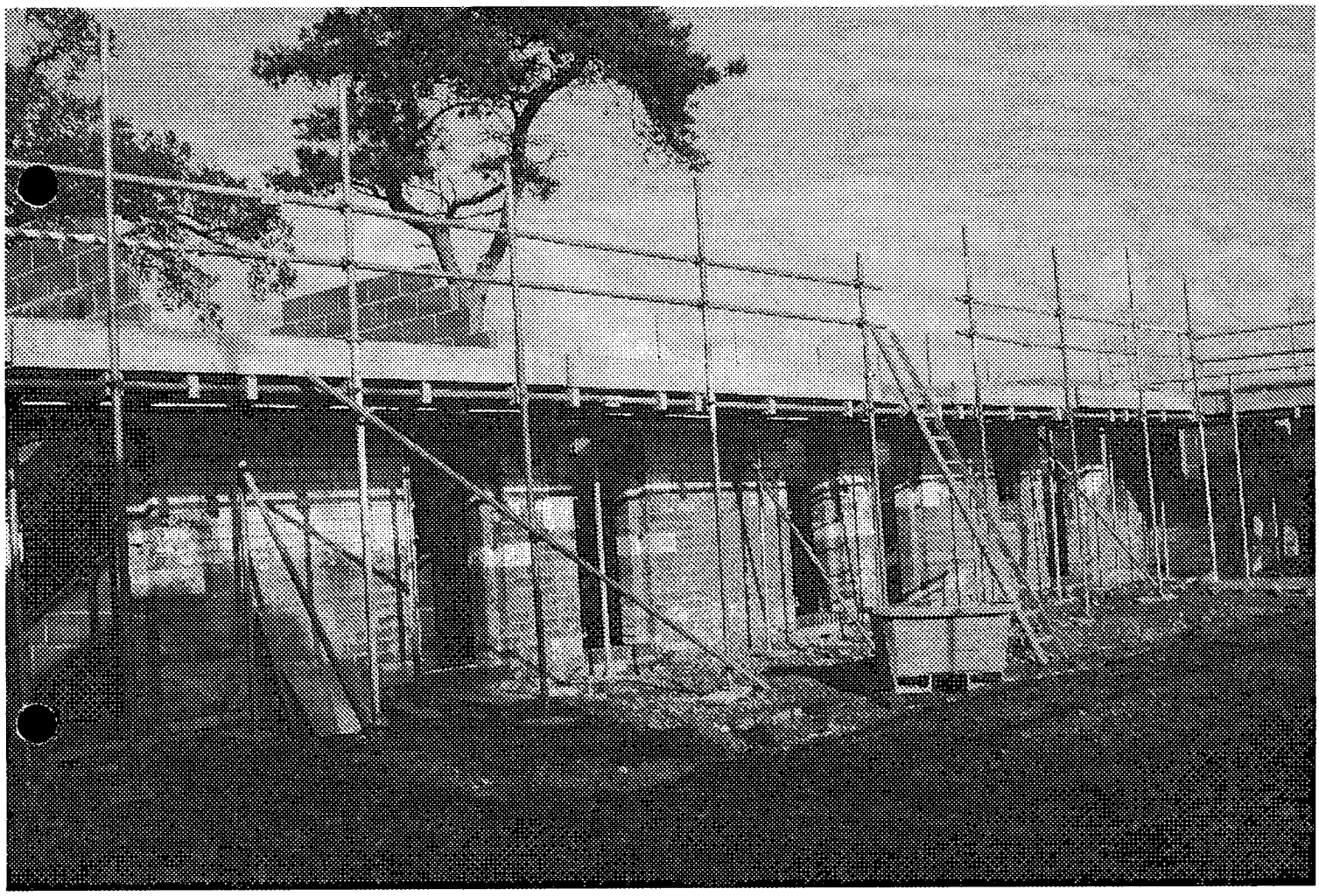
SCANNED

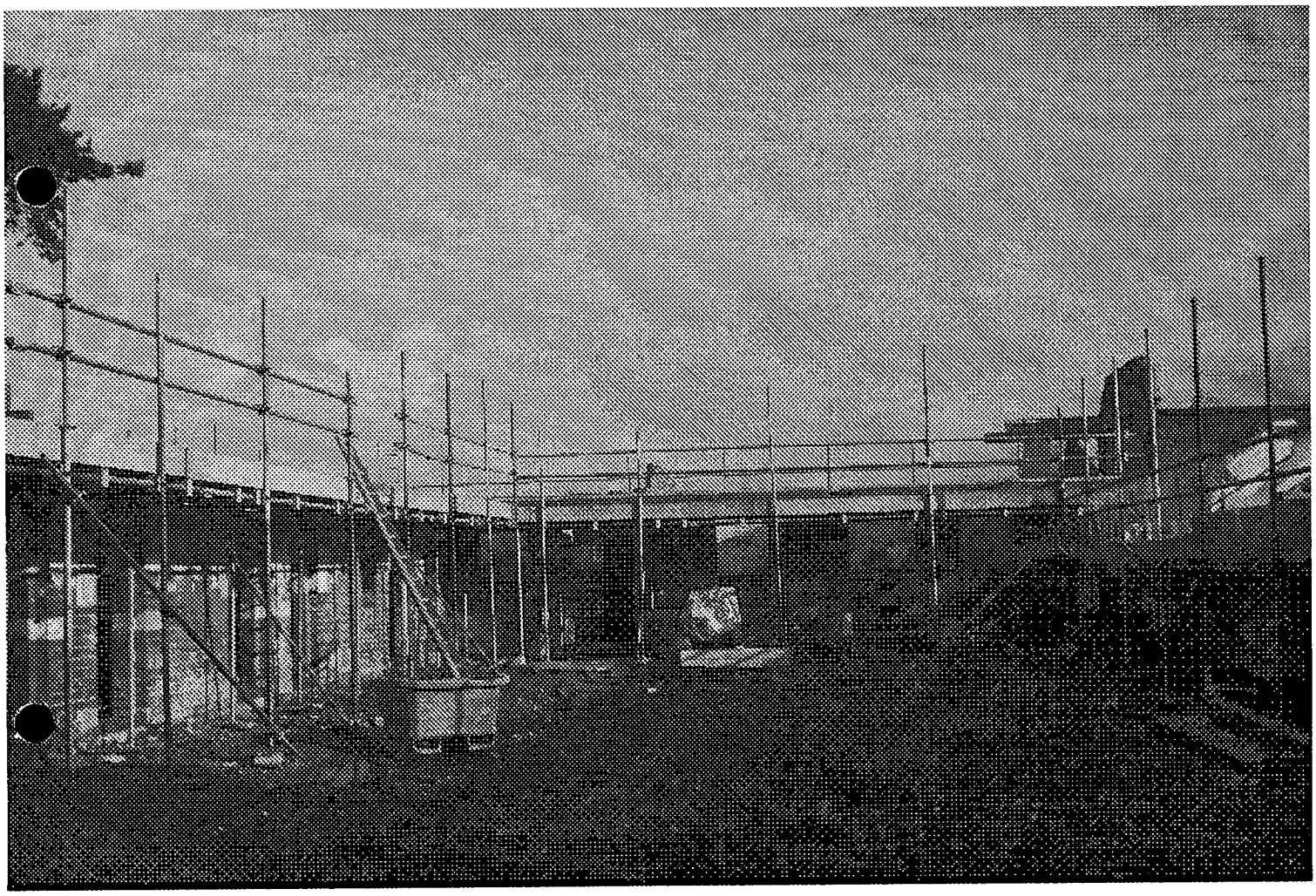


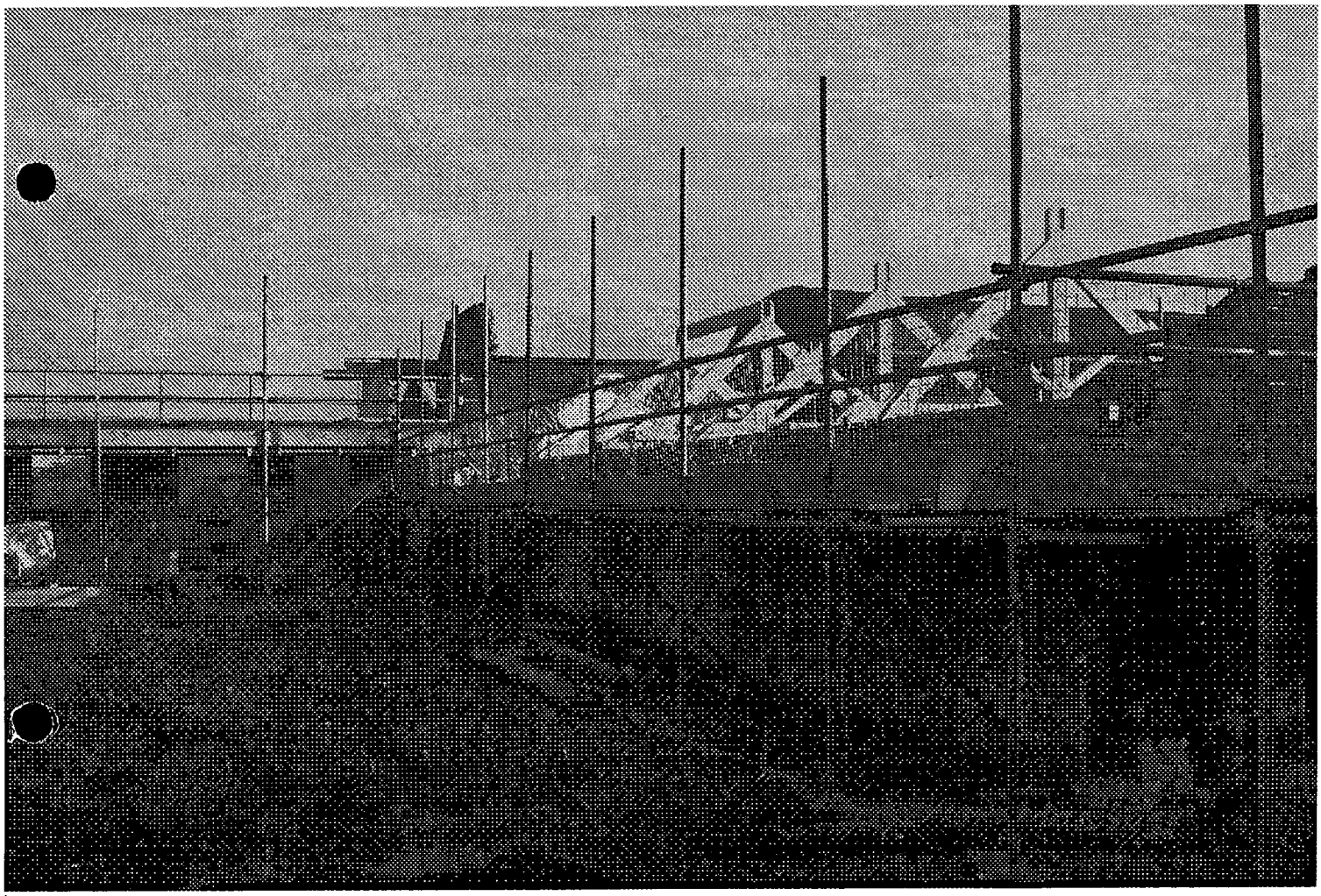


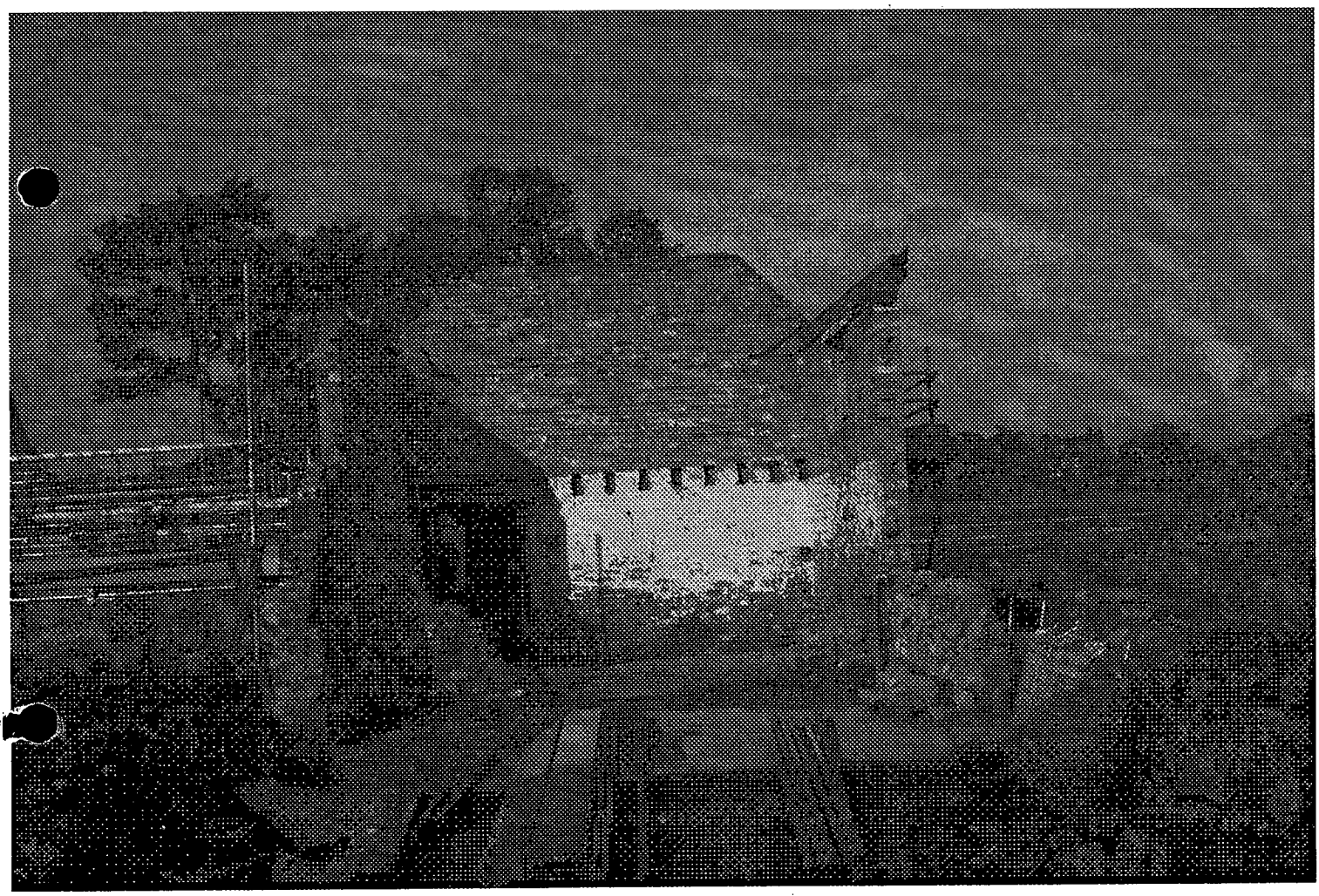


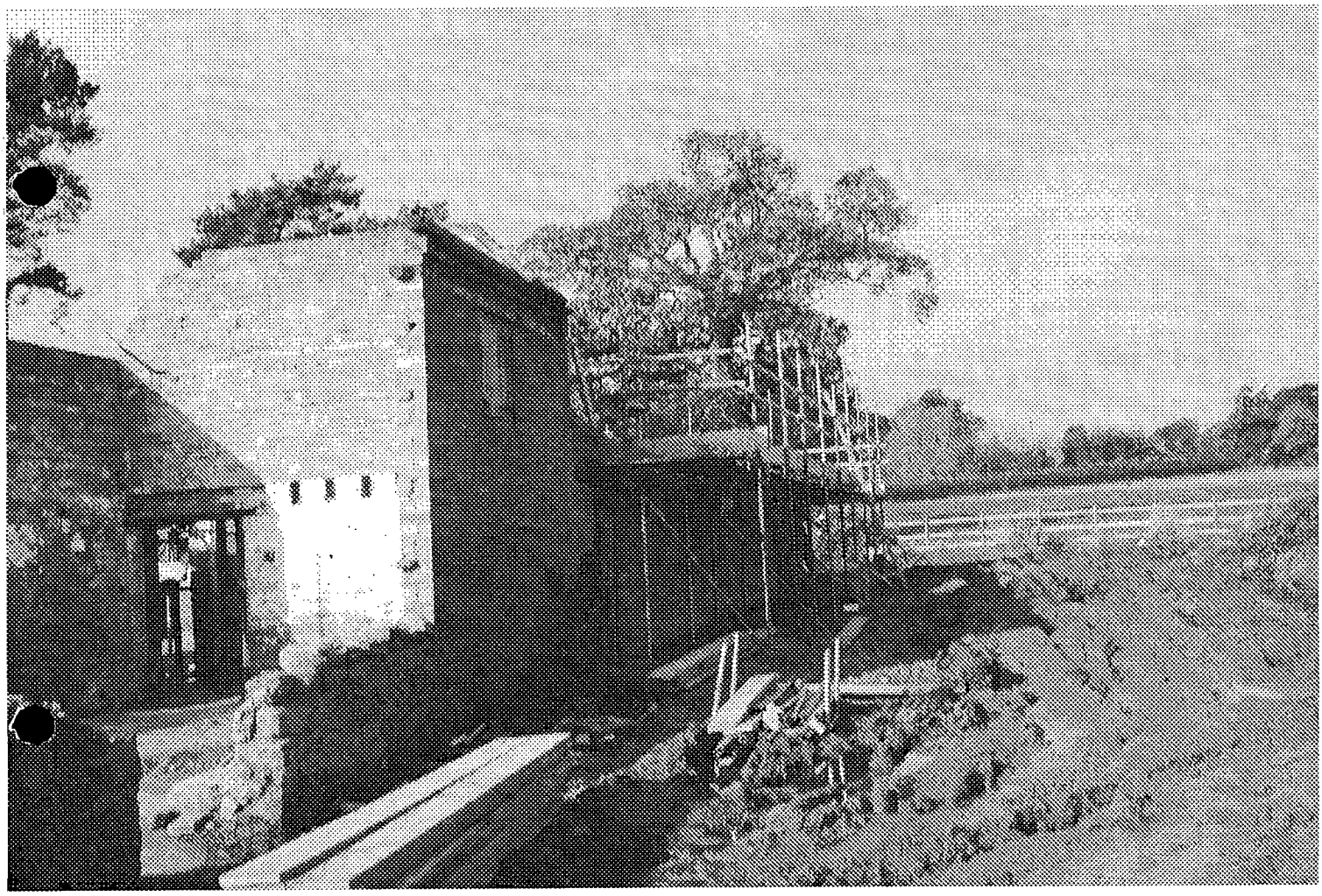


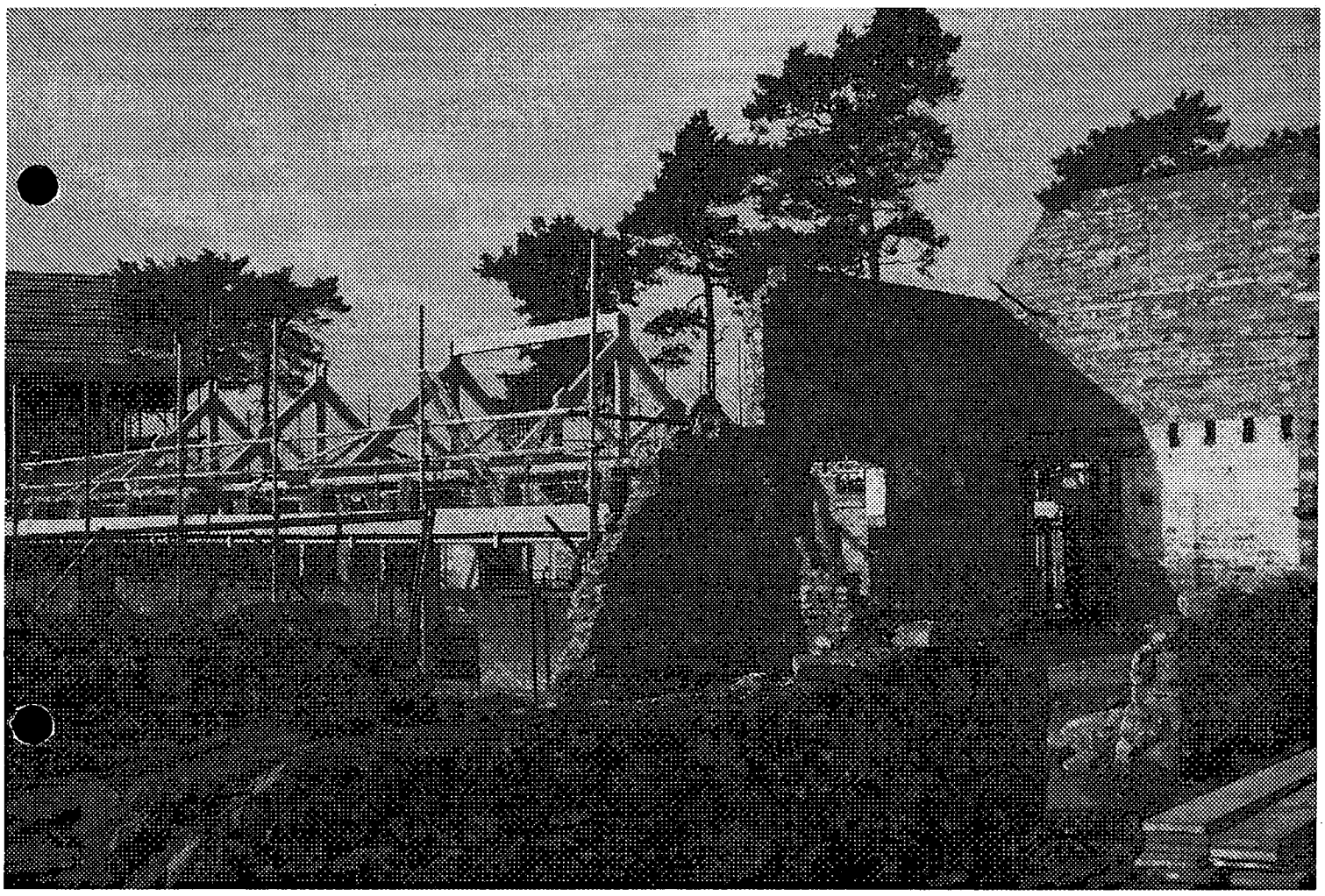


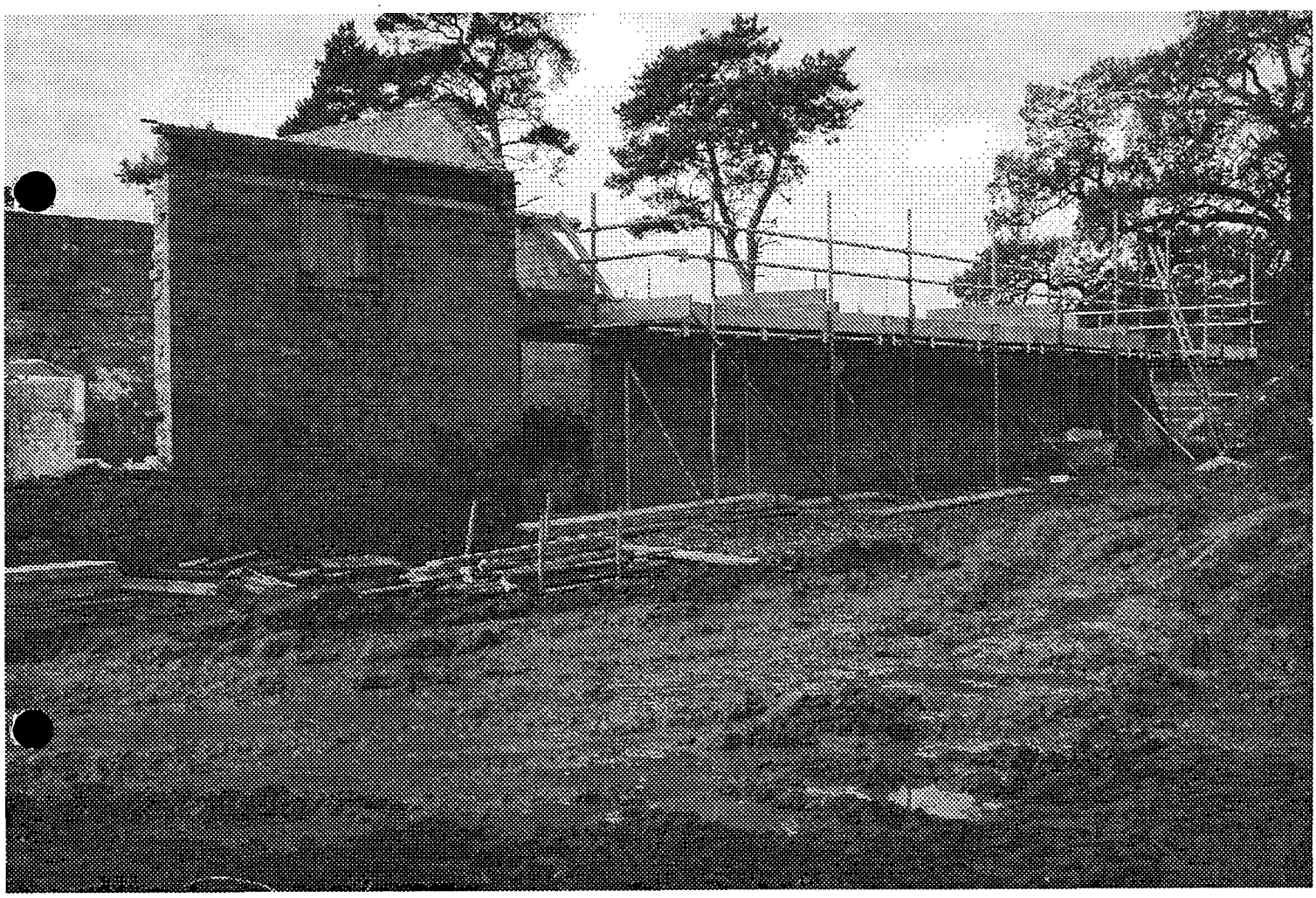












COMMITTEE EXTRACT

Committee Date: 18 November 2008

Reference:- 08/00978/FUL **Parish:- Carlton Parish Council**

Applicant:- Mr G Wragg
Trafford Knitwear
Common Farm
Barton Road
Carlton

Location:- Common Farm Barton Road Carlton Nuneaton Leicestershire

Proposal:- CONVERSION OF BARNS INTO 2.NO DWELLINGS

Introduction:-

This is a full application for more extensive demolition than approved in a previous application to convert barns into two residential units at Common Farm, Barton Road, Carlton. The floor plans for the two barns are the same as a scheme approved in 2005 (05/00197/FUL) but the ridge detail to be retained on part of one of the barns has been omitted on this application. This application proposes a change to the access arrangements previously approved for the barns by utilising the existing access rather than providing a new access road within the field to the north of the site. The proposed conversion to two residential properties provides barn one with accommodation on ground floor only and the other over two floors, utilising the high barn, which now requires rebuilding. Barn one has three bedrooms, one with ensuite, kitchen, dining room, sitting room, utility and bathroom. Barn two has four bedrooms, two with ensuites, kitchen, dining room, sitting room, utility and bathroom.

Common Farm is located on Barton Road, between Market Bosworth and Carlton. The barns form part of the group of outbuildings to a former farm complex which is located within the open countryside.

The original application to convert the barns to two residential units, and a further barn into an industrial unit, has been commenced (05/ 00197/FUL), it was supported by a structural survey dated August 2005, which stated that the barns were generally in a sound structural condition with the expected deterioration from the weather elements and their agricultural use. Their conversion/modernisation would not need significant structural alterations nor enhancements assuming suitable consideration was given to the design and specification. That permission allowed for some minor work on one gable end but since work has commenced on site to implement the permission, it has been found that the condition of the structure of the high barn has deteriorated significantly and the majority of that part of the structure has now been taken down or collapsed.

The application has been submitted with a design and access statement which states that the design principles remain the same as in 2005 in terms of the elevations and plan layout and confirms that it is intended to re-use the existing bricks and the stone plinth. A further structural survey has also been submitted which confirms that the high barn structure was unsound.

Amended plans have been received which show the window detail and ornate barge boards to be retained.

History:-

05/00197/FUL	Conversion of barns to two dwellings and one barn to industrial unit	Approved 22.11.05
07/00324/FUL	Extensions and Alterations to Dwelling	Approved 3.05.07

06/01203/FUL Demolition of Existing Dwelling and Erection of a New Dwelling and Detached Garage
Withdrawn 15.12.06

08/00414/FUL Demolition of remaining external walls from previous approval 07/00324/FUL, erection of new dwelling and conversion of outbuilding to garage
Approved 11.06.08

Consultations:-

No objections received from Head of Community Services (Land Drainage).

Market Bosworth Society do not object to the application but highlight the architectural features on the barns, the 'Charles Tollemache Scot' plague, the Carlton stone plinth and carved ornate barge boards. Whilst the first two features are intended to be retained, they strongly suggest that the carved ornate barge boards should also be required to be retained as it is a feature repeated on other Bosworth Estate property as an important historical reference point.

At the time of writing this report comments have not been received from:-

Director of Highways Transportation and Waste Management (Highways)
Carlton Parish Council
Site Notice
Neighbours.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Regional Policy

Regional Spatial Strategy for the East Midlands (RSS 8) in Policy 6 considers the priorities for development in rural areas. It states that development in such areas should maintain the distinctive character of rural communities. Policy 26 seeks to protect and enhance the Region's natural heritage and states that damage to natural assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable. Unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result.

Local Plan

The site lies outside the settlement boundaries for Market Bosworth and Carlton as identified in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

BE20 stipulates a number of criteria by which proposals in the countryside should adhere to. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. Conversion of the premises is only possible by significant adaption and rebuilding, future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas particularly for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation and landscaping.

Appraisal:-

The main considerations with regards to this application are the principle of the development, impact on the countryside and access arrangements.

Principle

A more up to date Structural Inspection Report states that the high barn structure was unsound in that the flank walls had rotated outwards which had given rise to separation cracks between the flank walls and both gables. The movement evident was so severe that the flank walls could no longer be salvaged. Furthermore, any attempt to execute rebuilding or repair would result in unacceptable safety hazards to the workforce. The Borough Council's Building Control Section comments that in his opinion at the time the original structural survey was carried out, in August 2005, it was correct. At site inspections since, in relation to other development on the site, the condition of this building was noted to be in a very poor state of repair and was considered to be dangerous, with various cracks around the structure, but the biggest concern was the bulges and leaning external walls, even with the ties and restraint that was present with in the building The major factor to the worsening of the movement of the building was the bottom 1.5m of the wall being constructed of stone, which appeared to acting as a pivot to the brickwork above and not giving it sufficient lateral support or resistance to overturning that had started to occur.

The principle of converting these rural buildings was established in 2005, the design was considered to be acceptable as the approved scheme respected the character and architectural features of these rural buildings and the structural survey stated that there was a limited amount of rebuilding required in order for the conversion to take place. However, this application now proposes a significant amount of rebuilding, in particular to the high barn element. The rebuilding works now proposed will result in almost two thirds of the floor space of Barn 2 being new build. The application is therefore contrary to the aims of Policies BE20 and NE5. In the Inspector's appeal decision in relation to Watling Street Farm, the Inspector said that 'policies seek to control strictly the amount of new building in the countryside...I give only very limited weight to the fact that it would look like either, a) a previous

building now largely removed, or b), that previous building as it would have looked had a planning permission been properly implemented. Current national and local policies are cautious about allowing 'new residential uses' to be established in the open countryside, outside defined settlements (hence the preference for commercial, etc., re-use of existing buildings).'

Members will recall that the application in relation to the rebuilding of the farmhouse on the site (08/00414/FUL) was supported because Building Control were able to verify the structural report in relation to the stability of the building, there had also been a recent Inspector's appeal decision in relation to a replacement dwelling on another site where the Inspector had found that whilst retention of part of the structure was possible, rebuilding was considered acceptable as it was more cost effective and environmentally beneficial as a new dwelling would have better energy efficiency and lower CO2 emissions, and it was considered that the to be special justification for a replacement dwelling under policy RES10. This application differs in that it relates to conversion of a barn not previously a dwelling so RES5 does not apply in this case.

Impact on the Countryside

The site is within an area of open countryside where policy seeks to protect the countryside for its own sake, the site is not overly prominent and the barns are screened from the main road by a mature hedge. The policy allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, the Supplementary Planning Guidance pays particular regard to the setting of converted buildings, requiring the appearance to retain their rural character and for the domestic appearance to be concealed from general view. It is considered that the proposal does not have an adverse effect on the countryside subject to the domestic elements being controlled by the removal of 'permitted development' rights in accordance with the previously approved application.

Access Arrangements

This application proposes utilisation of the existing access rather than providing a new roadway within the field to the north of the site. In this respect, the proposal will have a lesser impact on this countryside location than the previously approved scheme. The comments of the Director of Highways Transportation and Waste Management (Highways) with regard to this aspect of the proposal, are awaited and will be reported as a late item.

Conclusion

In summary the conversion of existing redundant agricultural buildings in the countryside to residential use can be acceptable in principle subject to the applicant demonstrating that the buildings are capable of conversion in structural terms. Whilst the proposal is considered to have no greater impact on the openness and appearance of the countryside than the previous permission, due to the circumstances met through the deterioration of the building and the carrying out the works, Barn 2 needs considerable rebuilding and as such will result in a building which is tantamount to a new dwelling in the countryside. Therefore the application does not meet the criteria set out in the adopted Hinckley and Bosworth Local Plan and is recommended for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

Reasons :-

1 The proposed development represents a substantial amount of re-building to Barn 2 that would be tantamount to the building of new dwelling in the countryside. The proposed development is therefore contrary to government guidance in Planning Policy Statement 7 (Sustainable Development in Rural Areas), the Regional Spatial Strategy for the East Midlands (RSS8), Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

2 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object but which would consequently be difficult to resist. BE1

NTA'S

4 **List of plans used in the determination of this application:-**
****

5 **The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.**

6 **Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata, ie, soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a ground contamination legacy of previous land use. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.**

7 **Access drives, parking and turning areas should be constructed in pervious paving system, with or without attenuation storage, depending on ground strata permeability.**

Contact Officer:- Louise Forman Ext 5682

Director of Community Services (Ecology) notes that from the results of the survey that there are two bat roosts within the application site and recommends that an additional survey of the roof for bats is undertaken.

Director of Community Services (Archaeology) has no comments but recommends that the proposal is approved by the Borough Council's Conservation Officer.

ITEM 12 **08/00963/FUL** **Mr Matthew Scott**

Consultations:-

Barwell Parish Council have objected on the following grounds:-

a) The dwelling would be within the building line of Glyn close but not with Adrian Drive
b) The application would not be in keeping with the other houses being nearer the pavement.

One further representation has been received raising no additional objections.

Recommendation:-

Amend reason for refusal 2 to read:-

In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on the existing play and open space by the proposed development would not accord with Circular 5/05, Policy IMP1 and Policy REC3 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space Developer Contributions (September 2008)

ITEM 13 **08/00978/FUL** **Mr G Wragg**

Consultations:-

Director of Community Services (Archaeology) has no objections.

Director of Highways Transportation and Waste Management (Highways) has no objections subject to conditions.

Market Bosworth Parish Council has no objection to the proposal.

Recommendation:-

Change recommendation:-

RECOMMENDATION:- The Director of Community and Planning Services be granted powers to refuse planning permission following the expiry of the consultation period on 20 November 2008)

Add policy BE1 to refusal reason 2.

Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr G Wragg
Trafford Knitwear
Common Farm
Barton Road
Carlton
CV13 0RL

Name and Address of Agent (if any)
HSSP Architects
44 Asfordby Road
Melton Mowbray
Leicestershire
LE13 0HR

Part I - Particulars of Application

Date of Application
9 October 2008

Application No.
08/00978/FUL

Particulars and location of development:

CONVERSION OF BARNS INTO 2.NO DWELLINGS

Common Farm Barton Road Carlton Nuneaton Leicestershire

Part II - Particulars of decision

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. The proposed development represents a substantial amount of re-building to Barn 2 that would be tantamount to the building of a new dwelling in the countryside. The proposed development is therefore contrary to government guidance in Planning Policy Statement 7 (Sustainable Development in Rural Areas), the Regional Spatial Strategy for the East Midlands (RSS8), Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

2. The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object but which would consequently be difficult to resist, it would therefore be contrary to the aims of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

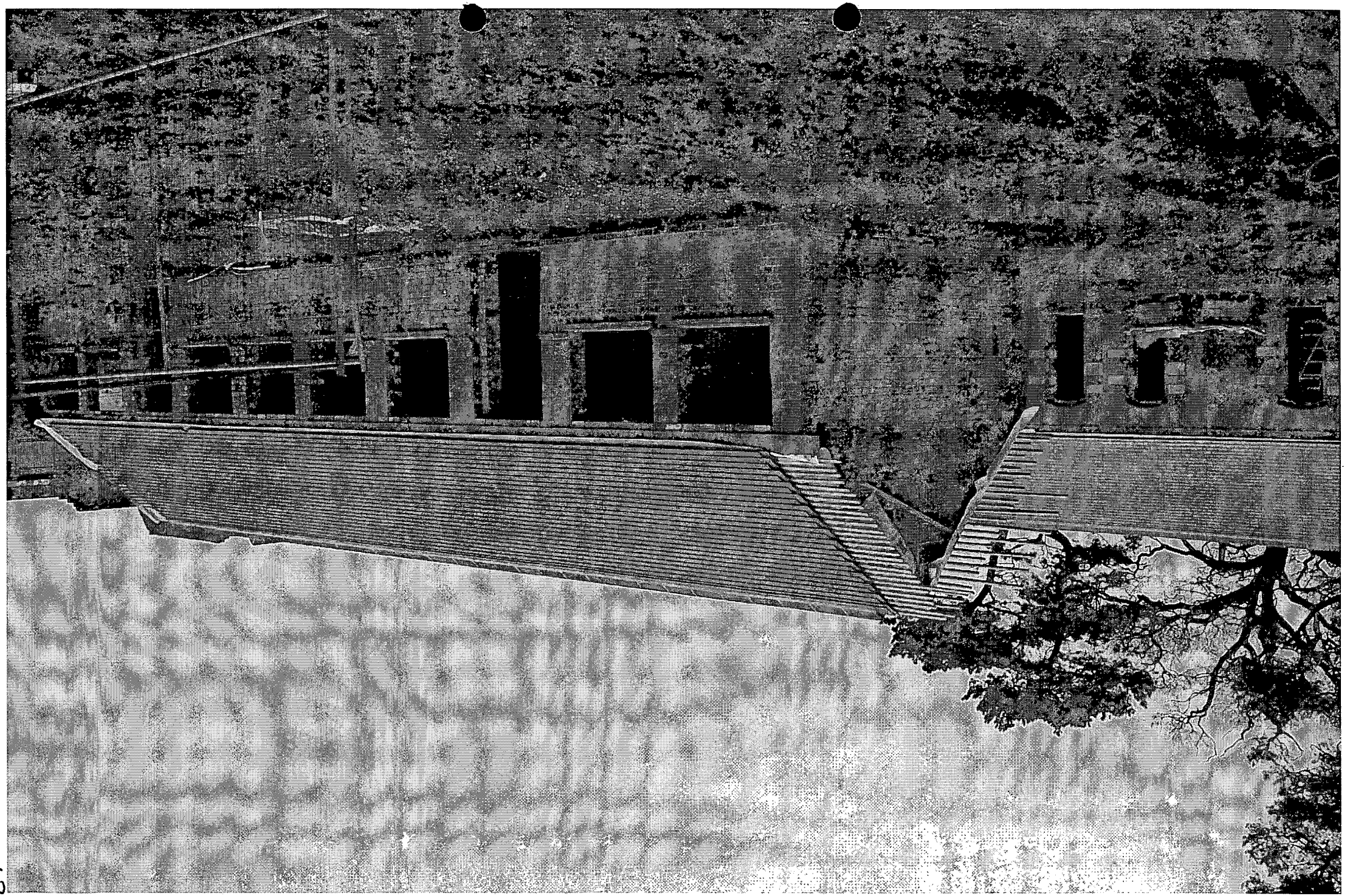
NOTES TO APPLICANT :-

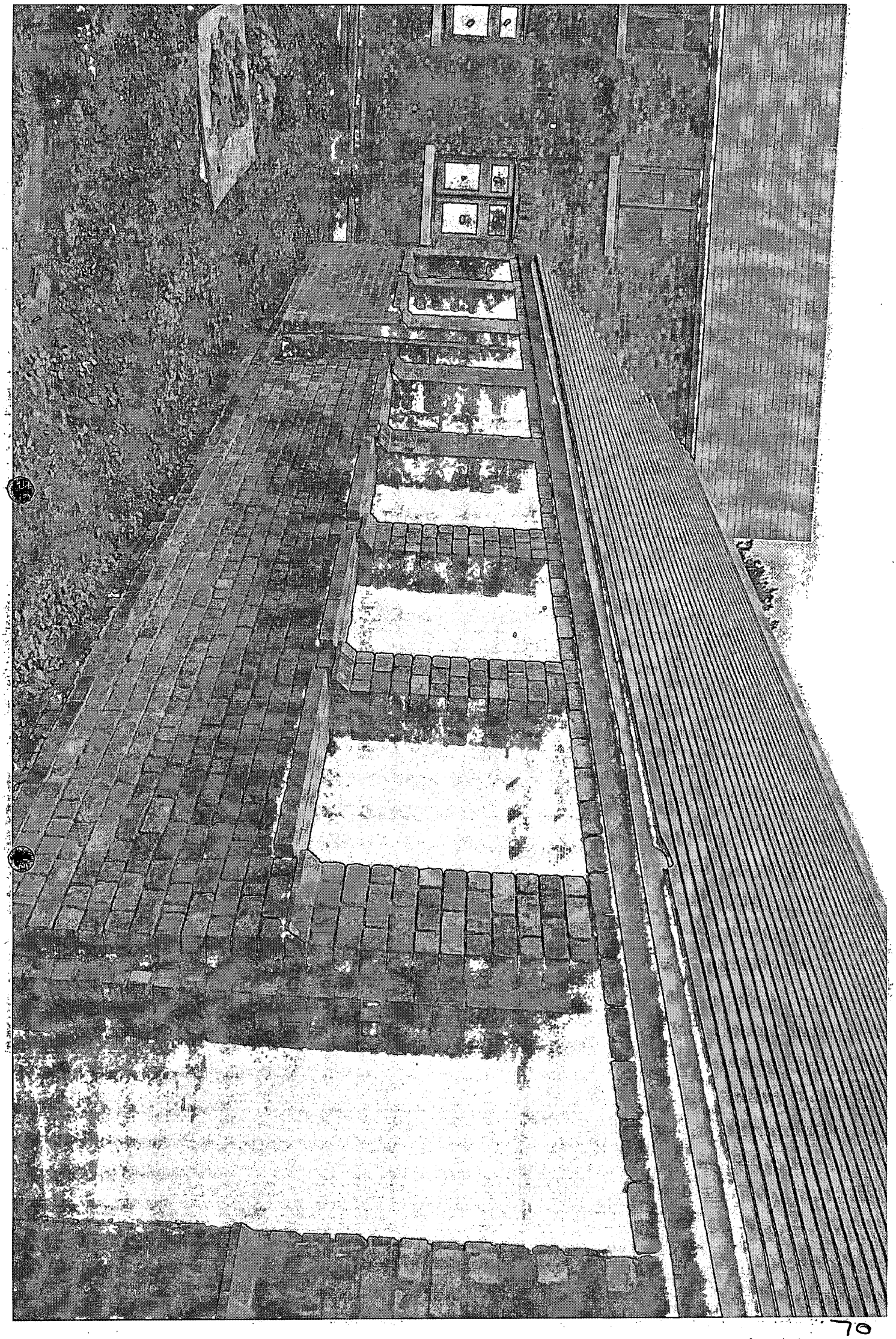
1. List of plans used in the determination of this application:-
5960B-B-C-FLOOR Layout A, 5960P-B-C-Elevations (A), 5960P-B-C-Survey, 5960P-04-Site

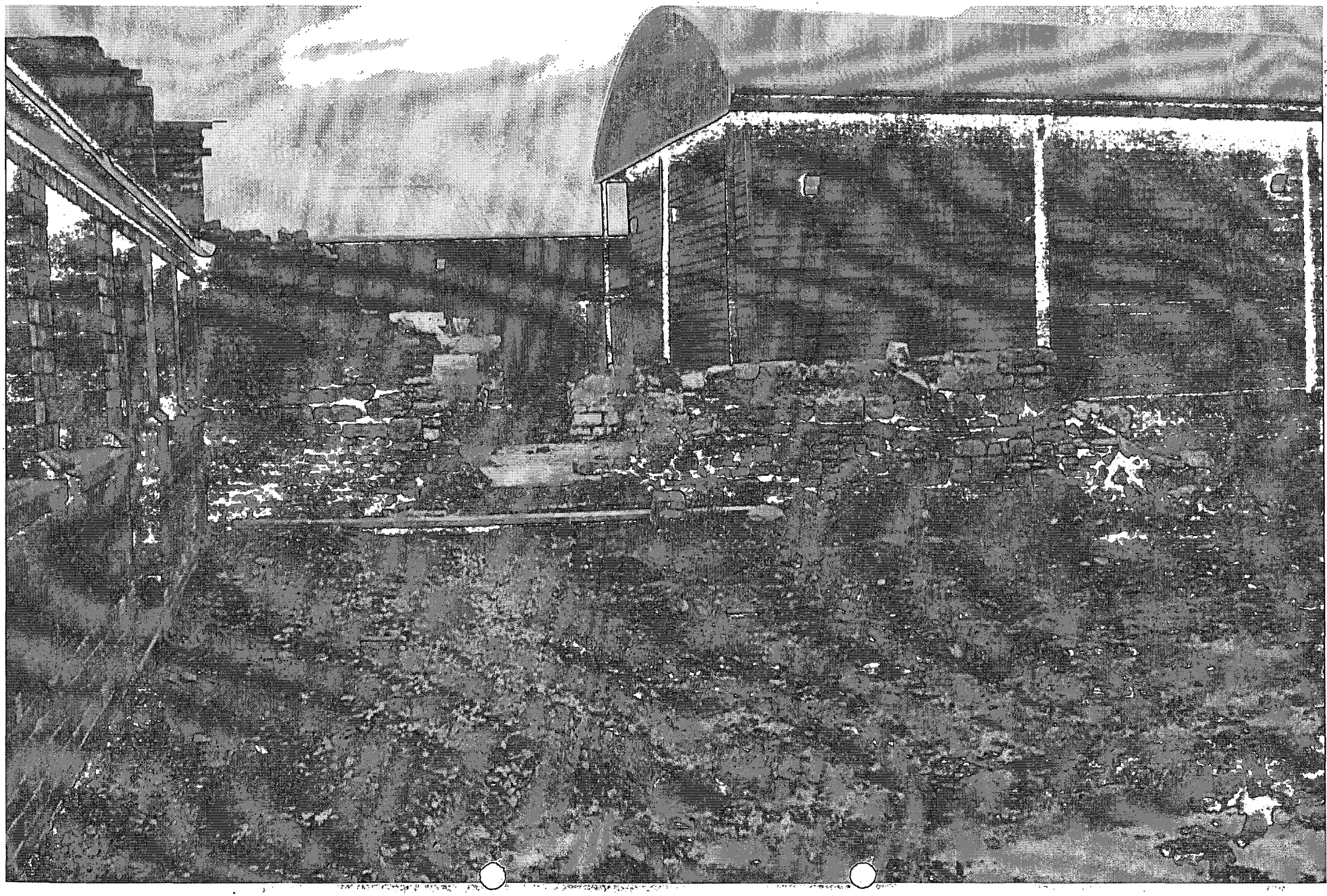
T. M Prowse

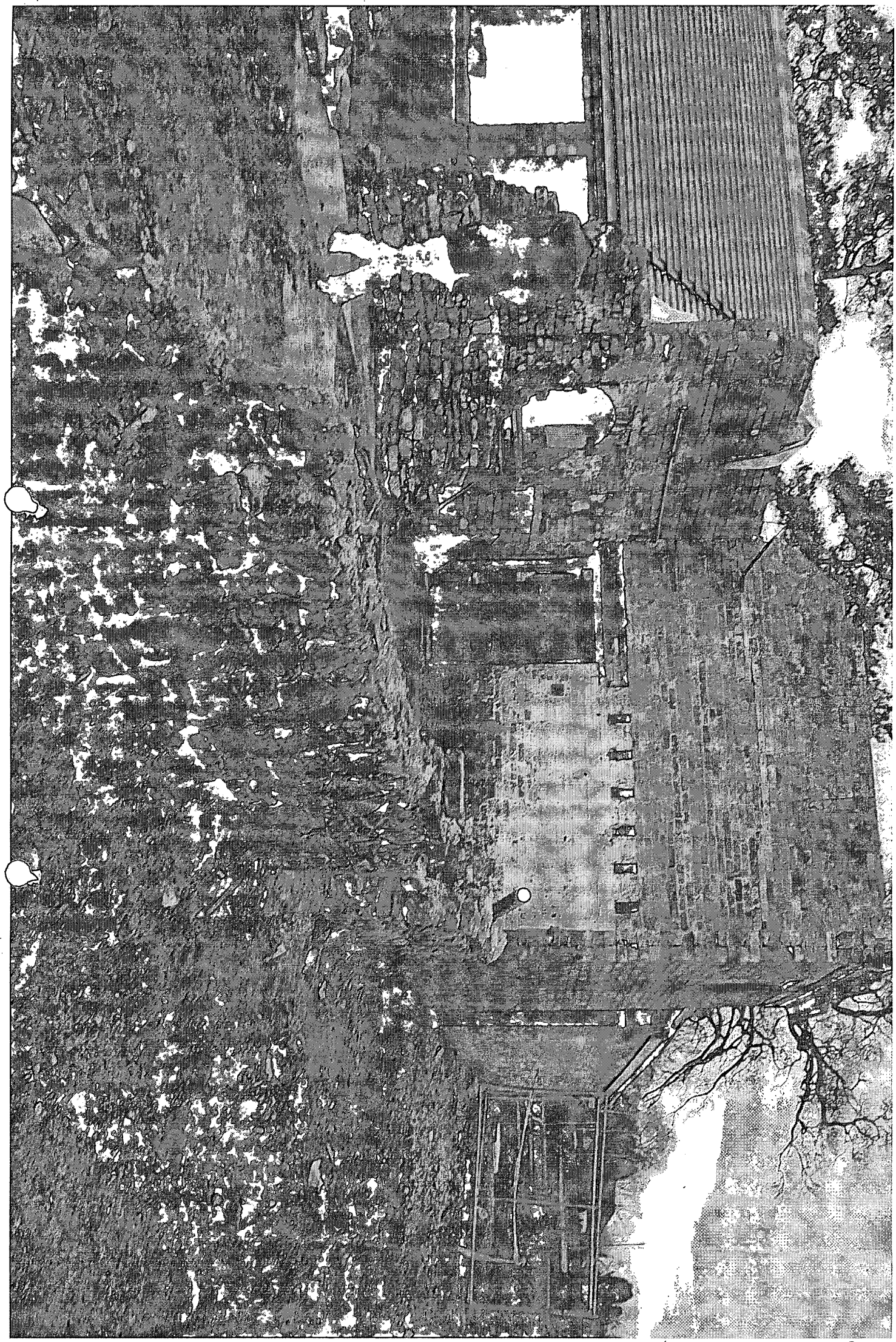
TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

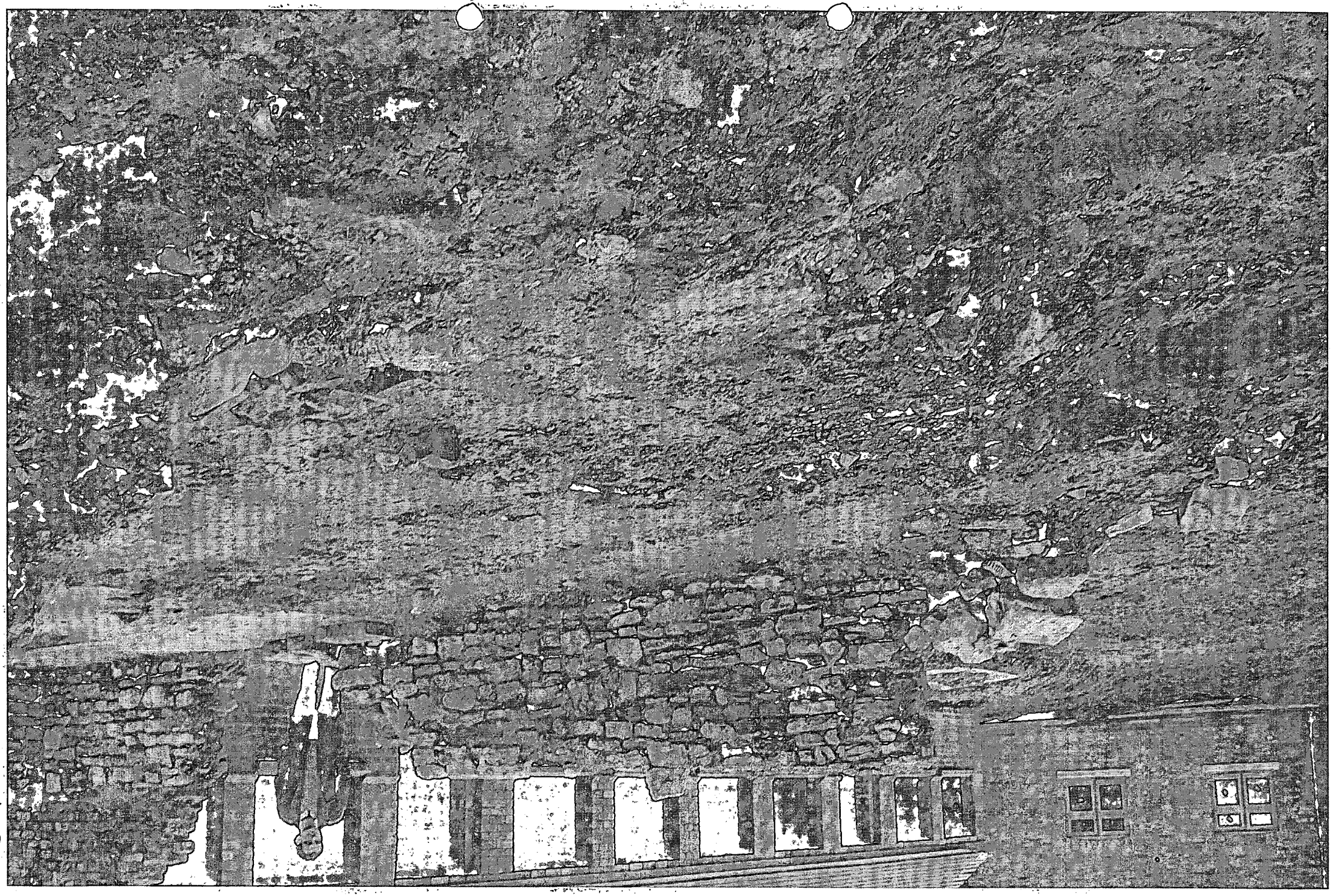
Date :24 November 2008











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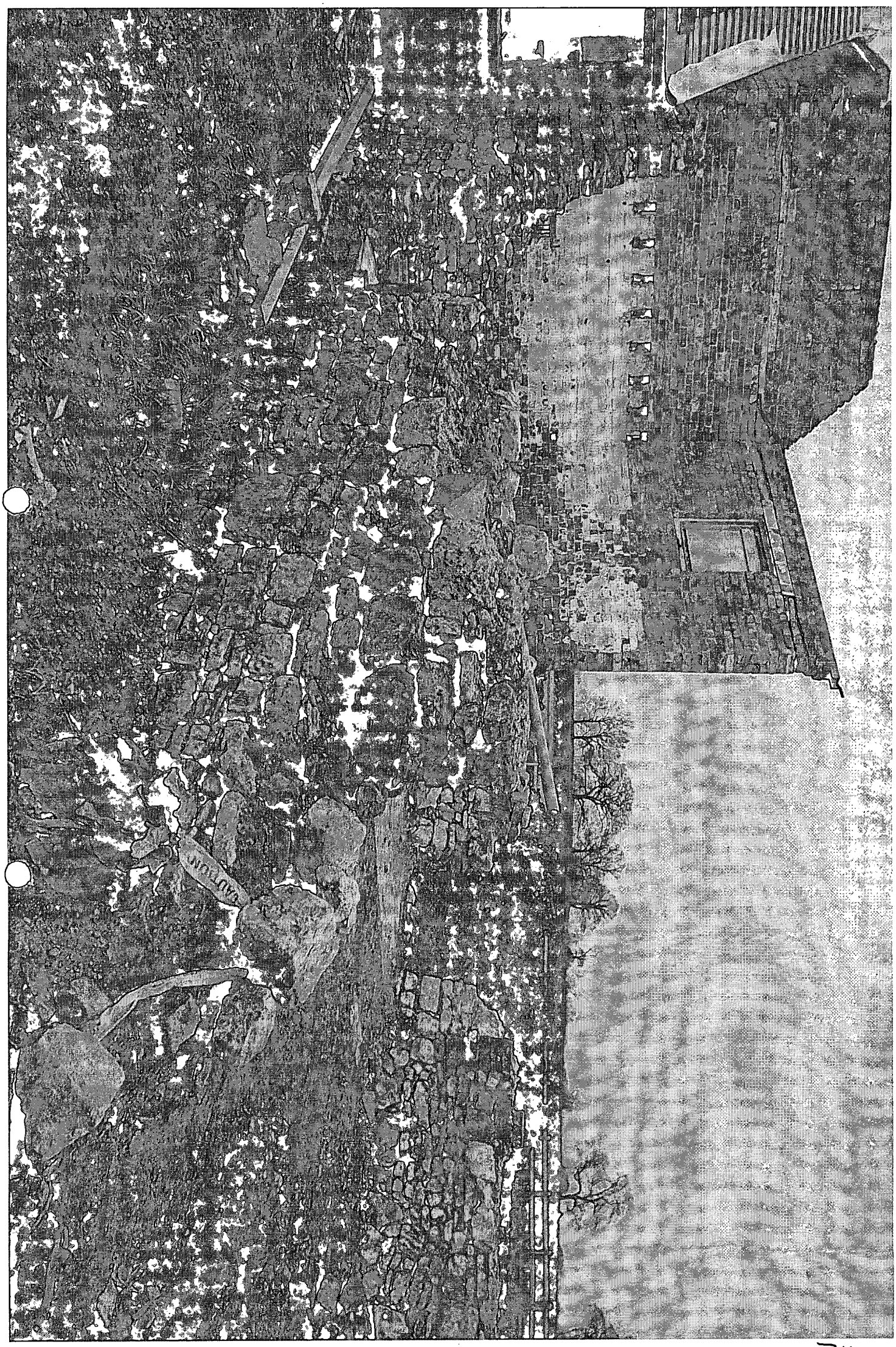

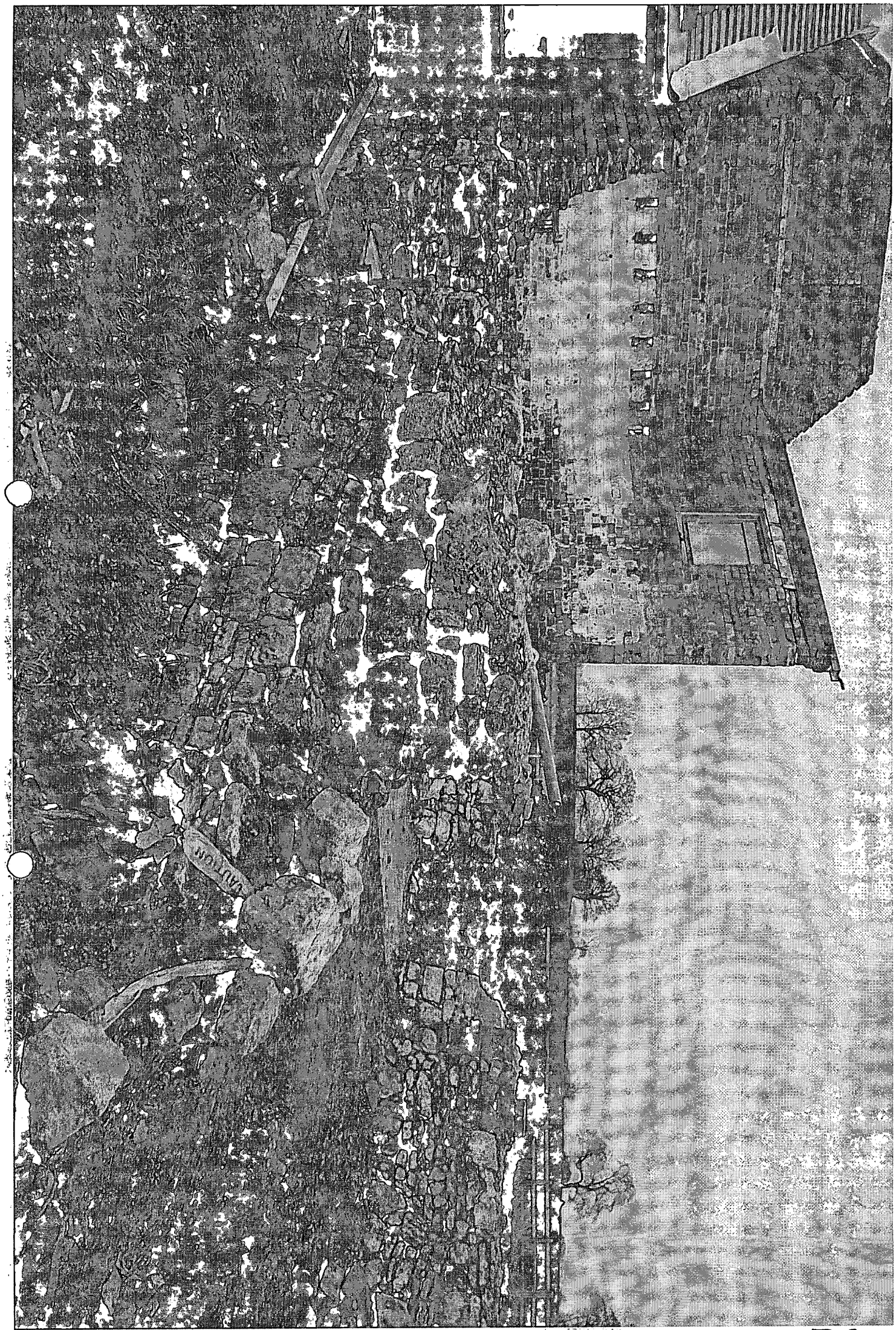

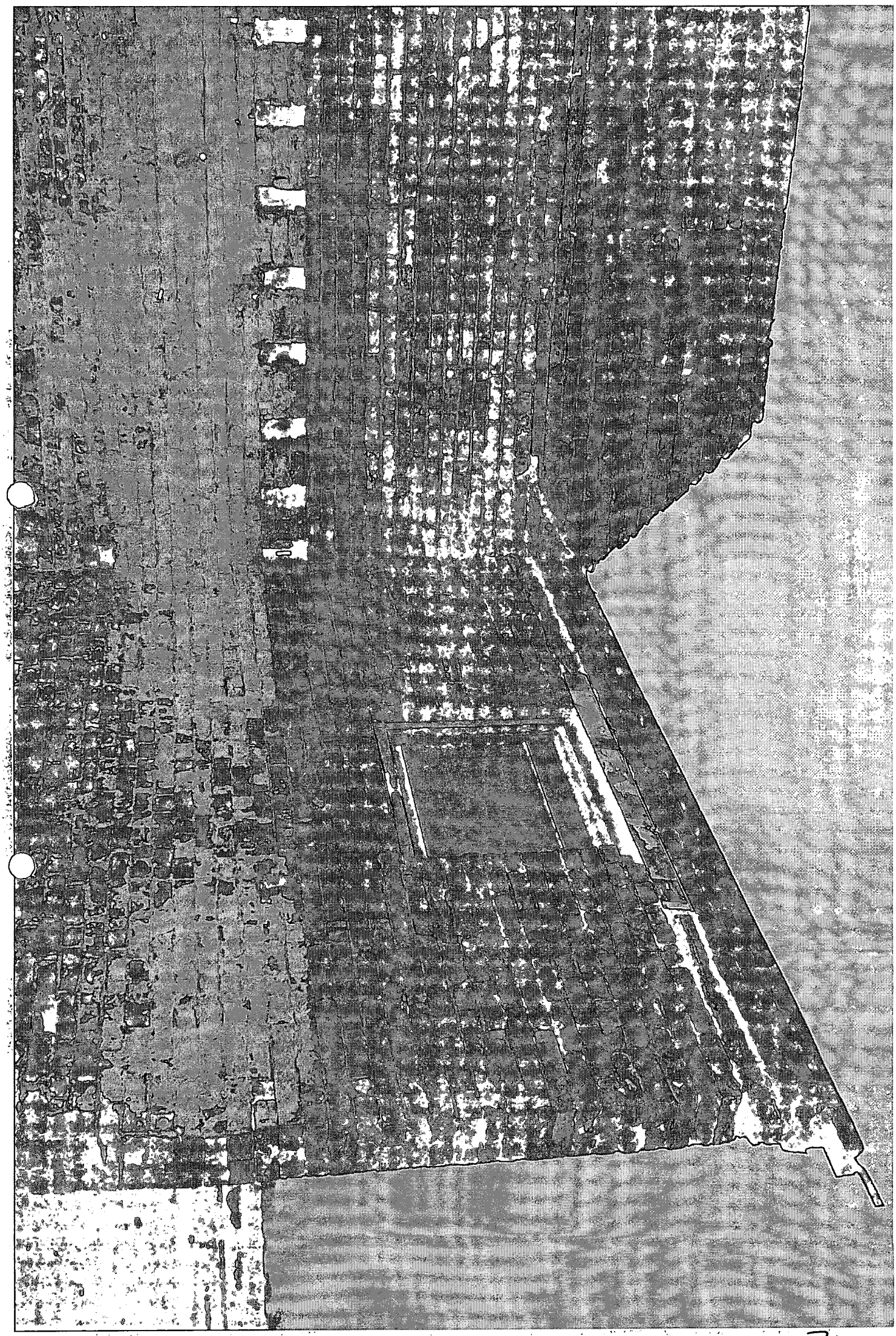

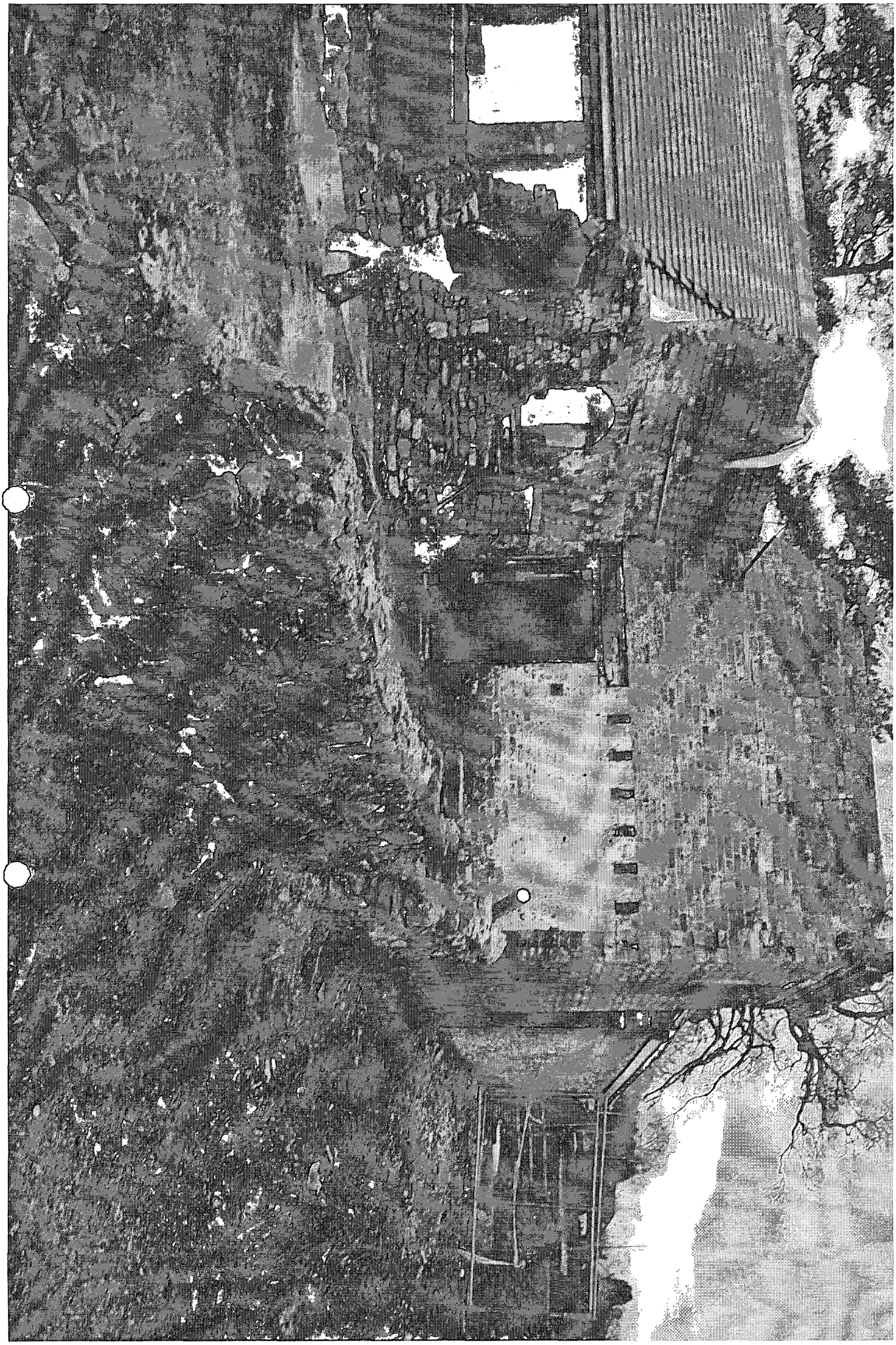

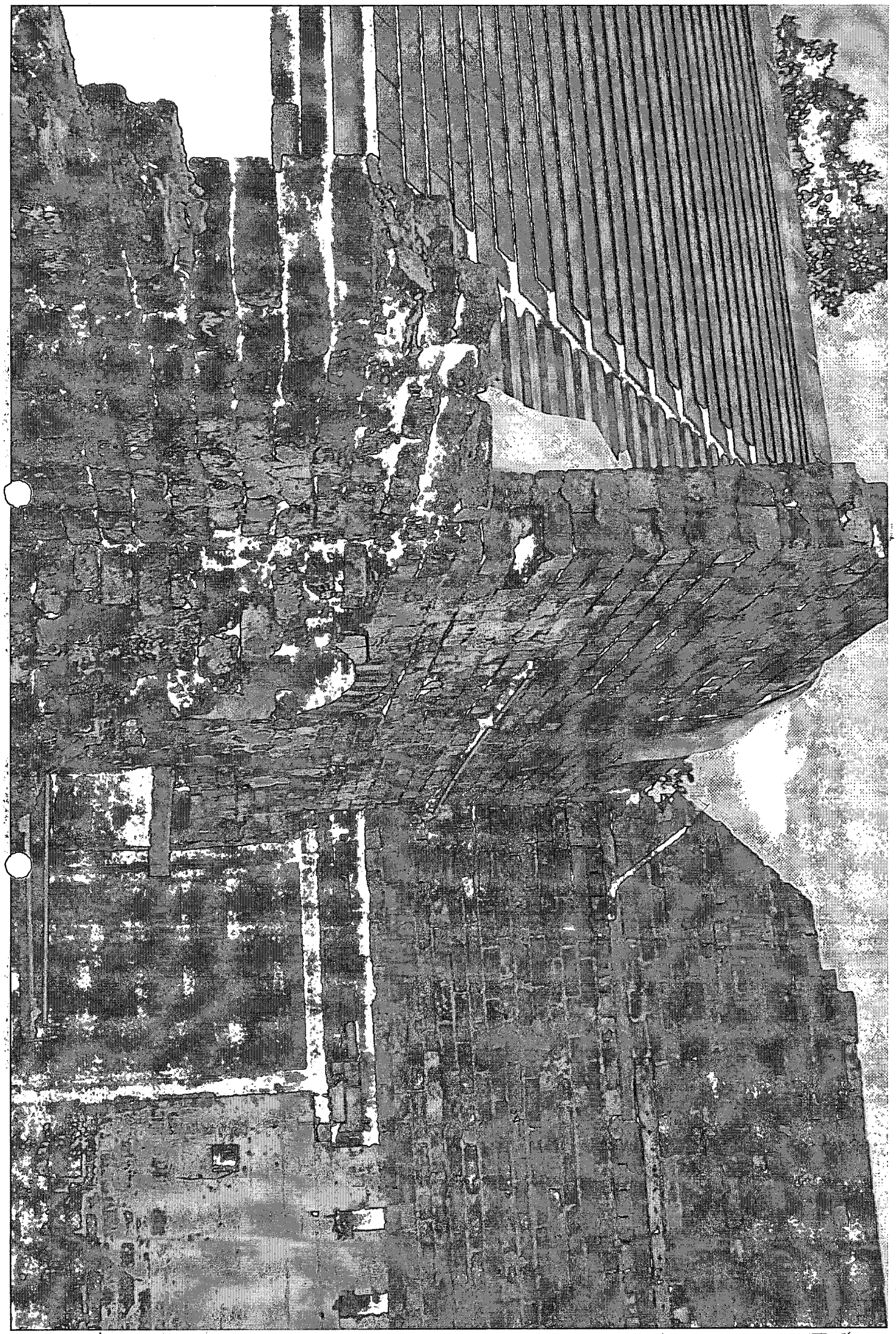

COMMITTEE EXTRACT

Committee Date: 10 March 2009

Reference:- 09/00029/FUL **Parish:- Market Bosworth Parish Council**

Applicant:- Trafford Knitwear
Common Farm
Barton Road
Carlton
Nuneaton

Location:- Common Farm Barton Road Carlton Nuneaton Leicestershire

Proposal:- CONVERSIONS OF BARNS INTO 2NO DWELLINGS.

Introduction:-

This is the resubmission of an application which was refused at Planning Committee in November 2008 for the conversion of barns into two residential units at Common Farm, Barton Road, Carlton. The proposed floor plans for the two barns are the same as a scheme approved in 2005 (05/00197/FUL).

Common Farm is located off Barton Road, between Market Bosworth and Carlton and is accessed by an existing track. The barns form part of the group of outbuildings to a former farm complex which is located within the countryside. Other barns within the complex have been renovated and granted planning permission for change of use for industrial purposes.

The original application to convert the barns to two residential units, and a further barn into an industrial unit, has been commenced (05/ 00197/FUL). It was supported by a structural survey dated August 2005, which stated that the barns were generally in a sound structural condition with the expected deterioration from the weather elements and their agricultural use. Their conversion/modernisation would not need significant structural alterations nor enhancements assuming suitable consideration was given to the design and specification. That permission allowed for some minor work on one gable end but since work has commenced on site to implement the permission, it has been found that the condition of the structure of the high barn has deteriorated significantly and the majority of that part of the structure has now been demolished.

The ridge detail to be retained on part of one of the barns has been omitted on this application. The application also proposes a change to the access arrangements previously approved for the barns by utilising the existing access rather than providing a new access road within the field to the north of the site. The proposed conversion to two residential properties provides barn one with accommodation on ground floor only and the other over two floors, utilising the high barn, which now requires rebuilding. Barn 1 has three bedrooms, one with ensuite, kitchen, dining room, sitting room, utility and bathroom. Barn 2 has four bedrooms, two with ensuites, kitchen, dining room, sitting room, utility and bathroom.

A design and access statement and supporting statement have been submitted with this application which state that this application seeks to demonstrate that the amount of proposed rebuilding is not substantial. The statement goes on to say that the amount of rebuilding is 35% of the total wall area and refers to another site where more extensive rebuilding was permitted. The statement confirms that the walls of the high barn fell down during works to a nearby structure and that this was accidental and due to the fragile state the walls were in. The design principles remain the same as in 2005 in terms of the elevations and plan layout and confirms that it is intended to re-use the existing bricks and the stone plinth. The existing access is to be improved in line with conditions previously imposed in connection with the rebuilding of the dwelling on the site.

An updated structural survey has also been submitted which states that the high barn structure was unsound in that the flank walls had rotated outwards which had given rise to separation cracks between the flank walls and both gables. The movement evident was so severe that the flank walls could no longer be salvaged. Furthermore, any attempt to execute rebuilding or repair would result in

unacceptable safety hazards to the workforce. As previously reported, the Borough Council's Building Control Officer comments that at the time of his initial site inspection, it was hard to ascertain the full extent of the structural condition of this building, due to its continued used for storage of machines and other amount of farm equipment etc.. The various cracks and bulges around the outside the building were visible however, as were the ties through the building trying to restrain the bulges, and at the time it seemed that, with remedial works, the converstion may be possible, but the structural report appeared to be a bit conserative as to the full condition of the building. The major factor to the worsening of the movement of the building was the bottom 1.5m of the wall being constructed of stone, which appeared to be acting as a pivot to the brickwork above and not giving it sufficient lateral support or resistance to overturning that had started to occur.

History:-

05/00197/FUL	Conversion of barns to two dwellings and one barn to industrial unit	Approved	22.11.05
07/00324/FUL	Extensions and Alterations to Dwelling	Approved	3.05.07
06/01203/FUL	Demolition of Existing Dwelling and Erection of a New Dwelling and Detached Garage	Withdrawn	15.12.06
08/00414/FUL	Demolition of remaining external walls from previous approval 07/00324/FUL, erection of new dwelling and conversion of outbuilding to garage	Approved	11.06.08
08/00978/FUL	Conversion of barns to 2 No dwellings	Refused	24.11.08

Consultations:-

No objections received from:-

Director of Highways Transportation and Waste Management (Highways)
Severn Trent Limited
Carlton Parish Council
Head of Community Services (Land Drainage).

At the time of writing the report comments have not been received from;
Market Bosworth Parish Council
Market Bosworth Society
Site Notice
Neighbours.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Regional Policy

Regional Spatial Strategy for the East Midlands (RSS 8) in Policy 6 considers the priorities for development in rural areas. It states that development in such areas should maintain the distinctive character of rural communities. Policy 26 seeks to protect and enhance the Region's natural heritage

and states that damage to natural assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable. Unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result.

Local Plan

The site lies outside the settlement boundaries for Market Bosworth and Carlton as identified in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

BE20 stipulates a number of criteria by which proposals in the countryside should adhere to. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. The building should be in a structurally sound condition and capable of conversion without significant adaptation and rebuilding. Future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas particularly for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming, as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation, and landscaping.

Appraisal:-

As with the previous application, the main considerations with regard to this application are the principle of the development, impact on the countryside and access arrangements.

Principle and Supporting Statement

The supporting statement submitted by the applicants solicitor states that as a consequence of decay to the fabric of the barn the structural integrity of the two flank walls was irretrievably compromised resulting in elements of those walls collapsing during site works. This is through no fault of the applicant. The principle and design established in 2005 was considered acceptable by the Council at the time. This application is therefore only in effect in relation to the partial rebuilding of barn 2 that has collapsed and 'no planning harm' would be caused by its approval. The statement says that a precedent would not be set by approving a scheme indistinuishable in terms of design and appearance to the one previously approved and that the planning policy framework should be considered balanced with material considerations of the scheme on its own merits and not in a vacuum.

Furthermore, the statement refers to the previous committee report which confirmed that site visits by the Council's Building Control Section had noted that this part of the building was in a poor state of repair. The walls collapsed prior to the previous application being considered. The statement challenges the refusal reason in that it refers to 'the barn needs considerable rebuilding and as such will result in a building which is tantamount to a new dwelling in the countryside' on the basis of 35% of the original brickwork being lost. The applicant has not tried to circumvent the planning system by concealing the events on site and has engaged with the Council by pre-application advice.

When considering the previous application, the amount of rebuilding required was couched in terms of floorspace. It was estimated that the rebuilding works proposed resulted in almost two thirds of the floor space of barn 2 being new build. The application is therefore contrary to the aims of Policies BE20 and NE5.

As previously stated, the Inspector's appeal decision in relation to Watling Street Farm, said that 'policies seek to control strictly the amount of new building in the countryside...I give only very limited weight to the fact that it would look like either, a) a previous building now largely removed, or b), that previous building as it would have looked had a planning permission been properly implemented. Current national and local policies are cautious about allowing 'new residential uses' to be established in the open countryside, outside defined settlements (hence the preference for commercial, etc., re-use of existing buildings).'

Members will recall that the application in relation to the rebuilding of the farmhouse on the site (08/00414/FUL) was supported because Building Control were able to verify the structural report in relation to the stability of the building, there had also been a recent Inspector's appeal decision in relation to a replacement dwelling on another site where the Inspector had found that whilst retention of part of the structure was possible, rebuilding was considered acceptable as it was more cost effective and environmentally beneficial as a new dwelling would have better energy efficiency and lower CO2 emissions, and it was considered that the to be special justification for a replacement dwelling under policy RES10. This application differs in that it relates to conversion of a barn not previously a dwelling so RES5 does not apply in this case.

Impact on the Countryside

The site is within an area of countryside where policy seeks to protect the countryside for its own sake, the site is not overly prominent and the barns are screened from the main road by a mature hedge. The policy allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, the Supplementary Planning Guidance pays particular regard to the setting of converted buildings, requiring the appearance to retain their rural character and for the domestic appearance to be concealed from general view. It is considered that the proposal does not have an adverse effect on the countryside subject to the domestic elements being controlled by the removal of 'permitted development' rights in accordance with the previously approved application.

Access Arrangements

This application proposes utilisation of the existing access rather than providing a new roadway within the field to the north of the site. In this respect, the proposal will have a lesser impact on this countryside location than the previously approved scheme. The Director of Highways Transportation and Waste Management (Highways) has no objections to this proposal.

Conclusion

In summary, the conversion of existing redundant agricultural buildings in the countryside to residential use can be acceptable in principle subject to the applicant demonstrating that the buildings are capable of conversion in structural terms. Whilst the proposal is considered to have no greater impact on the openness and appearance of the countryside than the previous permission, due to the circumstances met through the deterioration of the building and the carrying out the works, barn 2 now requires 35% of its brickwork rebuilding or almost two thirds of its floorspace in order for the proposed scheme to be

implemented. This is considered to be significant and a considerable amount of rebuilding which does not meet adopted policies and as such will result in a building which is tantamount to a new dwelling in the countryside. Therefore there is no change to the consideration of the previous application, no mitigation that would allow the setting aside of policy and this application is also recommended for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

Reasons :-

1 The proposed development represents a substantial amount of re-building to Barn 2 that would be tantamount to the building of a new dwelling in the countryside. The proposed development is therefore contrary to government guidance in Planning Policy Statement 7 (Sustainable Development in Rural Areas), the Regional Spatial Strategy for the East Midlands (RSS8), Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

2 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object but which would consequently be difficult to resist, it would therefore be contrary to the aims of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 List of plans used in the determination of this application:-
site location plan, 5960A-01. 5960B-B-C-Floor Layout (A), 5960C-06D, 5960P-B-C-Elevations (A)

Contact Officer:- Louise Forman Ext 5682

Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Trafford Knitwear
Common Farm
Barton Road
Carlton
Nuneaton
Leicestershire
CV13 0RL

Name and Address of Agent (if any)
HSSP Architects Ltd
44 Asfordby Road
Melton Mowbray
Leicestershire
LE13 0HR

Part I - Particulars of Application

Date of Application
16 January 2009

Application No.
09/00029/FUL

Particulars and location of development:

CONVERSIONS OF BARNS INTO 2NO DWELLINGS.
Common Farm Barton Road Carlton Nuneaton Leicestershire

Part II - Particulars of decision

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. The proposed development represents a substantial amount of re-building to Barn 2 that would be tantamount to the building of a new dwelling in the countryside. The proposed development is therefore contrary to government guidance in Planning Policy Statement 7 (Sustainable Development in Rural Areas), the Regional Spatial Strategy for the East Midlands (RSS8), Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

2. The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object but which would consequently be difficult to resist, it would therefore be contrary to the aims of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. List of plans used in the determination of this application:-
site location plan, 5960A-01. 5960B-B-C-Floor Layout (A), 5960C-06D, 5960P-B-C-Elevations (A)

T. M Prowse

Date :13 March 2009

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

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

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NOTES

1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.

2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission he may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within **six months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by telephoning 0117 372 6372). 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.

2a. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within **six months** of the date of this notice.

3. 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.

4. 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.

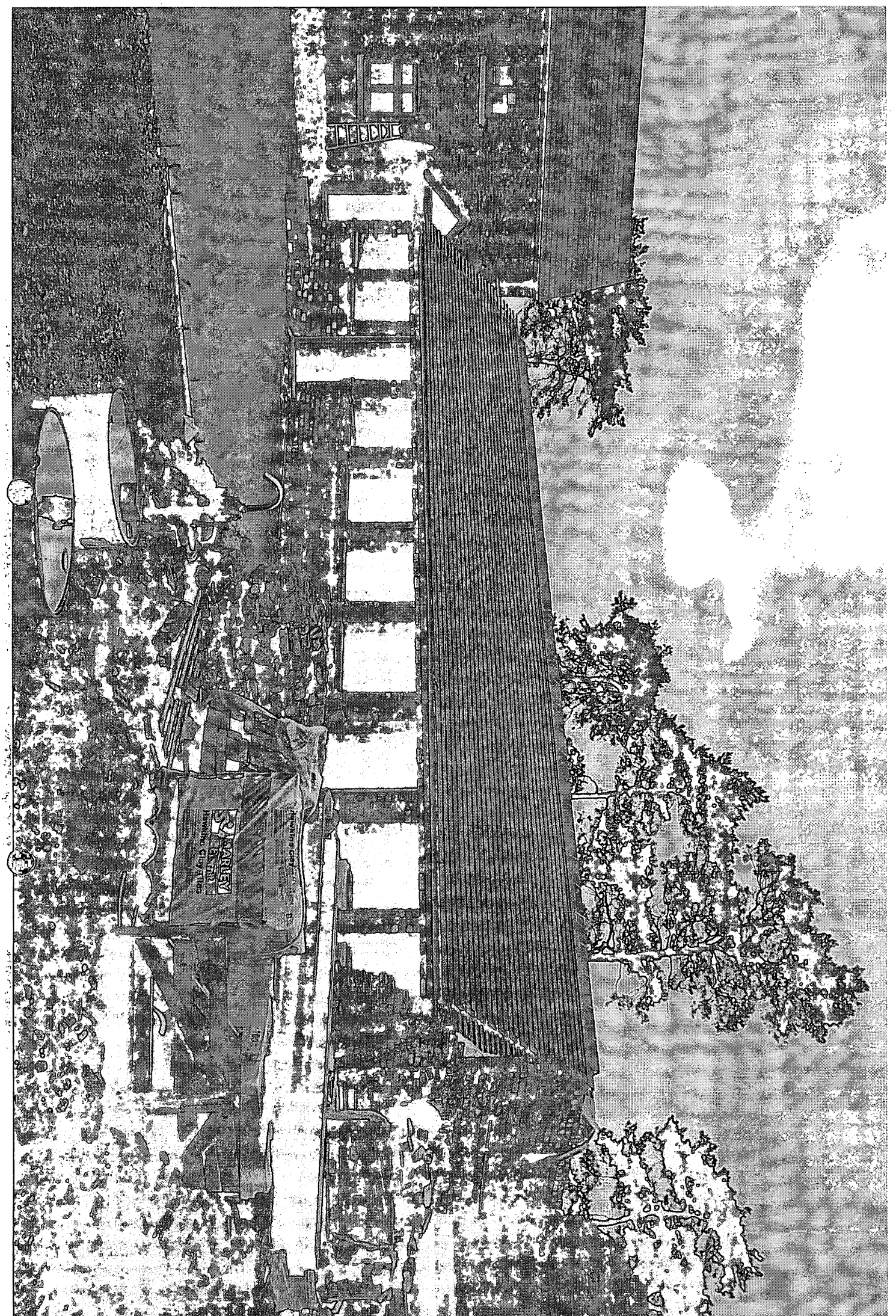
RNOTES



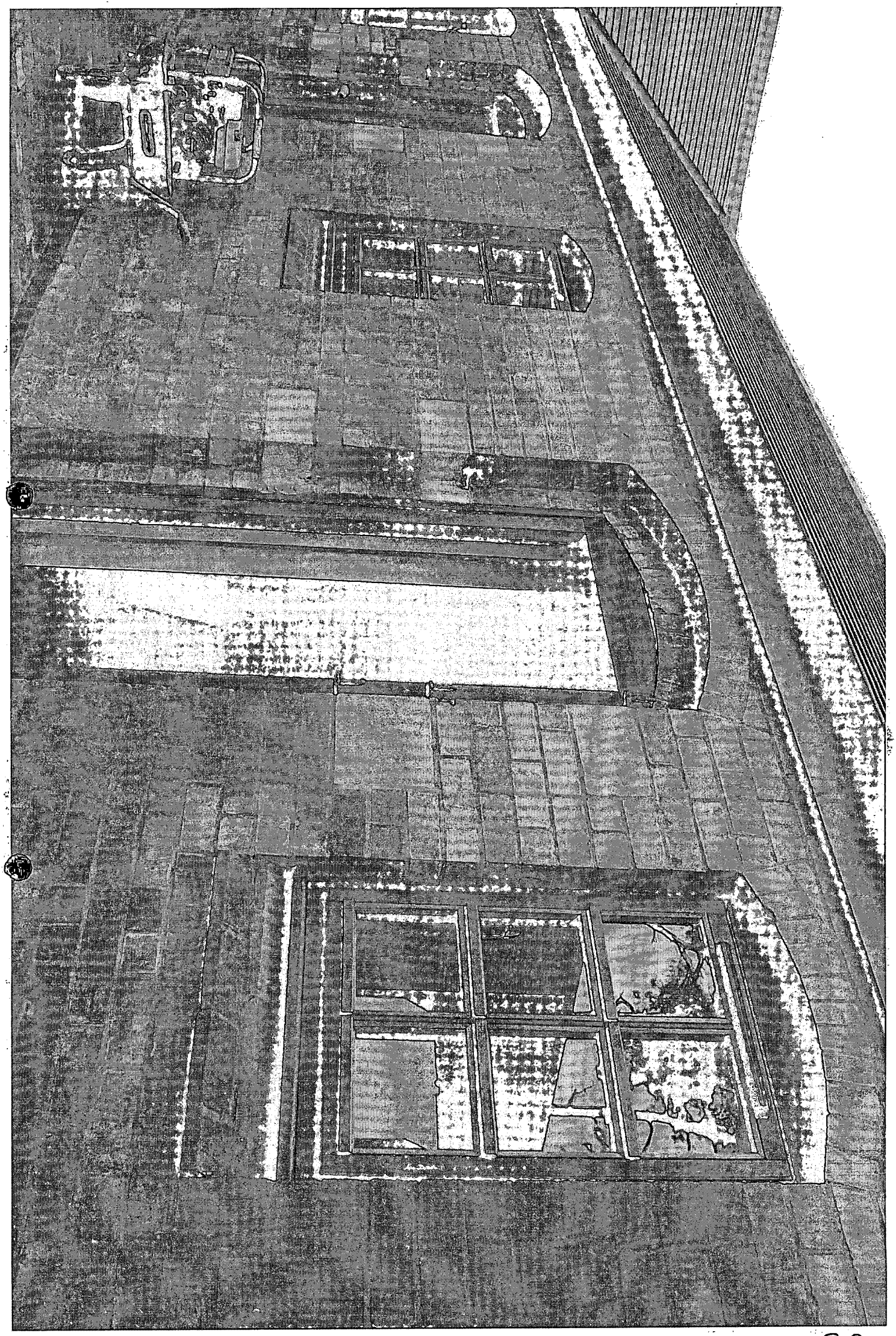
D8

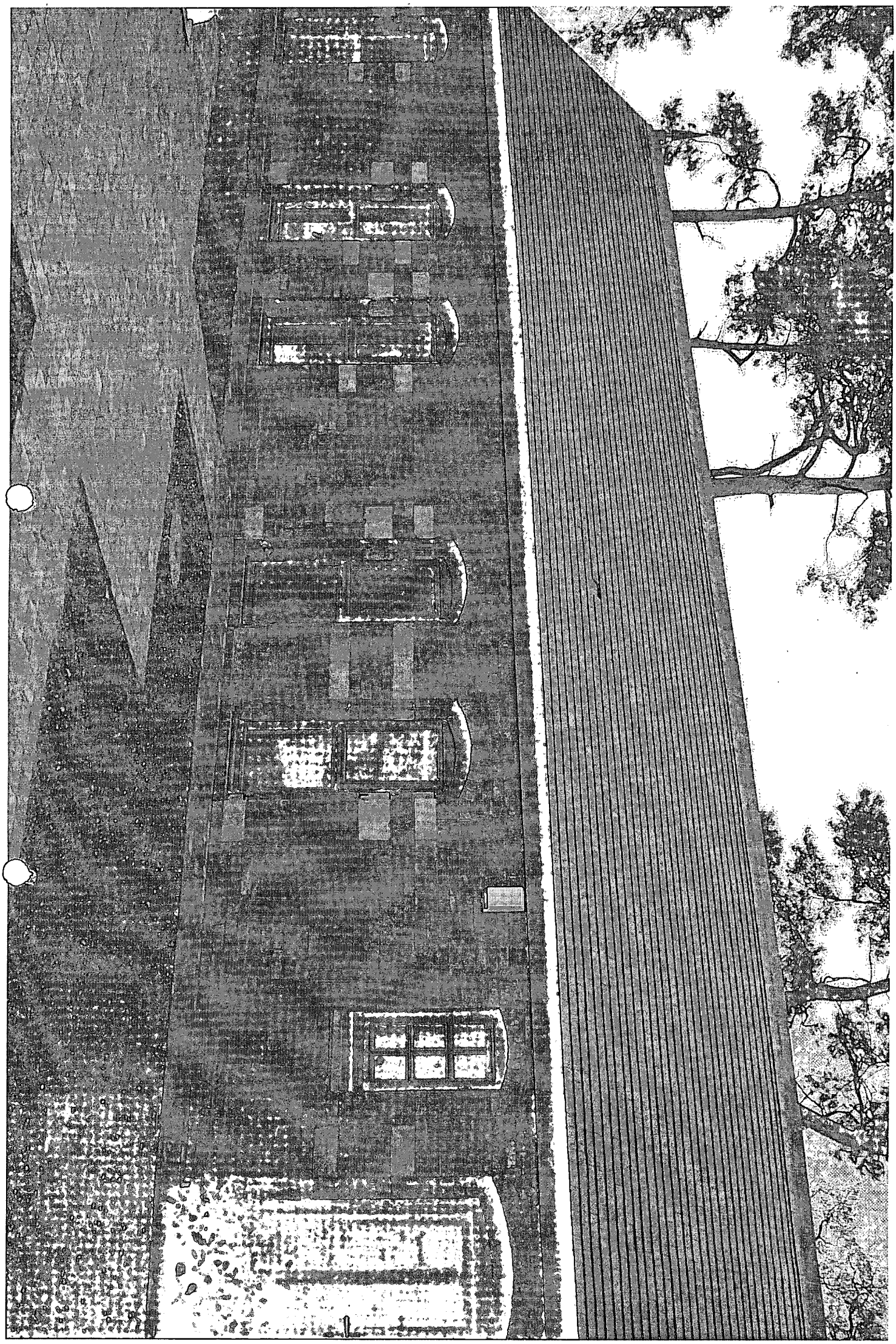
MARLEY
Harvard Clay Tiles











COMMITTEE EXTRACT

Committee Date:

Reference:- **09/00237/FUL** **Parish:-** **Market Bosworth Parish Council**

Applicant:- **Mr G Wragg**
Common Farm
Barton Road
Carlton
Nottinghamshire

Location:- **Common Farm Barton Road Carlton Nuneaton Leicestershire**

Proposal:- **CONVERSION OF BARNS INTO 2NO DWELLINGS.**

Introduction:-

This is the resubmission of an application which provides additional information regarding the set of circumstances behind the walls in connection with Barn C being demolished and the possible economic implications.

Two previous applications for the same development have been recently considered and refused by the Planning Committee in November 2008 and March 2009 for the conversion of barns into two residential units at Common Farm, Barton Road, Carlton. The proposed floor plans for the two barns are the same as a scheme approved in 2005 (05/00197/FUL).

This is an updated report but much of the content is similar to the previous reports submitted to committee.

Common Farm is located off Barton Road, between Market Bosworth and Carlton and is accessed by an existing track. The barns form part of the group of outbuildings to a former farm complex which is located within the countryside. Other barns within the complex have been renovated and granted planning permission for change of use for industrial purposes.

The original application to convert the barns to two residential units, and a further barn into an industrial unit, has been commenced (05/ 00197/FUL). It was supported by a structural survey dated August 2005, which stated that the barns were generally in a sound structural condition with the expected deterioration from the weather elements and their agricultural use. Their conversion/modernisation would not need significant structural alterations nor enhancements assuming suitable consideration was given to the design and specification. That permission allowed for some minor work on one gable end but since work has commenced on site to implement the permission, it has been found that the condition of the structure of the high barn has deteriorated significantly and the majority of that part of the structure has now been demolished.

The ridge detail to be retained on part of one of the barns has been omitted on this application. The application also proposes a change to the access arrangements previously approved for the barns by utilising the existing access rather than providing a new access road within the field to the north of the site. The proposed conversion to two residential properties provides barn one with accommodation on ground floor only and the other over two floors, utilising the high barn, which now requires rebuilding. Barn 1 has three bedrooms, one with ensuite, kitchen, dining room, sitting room, utility and bathroom. Barn 2 has three bedrooms, two with ensuites, kitchen, dining room, sitting room, utility and bathroom.

The design and access statement submitted with this application states that it seeks to demonstrate that the amount of proposed rebuilding is not substantial. The statement goes on to say that the amount of rebuilding is 35% of the total wall area and refers to another site where more extensive rebuilding was permitted. It states that the walls of the high barn fell down during works to a nearby structure and that this was accidental and due to the fragile state the walls were in. The design principles remain the same as in 2005 in terms of the elevations and plan layout and confirms that it is

intended to re-use the existing bricks and the stone plinth. The existing access is to be improved in line with conditions previously imposed in connection with the rebuilding of the dwelling on the site.

A supporting statement regarding the application states that Barn C is a building at the core of the complex of buildings and that as a consequence of the decay to the fabric, the integrity of the two flank walls was irretrievably compromised resulting in elements of those walls collapsing during site works. The statement refers to the duty of the Council to consider both planning policy and material planning considerations. It refers to the principle of residential conversion of the barns being established in 2005 and that the scheme is acceptable in terms of design, elevations, materials and layout as it is unchanged from the 2005 approved scheme and would not lead to a precedent being set.

An updated structural survey has also been submitted which confirms that the high part of the barn C structure was unsound in that the flank walls had rotated outwards which had given rise to separation cracks between the flank walls and both gables. The movement evident was so severe that the flank walls could no longer be salvaged. Furthermore, any attempt to execute rebuilding or repair would result in unacceptable safety hazards to the workforce. As previously reported, the Borough Council's Building Control Officer comments that at the time of his initial site inspection, it was hard to ascertain the full extent of the structural condition of this building, due to its continued used for storage of machines and other amount of farm equipment etc.. The various cracks and bulges around the outside the building were visible however, as were the ties through the building trying to restrain the bulges, and at the time it seemed that, with remedial works, the converstion may be possible, but the structural report appeared to be a bit conservative as to the full condition of the building. The major factor to the worsening of the movement of the building was the bottom 1.5m of the wall being constructed of stone, which appeared to be acting as a pivot to the brickwork above and not giving it sufficient lateral support or resistance to overturning that had started to occur.

A contamination report has been submitted with the application.

A statement from one of the local contractors involved with the site states that if planning permission is not successful for the final part of the development on site, it would have serious impact on the business resulting in redundancies and/or dismantling of parts of the business. Notes of a meeting between the architects and contractors has been included dated 25 July 2008 which shows that the agent was in consultation with the local planning authority at that time.

History:-

05/00197/FUL	Conversion of barns to two dwellings and one barn to industrial unit	Approved	22.11.05
07/00324/FUL	Extensions and Alterations to Dwelling	Approved	3.05.07
06/01203/FUL	Demolition of Existing Dwelling and Erection of a New Dwelling and Detached Garage	Withdrawn	15.12.06
08/00414/FUL	Demolition of remaining external walls from previous approval 07/00324/FUL, erection of new dwelling and conversion of outbuilding to garage	Approved	11.06.08
08/00978/FUL	Conversion of barns to 2 No dwellings	Refused	24.11.08
09/00029/FUL	Conversion of barns to 2 No dwellings	Refused	11.03.09

Consultations:-

No objections subject to conditions received from;

Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

At the time of writing the report, no comments have been received from;

Director of Highways Transportation and Waste Management (Highways)
Severn Trent Limited
Market Bosworth Parish Council
Carlton Parish Council
Market Bosworth Society.

Site Notice
Neighbours.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Regional Policy

Regional Spatial Strategy for the East Midlands (RSS 8) in Policy 6 considers the priorities for development in rural areas. It states that development in such areas should maintain the distinctive character of rural communities. Policy 26 seeks to protect and enhance the Region's natural heritage and states that damage to natural assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable. Unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result.

Local Plan

The site lies outside the settlement boundaries for Market Bosworth and Carlton as identified in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

BE20 stipulates a number of criteria by which proposals in the countryside should adhere to. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. The building should be in a structurally sound condition and capable of conversion without significant adaptation and rebuilding. Future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing

buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas particularly for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming, as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation, and landscaping.

Appraisal:-

As with the previous applications, the main considerations with regard to this application are the principle of the development, impact on the countryside and access arrangements.

Principle and Supporting Statement

The supporting statement submitted by the applicants solicitor states that as a consequence of decay to the fabric of the barn the structural integrity of the two flank walls was irretrievably compromised resulting in elements of those walls collapsing during site works. This is through no fault of the applicant. The principle and design were established in 2005 and the structural survey information submitted at the time was considered acceptable by the Council. This application is therefore only in effect in relation to the partial rebuilding of barn 2 that has collapsed and 'no planning harm' would be caused by its approval. The statement says that a precedent would not be set by approving a scheme indistinuishable in terms of design and appearance to the one previously approved and that the planning policy framework should be considered balanced with material considerations of the scheme on its own merits and not in a vacuum. The statement says that the case officer 'had no issues with the walls being taken down as part of a new application' however the case officer does not recollect this line of conversation.

Furthermore, the statement refers to the previous committee report which confirmed that site visits by the Council's Building Control Officer had noted that this part of the building was in a poor state of repair. The walls collapsed prior to the previous application being considered. The statement challenges the refusal reason in that it refers to 'the barn needs considerable rebuilding and as such will result in a building which is tantamount to a new dwelling in the countryside' on the basis of 35% of the original brickwork being lost. The applicant has not tried to circumvent the planning system by concealing the events on site and has engaged with the Council by pre-application advice.

When considering the previous application it was estimated that the rebuilding works proposed resulted in almost two thirds of the floor space of barn 2 being new build. The application is therefore contrary to the aims of Policies BE20 and NE5.

As previously stated, the Inspector's appeal decision in relation to Watling Street Farm, said that 'policies seek to control strictly the amount of new building in the countryside...I give only very limited weight to the fact that it would look like either, a) a previous building now largely removed, or b), that previous building as it would have looked had a planning permission been properly implemented. Current national and local policies are cautious about allowing 'new residential uses' to be established in the open countryside, outside defined settlements (hence the preference for commercial, etc., re-use of existing buildings).'

Members will recall that the application in relation to the rebuilding of the farmhouse on the site (08/00414/FUL) was supported because Building Control were able to verify the structural report in relation to the stability of the building, there had also been a recent Inspector's appeal decision in relation to a replacement dwelling on another site where the Inspector had found that whilst retention of part of the structure was possible, rebuilding was considered acceptable as it was more cost effective and environmentally beneficial as a new dwelling would have better energy efficiency and lower CO2 emissions, and it was considered there to be special justification for a replacement dwelling under policy RES10. This application differs in that it relates to conversion of a barn not previously a dwelling so RES5 does not apply in this case.

Impact on the Countryside

The site is within an area of countryside where policy seeks to protect the countryside for its own sake. The site is not very prominent and the barns are screened from the main road by a mature hedge. The policy allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, Supplementary Planning Guidance pays particular regard to the setting of converted buildings, requiring the appearance to retain their rural character and for the domestic appearance to be concealed from general view. It is considered that the proposal does not have an adverse effect on the countryside subject to the domestic elements being controlled by the removal of 'permitted development' rights in accordance with the previously approved application.

Access Arrangements

This application proposes utilisation of the existing access rather than providing a new roadway within the field to the north of the site. In this respect, the proposal will have a lesser impact on this countryside location than the previously approved scheme. The Director of Highways Transportation and Waste Management (Highways) has no objections to this proposal.

Conclusion

In summary, the conversion of existing redundant agricultural buildings in the countryside to residential use can be acceptable in principle subject to the applicant demonstrating that the buildings are capable of conversion in structural terms. Whilst the proposal is considered to have no greater impact on the openness and appearance of the countryside than the previous permission, due to the circumstances met through the deterioration of the building and the carrying out the works, barn 2 now requires 35% of its brickwork rebuilding or almost two thirds of its floorspace in order for the proposed scheme to be implemented. This is considered to be a significant amount of rebuilding which does not meet adopted policies and as such will result in a building which is tantamount to a new dwelling in the countryside. Therefore there is no change to the consideration of the previous applications, no mitigation that would allow the setting aside of policy and this application is recommended for refusal.
RECOMMENDATION:- That subject to no further significant additional objections being raised by the end of the consultation period, the Director of Community and Planning Services be granted powers to refuse the application as detailed below.

RECOMMENDATION :- REFUSE, for the following reasons :-

Reasons :-

1 The proposed development represents a substantial amount of re-building to Barn 2 that would be tantamount to the building of a new dwelling in the countryside. The proposed development is therefore contrary to government guidance in Planning Policy Statement 7 (Sustainable Development in Rural Areas), the Regional Spatial Strategy for the East Midlands (RSS8), Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

2 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object but which would consequently be difficult to resist, it would therefore be contrary to the aims of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

Contact Officer:- Louise Forman Ext 5682

ITEM 09 **09/00237/FUL** **Mr and Mrs G Wragg And A R Demolition Ltd**

Introduction:-

The application should be amended to be registered in the joint names of Mr & Mrs G Wragg and A R Demolition Ltd.

Consultations:-

No objections received from;

Severn Trent Water Limited
Market Bosworth Society
Head of Community Services (Land Drainage)

No objection subject to conditions received from

Head of Community Services (Pollution)

Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr & Mrs G Wragg And A R Demolition Ltd
Common Farm
Barton Road
Carlton
Nuneaton
CV13 0RL

Name and Address of Agent (if any)
HSSP Architects Limited
44 Asfordby Road
Melton Mowbray
Leicestershire
LE13 0HR

Part I - Particulars of Application

Date of Application	**Application No.**
26 March 2009	09/00237/FUL

Particulars and location of development:

CONVERSION OF BARNS INTO 2NO DWELLINGS.

Common Farm Barton Road Carlton Nuneaton Leicestershire

Part II - Particulars of decision

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. The proposed development represents a substantial amount of re-building to Barn 2 that would be tantamount to the building of a new dwelling in the countryside. The proposed development is therefore contrary to government guidance in Planning Policy Statement 7 (Sustainable Development in Rural Areas), the East Midlands Regional Plan, Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

2. The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object but which would consequently be difficult to resist, it would therefore be contrary to the aims of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

T. H Prowse

Date :20 May 2009

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

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

NOTES

1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.

2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission he may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within **six months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by telephoning 0117 372 6372). 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.

2a. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within **six months** of the date of this notice.

3. 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.

4. 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

06/00624/FUL

The Planning Inspectorate

Room: 3/21
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8067
Switchboard: 0117-372-8000
Fax No: 0117-372-6153
GTN: 1374-8067
teame3@pins.gsi.gov.uk
http://www.planning-inspectorate.gov.uk

Mrs T Darke
Hinckley and Bosworth Borough Council
Planning Officer
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

0 3 SEP 2007

Your Ref: 06/00986/FUL

Our Ref: APP/K2420/C/06/2031191
Further appeal references at foot of letter

Date: 31 August 2007

Dear Mrs Darke

Town and Country Planning Act 1990
Appeals by Charter Manor Designs Ltd and Charter Manor Designs Ltd
Site at Watling Street Farm, Watling Street, Smockington Lane, Hinckley, LE10 3HZ, Watling Street Farm, Watling Street, Burbage, Hinckley, LE10 3HZ and Unit 3 Watling Street Farm, Watling Street, Hinckley, LE10 3HZ

I enclose a copy of our Inspector's decision on the above appeals.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

Yours sincerely

CM

pp Naomi Hallett

EDL1(BPR)

DEVELOPMENT SERVICES
3 SEP 2007
RECEIVED

Further appeal references:- APP/K2420/A/06/2031542 and APP/K2420/A/06/2025650

INVESTOR IN PEOPLE

POSITIVE ABOUT DISABLED PEOPLE

106

You can now use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

Appeal Decisions

Inquiry held on 14 August 2007
Site visit made on 14 August 2007

by R L Muers BA Solicitor LARTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
31st August 2007

Appeal A: APP/K2420/C/06/2031191
Watling Street Farm, Watling Street, Burbage, Hinckley, LE10 3HZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Charter Manor Designs Ltd against an enforcement notice issued by Hinckley & Bosworth Borough Council.
- The Council's reference is 05/00058/BOC.
- The notice was issued on 3 November 2006.
- The breach of planning control as alleged in the notice is "without planning permission erecting the new residential building hatched black on the attached plan. (For the avoidance of doubt the building hatched black is not a conversion of the pre-existing agricultural building under planning permission number 89/1359/4 but has been erected in place of that building, which was substantially dismantled.)"
- The requirements of the notice are "(a) demolish the new building hatched in black on the attached plan: and (b) remove all resulting building and other material from the land."
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the notice is varied. Subject to that the notice is upheld and the appeal is dismissed.

Appeal B: APP/K2420/A/06/2025650
Watling Street Farm, Watling Street, Burbage, Hinckley, LE10 3HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Charter Manor Designs Ltd against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 06/00624/FUL, dated 2 June 2006, was refused by notice dated 19 July 2006.
- The development proposed is "operational development comprising the rebuilding of elements of walls to unit 3, previously approved under planning permission 89/1369/4 as amended"

Summary of Decision: the appeal is dismissed.

Appeal C: APP/K2420/A/06/2031542
Watling Street Farm, Watling Street, Burbage, Hinckley, LE10 3HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Charter Manor Designs Ltd against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 06/00986/FUL, dated 1 September 2006, was refused by notice dated 31 October 2006.

- The development proposed is "operational development comprising the rebuilding of elements of walls to the garages to units 1 & 2 previously approved under planning permission 89/1369/4 as amended".

Summary of Decision: the appeal succeeds and planning permission is granted subject to a condition.

Appeal A – grounds (b) and (c)

1. These two grounds of appeal will be dealt with together.

2. Planning permission for 'conversion of disused barns to 4 dwellings and double garages' was granted in February 1990. Development subsequently commenced. The original permission was then amended in 2004. The approved plans now relevant to Unit 3 (and including the garages) are shown in the appellant's appendix JB7. Appendix JB16 summarises (with particular reference to the walls) the balance between walls rebuilt with permission, walls rebuilt without permission and 'existing' (retained) walls. I was told that (as far as external walls were concerned) approximately 20 % were 'existing', 26% were 'authorised new' and 54% were 'unauthorised new'.

3. On that basis, I am quite satisfied that what was done went substantially beyond the scope of the planning permission.

4. Furthermore, (a) significant lengths of new foundations were provided for the walls and (b) the whole roof (including rafters and trusses) was removed and replaced. The fact that the old materials were (as far as possible) reused does not prevent this part of the project amounting to 'new work' as part of a 'building operation'. The note on the approved plan ('overhaul all roof timbers & insulate.... between rafters') does not cover the extent of the work done to the roof. Even if (as I was informed) it is commonplace to remove roofs (to a greater or lesser extent) during conversions, that fact does not alter the planning permission.

5. I conclude that (a) what was done was not authorised by the planning permission and (b) it cannot reasonably be called a 'conversion'.

6. There is a further point. It may be convenient for the purposes of discussion to divide what was done into 'authorised' work and 'unauthorised' work. However, all the work done by the appellant to this structure (Unit 3 including the garages) was in reality part and parcel of one building operation. There was no planning permission for that building operation. That single act of 'operational development' was, as a whole, all unauthorised. It follows that, of the structure on site at the date of the notice, the only part that was perhaps 'lawful' consisted of the very limited existing sections that were unaffected by any works.

7. In the light of the above I conclude that the description in the notice ('new residential building') is appropriate. The appeals on grounds (b) and (c) fail.