

Sullivan Archer
Planning Officer
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leics
LE10 0FR



Our ref: CHR/MCMAN/24/1989
Your ref: 24/00551/FUL

Dear Mr Archer,

RE: 24/00551/FUL | Change of use and conversion of existing redundant rural building to a single-family dwelling house, landscaping and associated works (Self-build) | Pond Barn Cold Comfort Farm Rogues Lane Hinckley

Introduction

This Planning Policy statement is prepared in response to officer comments in relation to a pending planning application which seeks planning permission for the change of use and conversion of existing redundant rural building to a single-family dwelling house, landscaping and associated works (Self-build) at Pond Barn, Cold Comfort Farm, Application ref: 24/00551/FUL.

Planning History

The planning history for the site is provided in Table 1 below:

APPLICATION REFERENCE	PROPOSAL	DECISION
24/00149/P3CQ	Change of use of agricultural steel framed barn into a single dwellinghouse (C3) (Revised Scheme of planning application 23/01012/P3CQ)	Prior Approval Refused 11.04.2024
23/01012/P3CQ	Change of use of agricultural steel framed barn into a single dwellinghouse	Prior Approval Refused 13.12.2023
18/00353/FUL	Change of use to a dog day care centre (retrospective)	Permitted subject to conditions 14.09.2018
10/00318/GDO	Erection of agricultural building	Permitted 25.05.2010
10/00055/GDO	Erection of agricultural building	Permitted 23.02.2010 This planning permission has since been rescinded via a unilateral undertaking that was submitted by the Applicant with the planning application, 10/00318/GDO.

Table 1 – Planning History

12A Oxford Street, Nottingham, NG1 5BG
T: 0115 852 8050
E: office@aspburyplanning.co.uk

www.aspburyplanning.co.uk

Aspbury Planning Ltd.
Registered in England and Wales No. 4600912
VAT Registration No. 365 1371 58
Registered office: 4 Bank Court, Weldon Road
Loughborough, Leicestershire LE11 5RF

Planning Policy

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the National Planning Policy Framework (NPPF), planning law requires that applications are determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. The National Planning Policy Framework (NPPF) is an important material consideration.

Hinckley and Bosworth Borough Council's current Development Plan comprises the Hinckley and Bosworth Core Strategy (adopted December 2009) and Hinckley and Bosworth Site Allocations Document (SADMP) (adopted July 2016).

It's understood Officers have raised comments regarding the compliance of the proposals with Policy DM15 Redundant Rural Buildings of the SADMP which relates to the principal of the application. Policy DM15 states:

Proposed development outside the settlement boundary for the reuse and/or adaptation of redundant or disused rural buildings will be supported where:

- a) The applicant demonstrates the building is no longer viable in its current use; and*
- b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and*
- c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and*
- d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.*

All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.

The Application is for the change of use and conversion of an existing redundant rural building. The agricultural building was granted permission in May 2010 Application ref: 10/00318/GDO for the storage of agricultural equipment. Application ref: 18/00353/FUL granted retrospective permission for the change of use of the agricultural building to a dog day care centre in September 2018. Figure 1 below illustrates the approved floor plan and demonstrates the amount of the building occupied by the dog day care is a small portion of the building.

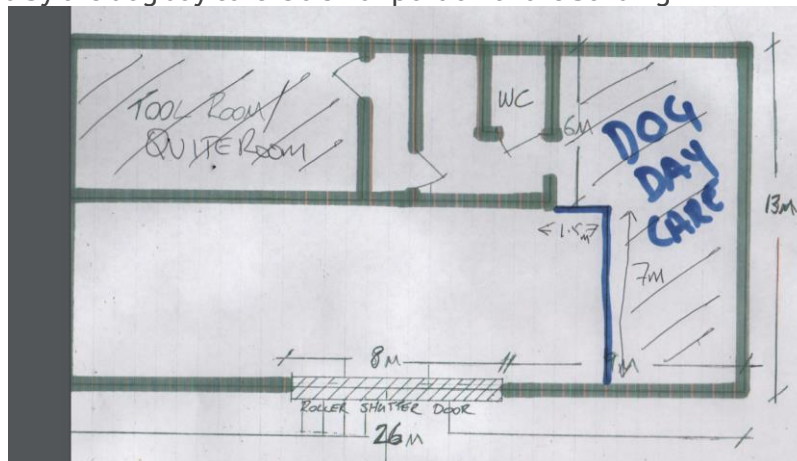


Figure 1 – Floor plan approved application ref: 18/00353/FUL

Figure 1 confirms that the permission for the change of use to a dog day care centre related only to a small part of the agricultural building which was internally partitioned with the remainder of the building retained for the storage of agricultural equipment associated with Cold Comfort Farm.

The agricultural use on the farm has ceased, accordingly there is no requirement for the building for the purposes of the storage of agricultural equipment associated with Cold Comfort Farm. The ceasing of the agricultural use on the Farm was acknowledged in the Officer report in the assessment of Applications ref: 24/00149/P3CQ which was refused because the proposal was not considered to consist of a change of use of a building and the land within its curtilage from an agricultural use, nor was it considered to be within an established agricultural unit, this was also the assessment made for Application ref: 23/01012/P3CQ.

The building is underutilised due to the ceasing of the agricultural operations and hay production which render the storage of agricultural equipment no longer needed. The tenancy for the dog day care won't be renewed and is a rolling contract and only occupies part of the building.

It should also be noted that Policy DM15 is part of the SADMP which was adopted in July 2016, the current National Planning Policy Framework (December 2023) at paragraph 84 c) support for development of homes in the countryside that would re-use redundant or disused buildings that enhance its immediate setting. There is no mention of the building being no longer viable therefore part a) of policy DM15 can be afforded limited weight due to its inconsistency with the NPPF.

The Proposed Development of the change of use of the existing redundant rural building to a single-family dwelling house (self-build), includes the retention of the large pond and meadow. The comments from the Council's Ecologist note that the site is exempt from mandatory biodiversity net gain due to being a self-build property. Measurable biodiversity net gain still needs to be provided as per the NPPF requirements and a condition is suggested to secure a Biodiversity Enhancement and Management Plan (BEMP) therefore, the development will and can achieve biodiversity enhancement.

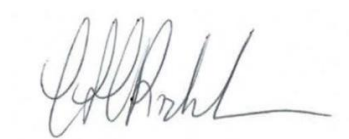
The existing building requires minimal modification to facilitate the conversion, no extensions are proposed and the entirety of the conversion is within the original footprint of the redundant building. The eaves and ridge height will remain as existing. The Proposed Development will enhance the immediate setting by virtue of the conversion which utilises a redundant building to deliver a scheme of high architectural quality and includes the removal of commercial dog-handling equipment and hard landscaping. The conversion secures the future of the building preventing it from falling into disrepair.

It's considered that the principle of the development is compliant with 84 c) of the NPPF which supports the development of homes in the countryside which would re-use redundant or disused buildings and enhance its immediate setting and the application should be supported.

This Statement has demonstrated that the building is no longer viable in its current form due to the dog day care operations utilising only part of the building with the remaining part no longer required for agricultural storage purposes due to the ceasing of the former agricultural use. The tenancy for the dog day care is a rolling contract and will not be renewed. As detailed above, part a) of policy DM15 should be afforded limited weight due to its inconsistency with the NPPF in promoting the reuse of rural buildings for housing where enhancements can be secured to the betterment of the environment. The use would generate less vehicle trips and will have no impact upon highway safety.

We trust that this statement will be taken into consideration in the assessment of the application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Caroline Richardson', written over a light blue rectangular background.

Caroline Richardson MTCP MRTPI
Principal Planner

E: caroline@aspburyplanning.co.uk