Hinckley & Bosworth Borough Council
A Borough to be proud of

Planning (Listed Buildings and Conservation Areas Act) 1990

LISTED BUILDING CONSENT

Name and Address of Applicant
Mr MARTIN SMITH
Sibson Mill Farm Cottage
Wellsborough Road
Sibson
Nuneaton
Leicestershire
CV13 6LR

Name and Address of Agent (if any)
Mr Ian Ritchie
Ritchie & Ritchie LLP
The Manor House
Lichfield Street
Tamworth
Staffordshire
B79 7QF

Part I - Particulars of Application

Date of Application	**Application No.**
3 October 2011	11/00798/LBC

Particulars and location of development:

DEMOLITION OF EXISTING WORKSHOP AND OUTBUILDINGS AND CONSTRUCTION OF NEW REPLACEMENT WORKSHOP BUILDING

Sibson Mill Wellsborough Road Sibson Nuneaton Leicestershire

Part II - Particulars of decision

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission. The proposed demolition of the existing dilapidated buildings, which differ in construction and design to that of the listed Mill and have no historic association with the Mills original function, is not considered to have detrimental impact on the setting or the special historical or architectural interest of the listed Mill. The replacement building, due to its specific detailed design, scale and materials will respect the setting of the adjacent listed building and will therefore maintain its historical and architectural interest. The proposal is therefore considered acceptable and in accordance with both national and local planning policy.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE3, BE4, BE5
Planning Policy Statement 5

In pursuance of its powers under the Town and Country Planning Act, 1990, the Hinckley & Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following condition(s) :-

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

2. The bricks to be used on the development shall be:- Northcot: Brickfield Antique, the roof tiles to be used on the development shall be:- Reclaimed Blue / Grey Plain Clay Tiles, the opening shall be constructed in accordance with the details on Drg Ref:- 7065 and 7065.05 received by the Local Planning Authority on the 17.10.11

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Ref:- 7065.30 A received by the Local

Planning Authority on the 3.10.11 and Drg Ref:- 7065.05 received by the Local Planning Authority on the 17.10.11

The reasons for the conditions are :-

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

2. To ensure that the development has a satisfactory external appearance to accord with policy BE4 of the adopted Hinckley & Bosworth Local Plan.

3. For the avoidance of doubt and in the interests of proper planning.



Date:- 28 October 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

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

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to grant listed building consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 10 of the Planning (Listed Building & Conservation Areas) Act 1990 within **six months** 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, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Listed Building Consent Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of 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 the 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 10 of the Planning (Listed Building & Conservation Areas) Act 1990, to the provisions of the development order and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him.

4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building & Conservation Areas) Act 1990.

5. This consent relates to planning control only and is without prejudice to any other statutory consents or approvals that may be required under the Building Regulations or under other enactment's.

6. The obtaining of listed building consent for the demolition of a listed building does not free the applicant from his duty to give specific notice of the intended demolition to the Local Planning Authority under Section 29 (3) of the Public Health Act 1961.

7. Attention is drawn to Section 8 of the Planning (Listed Building & Conservation Areas) Act 1990 the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Local Planning Authority or the Secretary of State for the Environment) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Saville Row, London W 1, and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that it has completed its record of the building or that it does not wish to record it.

8. This consent does not grant or imply permission for any material change in the use of the building(s) to which it relates, nor for the redevelopment of the site of the building(s) after its (their) demolition.

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