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Your reference

Our reference

T/APP/K2420/A/88/85013/P4

Date

3 JUN 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY D GAGIN
APPLICATION NO:- 87/1225/4

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal. The appeal is against the decision of the Hinckley & Bosworth Borough Council to refuse planning permission for the conversion of former accommodation/classroom to form a dwelling on land adjoining Gardener's Cottage, Polebrook House, Markfield Lane, Botcheston. I have considered the written representations submitted by you and by the council, and also those submitted by an interested person. I inspected the site on 4 May 1988.
2. Polebrook House is a large institution standing in extensive grounds. The appeal site stands within those grounds, and the accommodation/classroom was used in connection with the institution. Polebrook House itself is currently being converted into a retirement village and nursing home, a proposal which involves extensive conversion works, new buildings and an improved access road to Markfield Lane. Gardener's Cottage, which also formed part of the institution, adjoins the appeal site and is at present being extended and renovated. The building on the appeal site has an area of approximately 20 m by 5 m. It is of sound, modern construction and appears to me to be capable of conversion to residential use by the carrying out of internal works and the provision of cavity walling.
3. From what I have seen and read about this matter, I consider that the main issues arising in this appeal are firstly, how the proposal stands in relation to the policies applying to housing in the countryside and secondly, whether the arrangements proposed for vehicular access are acceptable.
4. The Leicestershire Structure Plan states that isolated dwellings (which in the context of this appeal includes the conversion of non-residential buildings) outside settlements should normally only be permitted where they fulfil the requirements for dwellings essential to the needs of agriculture. The plan also includes a policy of encouraging measures to reduce the numbers of 'unsuitable and inappropriately sited dwellings in the rural areas'.
5. In applying these policies to the current proposal, I consider it is appropriate to treat the comparative isolation of the appeal site and Gardener's Cottage as being tempered by the fact that they have hitherto formed part of the Polebrook House institution, and that other parts of the institution, including Gardener's Cottage, have received planning permission for conversion, extension or works of new construction. It is also appropriate in my opinion to take account of the fact that the

sound, modern building on the appeal site is now redundant and that it is desirable that a new use should be found for it.

6. Vehicular access to the appeal site is by a long and partly unmade track which leads from Markfield Lane and that is close to 2 sides of the main institutional buildings. I consider it is wide enough to accommodate any additional traffic which is likely to be generated by the current proposal. The developers of the sheltered accommodation have objected to the intensification of the use of the access road and the possible effect upon their development. However, from my observations on site, I cannot foresee that the additional traffic would cause any significant vehicular conflict or reduce the standard of amenity likely to be enjoyed by residents.

7. I have come to the conclusion that the proposal can be treated as an exception to the normal policies applying to housing in the countryside, and that the access is acceptable. I do not consider that this conclusion would give rise to a precedent for similar development elsewhere, since the circumstances arising in this appeal are unlikely to be repeated. I note that the application is for full planning permission. However, works of alteration are involved and no plans have been submitted. Details of the access drive are not available and no indication as to landscaping has been given. I intend therefore to treat these as reserved matters and impose the normal conditions.

8. No other issues have been raised in this appeal which are important to my conclusion.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission to form a dwelling by the conversion of the former accommodation/classroom on land adjoining Gardener's Cottage, Polebrook House, Markfield Lane, Botcheston, in accordance with the application No. 87/1225/4 dated 13 November 1987 and the plans submitted therewith, subject to the following conditions:

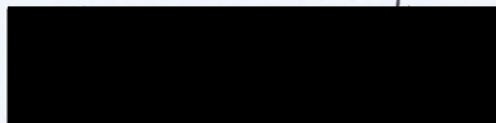
1. approval of the details of the design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority;
2. an application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
3. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
4. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;
5. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

10. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused, or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir

Your obedient Servant



D A HAINSWORTH LLB(Hons) Solicitor
Inspector