HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

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

RULE 6 STATEMENT OF CASE

ON BEHALF OF THE LOCAL PLANNING AUTHORITY

1.0 Introduction

1.1 This Statement of case (the 'Statement') is submitted by Hinckley and Bosworth Borough Council as the Local Planning Authority (the 'LPA') pursuant to the requirements of The Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, and in accordance with the guidance contained in DETR Circular 05/00.

1.2 The Statement is submitted in relation to appeals (Planning Inspectorate references APP/K2420/A/09/2099681/NWF and APP/K2420/A/09/2101955/NWF) made by Mr G Wragg against the decisions to refuse applications for planning permission at Common Farm Barton Road, Carlton ('the site') under the following references, namely;

a) 08/00978/FUL Conversion of barns into two dwellings.
b) 09/00029/FUL Conversion of barns into two dwellings.

1.3 The Rule 6 Statement will provide details of the site description, the background of the appealed applications and policy framework before going on to provide a summary of the evidence that will be submitted by the Local Planning Authority (LPA).

2.0 Site Description

2.1 The site is situated to the north east of Barton Road and is within the countryside between the villages of Market Bosworth and Carlton. The buildings are accessed by an existing track and are visible from the road as the area consists of fields with isolated farms and dwellings.

2.2 Whilst the site is located nearer to the village centre of Carlton, the site is within the parish boundary of Market Bosworth but outside of any settlement boundary.

2.3 The site comprised of a dwelling (approved in 2008) and a substantial group of outbuildings to a former farm complex. The barns, the subject of these appeals are located behind the dwelling. Some of the barns within the

complex have been renovated and granted planning permission for change of use for industrial purposes.

3.0 Background to the Appeal

3.1 The original application for the conversion of a group of five barns to two residential units and one commercial industrial unit was approved in 2005. The principle of residential conversion of the barns for residential use was justified on the basis that joint uses (residential ad employment uses) were proposed for the site. The application included a structural survey that concluded that the barns were generally in a sound structural condition and suitable for conversion with any works to be undertaken with due care and appropriate support to prevent collapse or damage to the structure. The application was approved on 22 November 2005.

3.2 Application 08/00978/FUL was submitted on 9 October 2008, and refused on 24 November 2008.

3.3 The reasons for refusal were as follows;

a) 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.

b) 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.

3.4 Application 09/00029/FUL was submitted on 16 January 2009 for the same development with an additional supporting statement. It was refused on 13 March 2009 on the same grounds as the previous application (above).

4.0 Policy Framework

4.1 Government guidance is contained in Planning Policy Statement 7 Sustainable Development in Rural Areas, which encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives.

4.2 The Development Plan comprises the East Midlands Regional Plan and the saved policies of the Hinckley and Bosworth Local Plan. Extracts from the Local Plan have been supplied with the appeal questionnaire. The decision notices refer to the Regional Spatial Strategy (RSS8) which has been superceded by the East Midlands Regional Plan (March 2009). The LPA will describe the relevant policies and that the thrust of the policies remain the same throughout both documents.

4.3 At the forthcoming Public Inquiry the LPA will refer to the adopted Supplementary Planning Guidance (SPG) in relation to the Conversion of Rural Buildings.

5.0 Evidence to be submitted by the Council

5.1 The LPA will describe the planning history of the site with reference to plans and photographs and planning files.

5.2 The LPA will describe the planning policy framework contained within the development plan as it relates to the appeal site. This will include reference to the relevant saved policies within the adopted Hinckley and Bosworth Local Plan. Extracts from these documents have been supplied with the appeal questionnaire (namely BE1, BE20, NE5).

5.3 The LPA will refer to Central Government guidance contained within relevant Planning Policy Guidance Notes; Planning Policy Statements; and Circulars.

5.4 The LPA will refer to the Regional Spatial Strategy and East Midlands Regional Plan.

5.5 The LPA will demonstrate that due weight was given to material considerations when determining the applications. The LPA will refer to a more recent application considered by the Planning Committee on 5th May 2009.

5.6 The LPA will submit evidence that the demolition and rebuilding of the barn amounts to the construction of a new dwelling in the countryside. Particular reference will be made to policy in relation to re-use of rural buildings and new dwellings within the countryside.

5.7 The LPA will comment on the structural surveys submitted by the applicant and demonstrate that the amount of rebuilding work required is significant and contrary to policy BE20 and the guidance contained in the Council's SPG on conversion of rural buildings.

5.8 The submitted evidence will demonstrate how and why the appeals and supporting documentation as submitted conflict with Central Government and Local Planning Guidance. Particular reference will be made to the importance of adhering to the principle of converting disused agricultural buildings to acceptable uses, rather than demolishing them and effectively constructing a new building within the countryside.

6.0 Documents to which the Local Planning Authority may refer

6.1 Planning applications, including consultations and representations relating to the appeal site.

6.2 Planning applications, enforcement notices and appeal decisions relating to other sites within the borough and other districts. Particularly Planning Inspectorate reference APP/K2420/A/06/2025650/NWF.

6.3 The Borough Council's Supplementary Planning Guidance on conversion of rural buildings

6.4 The adopted Hinckley and Bosworth Local Plan adopted February 2001.

6.5 Relevant Central Government Planning Policy Guidance Notes; Planning Policy Statements; Circulars and Rules and Regulations.

6.6 The East Midlands Regional Plan (March 2009) and Regional Spatial Strategy.

6.7 The Borough Council reserves the right to refer to any other matter or document as necessary, whether to refute or rebut any issues raised on behalf of the appellant, or any third party.