APPEAL BY TRAFFORD KNITWEAR AGAINST THE REFUSAL BY HINCKLEY AND BOSWORTH BOROUGH COUNCIL OF A PLANNING APPLICATION IN RELATION TO LAND AT COMMON FARM CARLTON LEICESTERSHIRE

PRE-INQUIRY STATEMENT ON BEHALF OF THE APPELLANT

Appellants Ref: **LAC/3323-3-8**

PINS Ref: **APP/K2420/A/09/2099681/NWF**

LPA Ref: **08/00978/FUL**

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1. INTRODUCTION

1.1 The appeal is in respect of the refusal by Hinckley & Bosworth Borough Council ("the Council") of an application for the reinstatement of Barn C ("the Application") at Common Farm Carlton ("the Application Site"). The Application was made on 9 October 2008 and refused by decision notice dated 24 November 2008 for the following 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."*

2. THE APPLICATION SITE

2.1 The Application Site forms part of an area of comprehensive redevelopment of a complex of buildings at Common Farm through the conversion of other redundant and decaying barns to residential and employment use and the refurbishment of the Common Farm farmhouse.

2.2 The conversion of Barn C to residential was permitted in July 2005 as

part of the comprehensive redevelopment of the Site; as such the principle of the residential conversion of Barn C has already been established.

2.3 The redevelopment of the Common Farm site is now nearing completion save for Barn C. Barn C lies at the "heart" of the Site.

2.4 The Application Site and its surroundings will be described in detail in the Appellant's evidence.

3. THE APPLICATION

3.1 The Application comprises:

- Original planning application form
- Site Ownership Certificate and Agricultural Holdings Certificate
- Site location plan showing red and blue lines
- Design and Access Statement
- Supporting Statement
- Drawings:
  - 5960A-01
  - 5960C-06D
  - 5960P – Location Plan
  - 5960B-B-C-Floor Layout (A)
  - 5960P-B-C-Elevations (A)

- 5960P-B-C-Elevations (A)
- Structural Inspection Report prepared by The Diamond Wood Partnership

3.2 The Application will be described in detail in the evidence to be produced.

4. SUBMISSIONS

4.1 The Appellant will respond to the reasons for refusal and in particular will adduce evidence to demonstrate that the appeal proposals accord

with and thus will not demonstrably harm the aims and objectives of policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Borough Local Plan or adopted SPG on the Conversion of Rural Buildings. Furthermore, it will be demonstrated that the proposal would have no adverse impact on the character and appearance of the area.

4.2 The proposed development accords with the relevant objectives set out in PPS7 (Sustainable Development in the Rural Areas) with regard to the re-use and replacement of buildings in the countryside and countryside protection.

4.3 In particular the Appellant will contend:

- The reinstatement of Barn C as now proposed would be of exactly the same scale, height, appearance, materials, footprint and elevational treatment as previously approved and accordingly its impact on relevant interests of acknowledged importance is no different from the conversion of this building permitted by the previous planning permission in all respects. As such, the appeal proposals as they relate to the reinstatement of Barn C would have no different impact on interests of acknowledged importance to that approved in 2005. Further, by permitting the appeal proposals, this will allow the historic layout of the Common Farm site to be retained.

- The current application represents a betterment to the previously approved permission because the appeal proposals amend the access approved in 2005 to enable the development as a whole to utilise the existing driveway from Barton Road rather than build the access approved in 2005 which extends into the countryside by wrapping around the farmhouse to the north. This represents a significant benefit to the appearance of the countryside and is supported by the highway authority.

4.4 It is therefore a matter of fact there is no identifiable difference between the reinstating Barn C as currently proposed and the original permission granted in 2005.

4.5 The circumstances giving rise to the appeal proposal will be described.

4.6 In the light of the particular factors in this matter it will be submitted that the approval of the Application would not create a form of precedent for the future, given that each planning application must be determined on its own merits.

5. DOCUMENTATION

5.1 The following is a list of documents that may be referred to or put in evidence at the inquiry and the Appellants may refer to the following documentation:-

i. All relevant planning policy guidance notes and circular guidance

ii. The planning application, supporting background documentation and consultation responses

iii. Correspondence between Hinckley and Bosworth Borough Council and the appellant's agent

iv. Relevant development plan policies

v. Relevant case law.

vi. Any other relevant documentation

6. CONCLUSION

6.1 It will be contended that the Council have applied a narrow interpretation of countryside policy, at the expense of balancing reasonably other relevant material considerations. Given that the impact of Barn C is no different to that originally permitted and that therefore the building would have no additional impact from that

previously permitted, taken together with the significant planning advantage of amended access proposals that result in the reduction in the overall scale of the building footprint of the development, and in the absence of any other material considerations indicating otherwise, it is irrational in planning grounds to conclude that harm arises to the planning policy objectives.