The Planning Inspectorate

Further information on us and the planning appeal system can be found on our website www.planning-inspectorate.gov.uk

DEVELOPMENT
18 JUN 2010
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16-Jun-2010 16:28

PLANNING APPEAL FORM (Online Version)

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application). Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: **If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.**

APPEAL REFERENCE: APP/K2420/A/10/2130705

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mr Stephen Goodman

Address 23 Jubilee Road
Newbold Verdon
LEICESTER

Phone no. 01455824429

Fax no

Postcode LE9 9LL

E-mail steve.goodman23@virgin.net

Please confirm how you wish to correspond with us:
Electronically, via the email address specified above
On paper, by post. ✓

B. AGENT DETAILS FOR THE APPEAL (if any)

Name

Address

Your reference

Phone no.

Fax no.

Postcode

E-mail

Please confirm how you wish to correspond with us:
Electronically, via the email address specified above
On paper, by post.

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Hinckley and Bosworth Borough Council

LPA's reference number 09/00841/OUT

Date of the planning application 26 Nov 2009

Date of the LPA's decision (if issued) 24 Feb 2010

D. APPEAL SITE ADDRESS

Address Merrylees Road
Newbold Heath
Newbold Verdon
Leicestershire

Postcode LE9 NR

Grid Reference: Easting 4448015 Northing 3053369

Is the appeal site within a Green Belt? YES ☐ NO ✓

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES ☐ NO ✓

E. DESCRIPTION OF THE DEVELOPMENT

Area of the whole appeal site (in hectares)

2.29

Area of floor space of proposed development (in square metres)

97

Has the description of the development changed from that stated on the application form? YES ☐ NO ✓

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

We are proposing to rebuild the dwelling on the site of the old farmhouse at Craigmore Farm. The original house was built in 1841 and demolished in the 1970's.We would like to use an oak or timber frame with reclaimed victorian red brick or local red brick. We would like to build a 3 or 4 bedroomed, 2 storey or 1.5 storey house. The site is currently derelict and would be enhanced by some careful and considerate development which would improve the local environment and maintain the character of the countryside. The site is very well screened by trees and high hedges, The visual impact from the road and the village would be negligable.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only ✓

1 Refuse planning permission for the development described on the application form or in Section E. ✓

2 Grant planning permission for the development subject to conditions to which you object. ☐

3 Refuse approval of the matters reserved under an outline planning permission. ☐

4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐

5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or

6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE ✓

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

Please answer the questions below.

a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES ☐ NO ✓

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ✓ NO ☐

If so, please explain below or on a separate sheet.

1;To gain an overview as to how well the site is screened and confirm that loss of visual amenity is minimal.
2;To confirm that the land in the immediate vicinity of the house cannot be cultivated or put to a viable agricultural use

2. THE HEARING PROCEDURE

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the question below.

a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES ☐ NO ☐

3. THE INQUIRY PROCEDURE

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the questions below.

a) How long do you estimate the inquiry will last? (Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.) No. of days ☐

b) How many witnesses do you intend to call? No. of witnesses ☐

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Please continue on a separate sheet if necessary. YES ☐ NO ☐

H. GROUNDS OF APPEAL

If you have chosen the written representations procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? ✓ YES NO

** See separate documents **

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s). and be sure that you have told them that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply: Please tick **one** box only ✓

CERTIFICATE A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

✓

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: ✓

Tenant's name	Address at which the notice was served	Date the notice was served
not applicable	not applicable	01 Mar 2010

J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.
Please tick the boxes to show which documents you are enclosing.

		✓
1	A copy of the original **planning application** sent to the LPA.	✓
2	A copy of the **site ownership certificate** and **agricultural holdings certificate submitted** to the LPA at application stage (this is usually part of the LPA's planning application form).	✓
3	A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.	✓
4	A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.	✓
5	Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. Please number them clearly and list the numbers here or on a separate sheet:	✓
6	Copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet:	✓
7	A copy of the **design and access statement** sent to the LPA (if required)	✓

You must send copies of the following, if appropriate:

8	Additional plans, drawings or documents relating to the application but **not previously seen by the LPA.** Please number them clearly and list the numbers here or on a separate sheet:	
9	Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.	✓
10	If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission,** please encose: (a) the relevant outline application; (b) all plans sent at outline application stage; (c) the original outline planning permission.	
11	If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached.	
12	A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	

K. OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 6 month time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not your appeal will not normally be accepted).*

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature Date 16 June 2010

Name (in capitals) Mr Stephen Goodman

On behalf of (if applicable)

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement.

M. NOW SEND

- **1 COPY to the LPA**
- **1 COPY for you to keep**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

WHEN WE RECEIVE YOUR APPEAL

We will:

1) Tell you if it is valid and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for sending further information or representations.
4) Tell you about the arrangements for the site visit, hearing or inquiry.
5) At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

YOU MUST KEEP TO THE TIMETABLE
If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/K2420/A/10/2130705

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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**************************************************************
* The Documents Listed Below Were Uploaded With The Appeal Form *
**************************************************************
==========  GROUNDS OF APPEAL  ==========
TITLE:       Grounds of Appeal 1
DESCRIPTION: Grounds of appeal
FILENAME:    Grounds Of Appeal.doc

************************************************
* The Documents Listed Below Will Follow By Post *
************************************************
==========  GROUNDS OF APPEAL  ==========
** Grounds of Appeal 1

==========  ESSENTIAL SUPPORTING DOCUMENTS  ==========
** 01. A copy of the original planning application sent to the LPA.
** 02. A copy of the site ownership certificate and agricultural holdings certificate
  submitted to the LPA at application stage (these are usually part of the LPA's
  planning application form).
** 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure
  of the LPA to give a decision, if possible please enclose a copy of the LPA's letter
  in which they acknowledged the application.
** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than
  10,000 scale) showing the general location of the proposed development and its
  boundary. This plan should show two named roads so as to assist identifying the
  location of th
** 05. Copies of all plans, drawings and documents sent to the LPA as part of the
  application.  The plans and drawings should show all boundaries and coloured markings
  given on those sent to the LPA.
** 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted
  with the application to the LPA.
** 06. Copies of any additional plans, drawings and documents sent to the LPA but which
  did not form part of the original application (e.g. drawings for illustrative
  purposes).
** 06i. A list of all plans, drawings and documents (stating drawing numbers) which did
  not form part of the original application.
** 07. A copy of the design and access statement sent to the LPA (if required).
** 09. Any relevant correspondence with the LPA.  Including any supporting information
  submitted with your application in accordance with the list of local requirements.
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Planning Appeal

Ref. APP/K2420/A/10/2130705

Document List

RE Planning Application 09/00841/OUT

Hinckley and Bosworth Borough Council

Craigmore Farm

Original Online Application Form

Design and Access Statement

Refusal Notice

Grounds of Appeal ✓

Planning Obligations ✓

Pre Appeal Correspondence

Diagrams Submitted With Application

Diagram 2 Site Location Map 1:2500

Diagram 3 Site Block Plan 1:500

Diagram 4 Footprint of Original Farmhouse

Diagrams Not Submitted With Application

Diagram 1 Site Location Map showing 2 named roads. ✓

Diagram 5 Hinckley and Bosworth Borough Council's plan from 1992 for a possible permanent Gypsy Site. ✓

Grounds Of Appeal

Re: Planning Application 09/00841/OUT

Craigmore Farm, Merrylees Road, Newbold Heath, Newbold Verdon, Leicestershire. LE9 9NR

i) The LPA (Hinckley and Bosworth Borough Council) consider that our proposal constitutes new development and have applied policies specific to new development when justifying its reason for refusal. This is contrary to UK Statute Law. Schedule 3 of the Town And Country Planning Act 1990. Development Not Constituting New Development Part 1, (a) the rebuilding, as often as occasion may require, of any building which was in existence on 1st July 1948 , or of any building which was in existence before that date but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building; We would also refer to the TCPA 1990 section 55 Meaning Of "development" and "new development" paragraph 6.

Our proposal falls within the parameters of that particular planning law. The LPA relies heavily on Annex A of PPS 7 for its reasons for refusal. The policies within it are specific to "new development". The introduction to PPS 7 states that. "These policies complement but do not replace or overrule, other national planning policies and should be read in conjunction with other relevant statements of national planning policy."

ii) We disagree that the development would be "detrimental to the open and undeveloped appearance and character of the landscape and visual amenity" (PPS 1). The site is already very well screened from Merrylees Road and from the village by high hedges and trees. By allowing the established hedge to the north west of the site (approx 6ft. at present) to grow taller, the site would be screened from all passing traffic. Contrary to the LPA's statement, there is already a development of barns and stables within 50 meters of the site of the farmhouse. Our proposal is to rebuild the farmhouse, which previously stood for more than 130 years, to

include materials that give as rustic and rural appearance as possible, for example, barn style or timber clad, as well as incorporating green technologies such as water harvesting and solar power.

iii) The site is not as isolated as the LPA describe. It is an edge of the village location opposite an existing farm and was considered by the LPA as a possible location for a permanent Gypsy site in 1992. A copy of the detailed plans to be forwarded (Diagram 5). The LPA's consideration for a permanent Gypsy site contradicts its reasons for refusal of our proposal and appears somewhat prejudiced towards it's own requirements. It also demonstrates an acceptance that there is some development potential of the site. We have sought further information regarding the LPA's plans for a Gypsy site on Craigmore Farm but were told that the documents would have been disposed of.

iv) We disagree with the highways report that it cannot be classed as being in a sustainable location for alternative modes of transport. There is a bus stop half a mile away with links to local towns and the city of Leicester, with further links to railways and airports.

Planning Obligations

In Respect of Planning Application

09/00841/OUT Craigmore Farm

i) The site has an already established equestrian use. (PPS 7 para.32) It is also a registered agricultural holding. Holding No 22/217/0075, and registered with the Rural Payments Agency (SBI No 108477276). We would have no objection to an Agricultural / Equestrian tie being placed upon it.

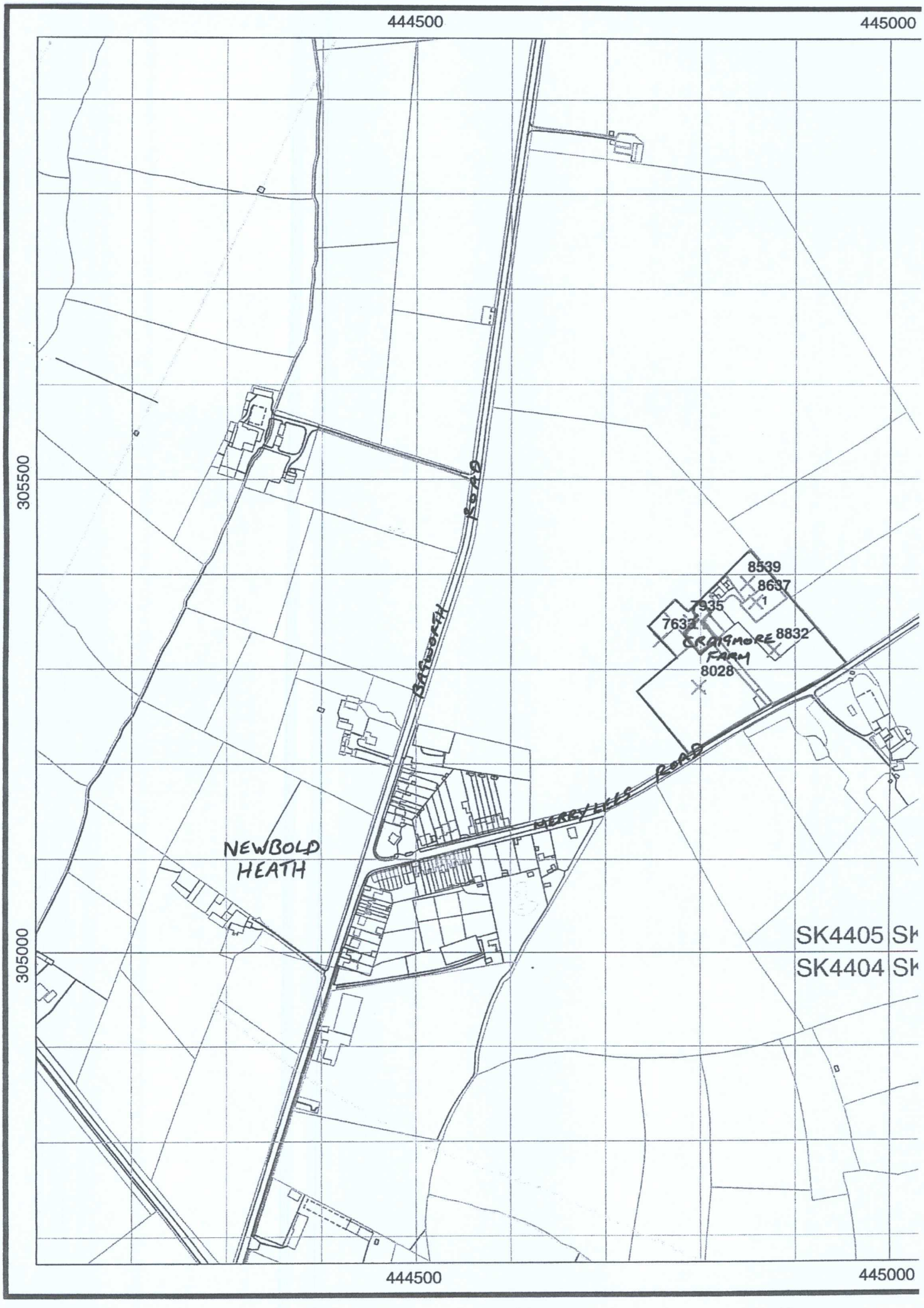
ii) Although schedule 3 of the TCPA 1990 dictates that the rebuilding of the farmhouse does not constitute new development we would respectfully adhere to as many of the policies required for new development as possible. If necessary we would be prepared to live in temporary accommodation until the agricultural activities have been expanded and made profitable. (Annex A PPS 7 para.3 (iii)).

iii) The rebuilt house would not exceed the original floor space (87.98 m2 Diagram 4) by more than 10 percent. Equivalent to 96.78 m2 x 2 storeys or 193.56 m2 in total (TCPA 1990 schedule 3 para.10). In addition we would waive the right to enlarge or alter the dwelling, as laid out in the General Permitted Development Order 1995, without planning permission.

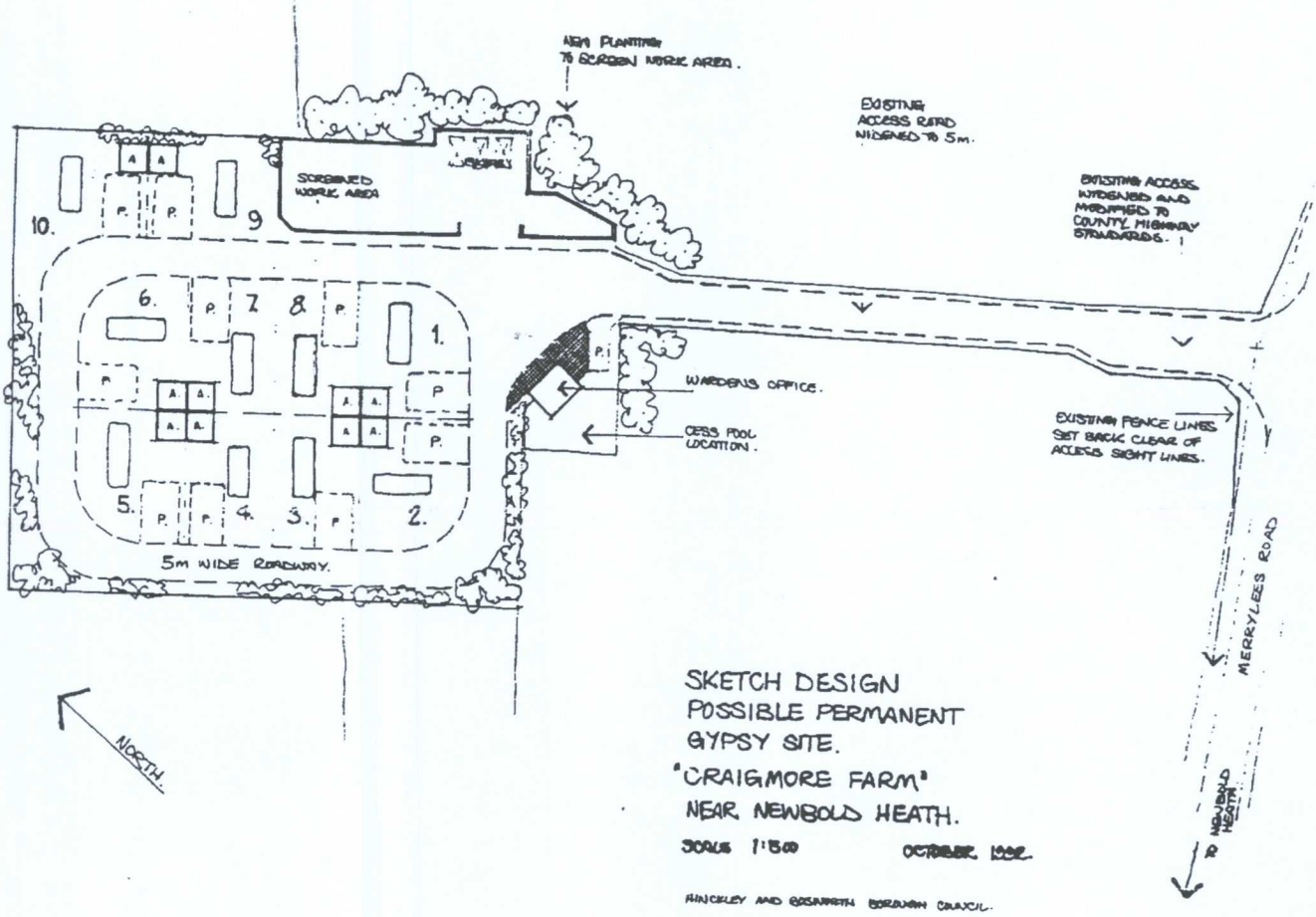
iv) The re-built house shall achieve a code level 3 in accordance with the requirements of the Code for Sustainable Homes.

v) Details of the access, appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

DIAGRAM (1)


444500
445000
305500
305000
BARLBOROUGH ROAD
MERRYLEES ROAD
NEWBOLD HEATH
8539
8637
1
7935
7632
CRAIGMORE FARM
8832
8028
SK4405 Sk
SK4404 Sk

SITE 'D'
FORMER CRAIGMORE FA
MERRYLEES ROAD.
NEWBOLD HEATH.



SKETCH DESIGN
POSSIBLE PERMANENT
GYPSY SITE.
"CRAIGMORE FARM"
NEAR NEWBOLD HEATH.
SCALE 1:500 OCTOBER 1982.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL.