

Delegated Report

Planning Reference: 25/00326/DGDO
Applicant(s): James Igoe
Ward: Cadeby, Carlton, Market Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site: 39 Main Street, Carlton, Nuneaton

Proposal: Prior notification for the demolition of existing building

Case Officer: Sullivan Archer (Senior Planning Officer)

Date: 23/04/2025

1. Recommendations

1.1. Refusal of Prior Approval

2. Planning Application Description

2.1. This application seeks to confirm whether prior approval is required for the demolition of the existing dwelling at 39 Main Street, Carlton, in accordance with Class B of Part 11 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in relation to the method of demolition and any proposed restoration of the site.

2.2. The Applicant stated that the demolition of the property is required as the building is in poor condition and requires significant renovation works due to past structural movement. The demolition works are proposed to be undertaken on 19 May 2025 by professional contractors, using excavators and other machinery to systematically dismantle the structure and remove debris from the site. All spoil shall be sorted in accordance with waste management regulations with recycling where possible and other waste transported to a licensed waste disposal site. The site shall then be landscaped following clearance of spoil and rubble.

3. Description of the Site and the Surrounding Area

3.1. The 1,300sqm application site features a prominent two-storey detached late-Victorian dwelling and a detached single storey garage in the centre of the historic core of the rural hamlet, Carlton. Other than the modern dwelling located in the plot immediately to the west of the application site, 37 Main Street, 39 Main Street sits within a street scene characterised by historic buildings of various ages and forms including Manor Farmhouse and St. Andrews Church to the east (both of which are Grade II Listed Buildings), the Grade II Listed Building Stone House Farmhouse and Cheese Barn Cottage to the south, and the various cottages between 27 and 35 Main Street to the west beyond the modern dwelling.

- 3.2. The footprint of the application dwelling is evident on Ordnance Mapping from the 1880s and there is a date stone on the dwelling indicating a construction date of 1886. The original front range of the dwelling is two storeys in scale and has a rectangular footprint with a symmetrical front elevation consisting of three bays with a central door and flanking windows. It is constructed of a mellow red brick laid in a decorative Flemish Garden wall bond with a dual pitched slated roof and tall red brick gable end chimney stacks with decorative pots. There is further architectural detailing in the form of a prominent brick and terracotta eaves cornice, moulded stone window headers and cills, and the aforementioned date stone.
- 3.3. Whilst being modern replacements, the sash windows and door (with fanlight above) all replicate the original character of the dwelling. The rear extensions are more functional in appearance but are considered to sit comfortably upon the original front range. Given its position within the historic core of the settlement it is possible that occupation of the application site may pre-date the existing dwelling, however, the current dwelling is considered to be a fine example of a late-Victorian-era villa, being illustrative of the development of Carlton during that particular period of time and reflective of an architectural style adopted on a wider basis.
- 3.4. Within the curtilage of the residential property, the site is enclosed by timber fencing to the west, and a 1m tall fence to the east. There is no formal boundary treatment across the road frontage and the land beyond the residential curtilage of the site to the north of the property is owned by the Applicant. The land to the north of the residential property is enclosed by hedges and vegetation to the northern and eastern boundaries. The site is accessed via a gated driveway off Main Street, which is a classified 'C' road subject to a 30mph speed limit.
- 3.5. Main Street is largely residential in character with dwellings to the east, south and west of the application site. To the east of the site is Footpath S69, which runs adjacent to the site.

4. Relevant Planning History

4.1 24/00544/FUL

- Proposed replacement dwelling (resubmission of 23/00526/FUL) (Self Build)
- Refused
- 13.09.2024

4.2 23/00526/FUL

- Outline Application for partial demolition and erection of replacement dwelling (Access, Layout and Scale only)
- Withdrawn
- 12.10.2023

4.3 23/00186/CLP

- Erection of ancillary outbuilding
- Lawful Development Certificate.
- 27.04.2024

4.4 22/00675/OUT

- Outline Application for partial demolition and erection of replacement dwelling (Access, Layout and Scale only)
- Permitted
- 23.12.2022

5. Publicity and Consultation

- 5.1. There is no statutory requirement to consult third parties on an application for a lawful development certificate.

6. Policy

- 6.1 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

7. Appraisal

- 7.1 Section 57 of the Town and Country Planning Act 1990 directs that all operations or work falling within the statutory definition of 'development' require planning permission. However, there are different types of planning permission such as national grants of permission by the General Permitted Development Order (GPDO), which allows certain buildings works and changes of use to be carried out without having to make a planning application. Permitted Development Rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 7.2 Prior approval means that a developer has to seek approval from the Local Planning Authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant parts in Schedule 2 of the GPDO. A local planning authority cannot consider any other matters when determining a prior approval application.

- 7.3 The Applicant has sought prior approval for the demolition of a building.

- 7.4 Class B of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) enables any building operation consisting of the demolition of a building to be considered as Permitted Development, subject to the following limitations and conditions.

Limitations of Class B of Part 11 of Schedule 2 of Article 3 of the GPDO

- 7.5 The limitations of Permitted Development Rights for the demolition of a building are detailed at Paragraphs B.1(a) to B.1(e) inclusively of Class B of Part 11 of Schedule 2 of the GPDO
- 7.6 The application is not within a conservation area and the building has not been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands, and it is practicable to secure safety or health by works of repair or works for affording temporary support.
- 7.7 39 Main Street is a residential property that has not been used for a purpose falling within Article 3(6)(p) (drinking establishments) or Article 3(6)(q) (drinking establishments with expanded food provision) of the Town and Country Planning (Use Classes Order) 1987 (as amended), nor for the purpose of a concert hall, a venue for live music performance, or a theatre.
- 7.8 The proposed demolition works do not relate to a statue, memorial or monument ('a commemorative structure').
- 7.9 Given the above, the proposal complies with the limitations of Class B of Part 11 of Schedule 2 of the GPDO.

Conditions of Class B of Part 11 of Schedule 2 of Article 3 of the GPDO

- 7.10 The conditions of Permitted Development Rights for the demolition of a building are detailed at Paragraphs B.2(a) and B.2(b) of Class B of Part 11 of Schedule 2 of the GPDO
- 7.11 Whilst the Applicant has highlighted that the property is in poor condition, the Applicant has not stated that the proposed demolition is urgently required in the interests of safety or health, nor that the measures immediately necessary are in such interests. Therefore, Paragraph B.2(a) of Class B of Part 11 of Schedule 2 of the GPDO is not applicable.
- 7.12 Paragraph B.2(b)(i) of Class B of Part 11 of Schedule 2 of the GPDO requires the Applicant to apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required as to the method of demolition and any proposed restoration of the site.
- 7.13 The Application Form states that the demolition works are proposed to be undertaken by professional contractors, using excavators and other machinery to systematically dismantle the structure and remove debris from the site.
- 7.14 Following consultation with the Council's Environmental Services Department on 16 April 2025, it is not considered that a method demolition for one dwelling and any proposed restoration of the site is required in these site-specific circumstances.

- 7.15 In accordance with Paragraph B.2(b)(ii) of Class B of Part 11 of Schedule 2 of the GPDO, the Applicant has provided a written description of the proposed development, and a statement that a notice has been posted in accordance with B.2(b)(iv) of Class B of Part 11 of Schedule 2 of the GPDO, and paid the required fee to the Council. In accordance with Paragraph B.2(b)(iv) of Class B of Part 11 of Schedule 2 of the GPDO, the Applicant has displayed a site notice by site display on land adjacent to the building to be demolished on 19 March 2025.
- 7.16 Given the above, the proposal complies with the conditions of Class B of Part 11 of Schedule 2 of the GPDO.

Removal of Permitted Development Rights

- 7.17 Notwithstanding the above, Permitted Development Rights can be removed by the Local Planning Authority, either by means of a condition on a planning permission, or by means of an Article 4 Direction.
- 7.18 On 16 April 2025, Hinckley and Bosworth Borough Council confirmed an Article 4 Direction on 39 Main Street, Carlton that removed Permitted Development Rights under Class B of Part 11 of Schedule 2 of the GPDO from the property that enable its demolition.
- 7.19 Therefore, the proposed demolition cannot be undertaken via Permitted Development Rights and will require planning permission in these site-specific circumstances. Therefore, prior approval for the demolition of the property at 39 Main Street, Carlton is refused.

8. Equality Implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 8.3 There are no known equality implications arising directly from this development.
- 8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

- 9.1 An Article 4 Direction has been put in place on the property at 39 Main Street, Carlton by the Local Planning Authority that removed Permitted Development Rights under Class B of Part 11 of Schedule 2 of the GPDO from the property that enable its demolition. As a result, the proposed demolition cannot be undertaken via Permitted Development Rights and planning permission is required in these site-specific circumstances. Therefore, prior approval for the demolition of the property at 39 Main Street, Carlton is refused.

- 9.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 26.03.2025)
- Bat Survey (submitted: 26.03.2025)
- Cover Letter to Application (submitted: 26.03.2025)
- Demolition Notice (submitted: 26.03.2025)
- Prior Approval for Demolition Site Notice (submitted: 26.03.2025)

10. Recommendation

10.1 Refusal of Prior Approval