

Our Ref: 000/23/07/2024

23rd July 2024

Sullivan Archer

Planning Department

Hinckley and Bosworth Borough Council

By email

Sullivan.archer@hinckley-bosworth.gov.uk

Dear Sullivan,

24/00544/FUL: 39 Main Street, Carlton

We have been asked to respond to your email of 22nd July regarding the above proposals.

I note that the Conservation Officer has raised concerns regarding the demolition of the existing building and has requested that we reconsider retaining it.

It is well established in planning caselaw that the fall-back position established by an extant planning permission or permitted development right is a material planning consideration. In *R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council* [2012], the Court held that, in order to be a material planning consideration, a fallback only has to have “more than merely a theoretical prospect”. In this instance, the existing dwelling could be demolished without planning permission utilising permitted development rights under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Whilst there is a requirement to undertake a ‘prior notification’ exercise, in determining this the Council can only consider the method of demolition and the restoration of the site. The building’s inferred status as a non-designated heritage asset carries no weight in this process and cannot be taken into account since it falls outside of those two specific issues.

The site lies within the settlement boundary where the broad principle of residential redevelopment is acceptable, and as such demolishing the existing property would not preclude building a new one on the site. The fallback position is therefore a reasonable one, and in accordance with R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council [2012], the should be given considerable weight in the determination of this application.

Notwithstanding the above, the applicant is prepared to utilise materials which match those of the existing dwelling in terms of colour and texture, and is prepared to match the existing coursing and bonding and brick eaves detail to replicate the character of the existing dwelling as far as possible.

Taking the fallback position established by permitted development rights into account, it is respectfully submitted that the proposals are compliant with local and national planning policies.

Yours sincerely



Jon Imber MRTPI

Director

JMI Planning Ltd