

Delegated Report

Planning Ref: 25/01068/DGDO

Applicant: Trustees of the Garendon estate

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Poplars Farm, Sutton Lane, Dadlington CV13 6JA

Proposal: Notification to determine if prior approval is required for the proposed demolition of buildings.

1. Recommendations

- 1.1. Prior approval not required.

2. Planning application description

- 2.1. This application is submitted under the prior notification procedure contained within Schedule 2, Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). It seeks a determination as to whether the prior approval of the local planning authority is required for the method of demolition of various agricultural barns located within Poplars Farm, Sutton Lane, Dadlington CV13 6JA.
- 2.2. A phase 1 bat and nesting bird survey has been presented as part of the proposals.

3. Description of the site and surrounding area

- 3.1. The developed area of the site measures approximately 1.16 hectares and is located within the countryside and outside, 0.8 miles to the northeast of the settlement boundary of Stoke Golding, and to the west of Dadlington. The agricultural site is made up of a number of redundant agricultural buildings and a residential unit known as 'The Granary'. A number of buildings are proposed to be demolished (as outlined in the Site Plan, received by the Local Planning Authority on 04/11/25), of which details are below:

- Building 1 - Farm Building - Asbestos roof / steel walling
- Building 3 - Farm Building - Asbestos roof / block and asbestos walling
- Building 4 - Store - Asbestos roof / block walling
- Building 5 - Traditional building - asbestos roof / brick walling
- Building 6 & 7 - Farm building asbestos roof / block walling
- Building 17 - Farm building - asbestos roof / asbestos and timber walling

- 3.2. These buildings sit to the northwest of the site and are clustered together; building number 3 sits separately and to the south of the site. The removal of these buildings is justified by them being surplus to requirements as the farm operation has changed. The asbestos sheeting is deteriorating, becoming increasingly dangerous and requires removal.

4. Relevant planning history

95/00044/GDO

- AGRICULTURAL BUILDING
- GDO
- 26.01.1995

98/00294/FUL

- CONVERSION OF AGRICULTURAL BUILDING TO ONE DWELLING
- PER
- 27.05.1998

08/00359/GDO

- ERECTION OF AN AGRICULTURAL BUILDING
- GDO
- 29.04.2008

11/00019/GDO

- ERECTION OF A HAYBARN TO PROVIDE DRY STORAGE OF HAY AND ANIMAL FEED.
- GDO
- 08.02.2011

12/00680/HEDGE

- REMOVAL OF HEDGEROW
- NIR
- 17.09.2012

5. Publicity

- 5.1. A site notice has been posted at the site in accordance with paragraph B.2(b)(iv) of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and a copy of the notice has been submitted with the application.

6. Consultation

- 6.1. No consultations are required for this type of application, however HBBC Environmental Health (Pollution) were consulted:

“The demolition of the barn should be carried out with regard to current health and safety protocols. The regulatory authority is the HSE.

Following demolition any future development of the site would require potential land contamination to be assessed.”

7. Policy

- Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Schedule 2, Part 11, Class B

8. Appraisal

- 8.1. The main consideration with regard to this application is whether the prior approval of the local planning authority is required for the method of demolition of the building and any proposed restoration.
- 8.2. The buildings proposed to be demolished are various agricultural and traditional buildings which are no longer required for agricultural purposes given the surplus nature and footprint of the buildings.

- 8.3 The submitted application form details the method of demolition:

'Using a fleet of demolition spec D-Rigs with specialist attachments, positioned appropriately on the prepared ground and working in unison, the machinery will reach into the redundant building, selecting and processing manageable sized sections of the structure in neat formation. Arisings will be guided to ground level in a controlled manner, separating and segregating material as the building is demolished. All suitable masonry arisings will be loaded into lorries and removed from site.'

With regard to waste disposal, the application form states:

'All other waste generated are to be separated and segregated prior to loading into the appropriate skip. Mixed and timber waste will be loaded into 40yd skips, positioned local to the operational working area. Site generated metals to be sheared into manageable sized sections to aid controlled handling and loaded into 40 yard skips local to the operational working area. All skips to be removed from site and transported to our approved contractor recycling centres. All surplus materials are to be loaded into 8 wheeler lorries and removed from site. All voids will be back-filled with site generated material, leaving a level, clean and tidy area to the existing contours of the site. All demolition works will be supervised by an appropriately experienced banksman. Only fully licensed waste carriers will be used and appropriate waste transfer notes supplied upon completion of works.'

- 8.4 With regard to restoration, the application form states that *'floor slabs will be left in situ for farming operations.'*

- 8.5 The method of demolition as outlined above is considered suitable for the type of building to be demolished. The health and safety of workers and visitors has been considered, with suitable measures put in place to ensure everyone's safety.

Schedule 2 > Part 11 > Class B – demolition of buildings checklist

- 8.6 Development is not permitted by Class B if—

- 8.7 (a) the building has 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;

The building has not been rendered unsafe or otherwise uninhabitable.

- 8.8 (b) the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)

The building is not within a conservation area.

- 8.9 (c) the building is used, or was last used, for a purpose falling within—

(i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or

(ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;

The building does not fall within the above use classes.

- 8.10 (d) the building is used, or was last used, for the purpose of—

- (i) a concert hall;
- (ii) a venue for live music performance; or
- (iii) a theatre

The building is not used and was not used for any of the above purposes.

- 8.11 (e) the demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure—

- (i) that is a listed building;
- (ii) that is a scheduled monument;
- (iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
- (iv) within the grounds of a museum or art gallery; or
- (v) within the curtilage of a dwellinghouse

The building is not used and was not used for any of the above purposes

9. Equality implications

- 9.1 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;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 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.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 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).

10. Conclusion

- 10.1 The building is no longer required for agricultural use and is surplus to the requirements of the occupiers of the site. Having regard to the submitted details, the local planning authority considers that the proposed method of demolition would be acceptable and that in accordance with the Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 11, Class B, further prior approval is not required.

11. Recommendation

- 11.1 Prior approval not required.

11.2 Reasons

- 1) Having regard to the proposed method of demolition, the local planning authority is satisfied that prior approval is not required.

11.3 Notes to applicant

- 1) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
- 2) The applicant is advised to follow the guidance from the Health and Safety executive regarding asbestos safety: <https://www.hse.gov.uk/asbestos/>
- 3) The development must be carried out in accordance with the submitted details.