Town and Country Planning Act 1990

PLANNING STATEMENT SUBMITTED IN SUPPORT OF AN APPLICATION FOR PLANNING PERMISSION MADE ON BEHALF OF S JONES AND M RICHARDS AT WESTMORELAND FARM, ROGUES LANE, HINCKLEY, LEICESTERSHIRE

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1.0 INTRODUCTION

1.1 This planning statement is submitted in support of the application made to Hinckley and Bosworth Borough Council for full planning permission for the demolition of an existing dwelling and outbuildings; the erection of a replacement dwelling and swimming pool; and, the conversion of an existing outbuilding to provide on site accommodation for a support worker. The development is proposed at Westmoreland Farm, Rogues Lane, Hinckley, and is submitted on behalf of S Jones and M Richards ("the applicants").

1.2 The proposal seeks to provide a replacement dwelling designed to provide all necessary facilities required for the long term care of the applicants' disabled son.

1.3 The current application has been submitted following consideration of the relevant development plan policies and National Government guidance.

2.0 BACKGROUND TO THE PROPOSAL

2.1 Prior to the submission of this application considerable pre-application consultation has been undertaken with James Hicks ("the planning officer") of Hinckley and Bosworth Borough Council. The application as submitted has been modified to reflect the discussions held with the planning officer.

2.2 As stated above, the project is fundamentally driven by the requirements of the applicants' son ("J"). J has quadriplegic cerebral palsy with athitosis, he cannot talk or walk and is only mobile through the use of a wheelchair. J has daily physiotherapy and at least two swimming/ hydrotherapy sessions per week in order to stimulate his lungs. J also has speech and language therapy.

2.3 J's condition is a result of the medical treatment he received at the time of his birth. Consequently, the funding available for this project has been provided to ensure the appropriate level of care can be provided for J for the rest of his life. As a result, the proposed replacement dwelling is funded by J and will remain in trust for him. It has been crucial from the

outset that the current proposal is specifically designed to provide the care facilities he requires both now and in years to come. Further details relating to J's medical condition and the long term care he requires have been provided by the applicants and submitted as supporting information appended to the Design and Access Statement.

2.4 Detailed consideration of the design principles adopted for the proposal is provided in the Design and Access Statement produced by Savage Hayward Architects submitted as part of this application.

3.0 THE APPLICATION

3.1 The application proposes the demolition of the existing dwelling and linked outbuildings at Westmoreland Farm and the erection of a new replacement dwelling and single storey outbuilding to provide a hydro therapy swimming pool. The proposal also includes the conversion of an existing outbuilding to provide on site accommodation for a support worker/carer.

3.2 The replacement dwelling and swimming pool building are proposed to be sited on a similar footprint to the existing dwelling and outbuildings to be demolished. The design and layout of the proposed replacement dwelling has been carefully considered in order to provide the requisite facilities and space for the long term care of the applicants' disabled son. This includes the requirement for two downstairs bedrooms, a large kitchen area and hallway and a hydro therapy swimming pool. The annex is to provide on site accommodation for a support worker to assist in the long term provision of care for the applicants' disabled son.

3.3 Whilst the proposal includes the demolition of a number of the outbuildings both linked to the existing dwelling and located elsewhere on site, it also includes the retention of the more traditional red brick cow sheds and workshop. It is the red brick workshop which is proposed for conversion. A site survey plan has been prepared and submitted by Savage Hayward Architects which clearly highlights which buildings are proposed to be demolished and which are proposed to be retained.

3.4 As stated at section 2 above, the proposal needs to ensure that the requisite facilities are provided for the ongoing care of the applicants' son. Accordingly, the design, layout and proportion of rooms proposed reflect these requirements. Whilst a more detailed description of the design principles is provided within the accompanying Design and Access Statement it is important to highlight the following:

i. It is essential that J's accommodation is provided at ground floor level. J's athitosis (involuntary movements) does not allow him to use a stair lift. As such, his bedroom, physiotherapy room and wet room are all provided at ground floor level.

ii. Because of J's young age, it is also necessary for his parents to sleep on the ground floor. It is anticipated, however, that as J matures his parents will be able to move up to a first floor bedroom allowing the second ground floor room to be dedicated as a private lounge for J.

iii. J uses an electric wheelchair which requires a lot of room for manoeuvring. The layout and proportion of rooms has therefore been designed to accommodate J's wheelchair and to aid his manoeuvrability. The proposed floor plans submitted as part of the application show indicative turning circles for J's wheelchair.

iv. The width of the stairway and hall has been designed to accommodate a lift to enable J to gain access to the first floor of the property.

v. The annex is required to ensure on site accommodation is available for a care worker to be able to assist with the long term provision of J's care.

vi. The hydro therapy swimming pool is a key component of J's ongoing care in order to ensure his health and wellbeing and, to assist with his manoeuvrability.

3.5 In addition to providing all necessary care facilities required by J, the design of the proposal also includes a number of sustainable energy methods in order to ensure the replacement dwelling is more energy efficient. These methods include: harvesting rain water, solar panels to heat the swimming pool and ground source heat pumps.

4.0 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

4.1 Westmoreland Farm is located off Rogues Lane to the north of Hinckley. The site is located outside the settlement boundary of Hinckley and is designated as countryside land.

4.2 The farm occupies an elevated position to the north of Rogues Lane (see photo below). Due to established hedgerow planting (which reaches approximately 2.5 metres high) there are only glimpsed views of the site from Rogues Lane. These views are limited to the access drive, a break in the hedgerow at the point of a former access opposite Cold Comfort Farm and a field access further along Rogues Lane heading in the direction of Stoke Road. There is also a public footpath stretching along the north western boundary of the site. The Visual Impact Assessment submitted as part of the application explores the views of the site from these vantage points in more detail.



View from Rogues Lane

4.3 The existing property is a traditional 19th century rural dwelling. It is modest in scale and very simple in design. It has also been rendered with a dark grey render in more recent years. The dwelling is somewhat overwhelmed by the extent of "add-ons" and linked outbuildings which have clearly been developed over time. The linked outbuildings vary in age and design. There is a dual pitched red brick outbuilding with a metal corrugated roof attached to the side of the main dwelling, as well as, a number of outbuildings constructed of grey blockwork with either corrugated or asbestos roofing. The overall condition of the buildings (including the dwelling) is poor. Photographs of the site and existing buildings are appended to this statement at appendix (i).

4.4 In addition to the principal house and linked outbuildings there are a number of detached outbuildings. These too vary in age and construction and include; a traditional red brick cow shed and workshop, a dutch barn, a triple garage, a substantial industrial building, as well as, other smaller structures.

4.5 Overall, the site holds a number of tired and unsightly buildings which detract from, rather than enhance, the rural setting.

4.6 As referred to above, a detailed visual impact assessment has been produced and submitted as part of this application. This statement assesses in more detail the contribution made to the appearance of the countryside by the current dwelling, as well as appraising, the impact of the proposed replacement dwelling.

5.0 DEVELOPMENT PLAN POLICIES AND OTHER MATERIAL CONSIDERATIONS

5.1.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 an application for planning permission should be determined in accordance with the development plan unless other material considerations indicate otherwise.

5.1.2 The development plan currently comprises the saved policies of the Hinckley and Bosworth Local Plan and the adopted Core Strategy. As the policies of the Core Strategy are more strategic in their aims this

statement will address the 'saved' policies of the Local Plan and any other material planning considerations.

Hinckley and Bosworth Local Plan (HBBCLP)

Relevant saved Local Plan policies applicable to the proposal are: Policy RES10, NE5, BE20 and BE1. As policies BE1 and BE20 are both design policies they have not been appraised as part of this statement but are instead considered as part of the Design and Access Statement prepared by Savage Hayward Architects.

The replacement dwelling

Policy RES10

5.1.4 Policy RES10 of the HBBCLP is a saved policy and relates to replacement dwellings. It states:

> *"PLANNING PERMISSION FOR REPLACEMENT DWELLINGS IN THE COUNTRYSIDE WILL INITIALLY BE CONSIDERED IN TERMS OF THE COUNTRYSIDE POLICIES OF THE PLAN. WHERE THE BOROUGH COUNCIL IS SATISFIED THAT THERE IS SPECIAL JUSTIFICATION FOR THE DEVELOPMENT OF A REPLACEMENT DWELLING, IT WILL ONLY BE PERMITTED WHERE:*
>
> *a IT IS OF A SIMILAR SIZE AND SCALE TO THAT OF THE ORIGINAL DWELLING, AND*
>
> *b IT IS BUILT ON A SIMILAR FOOTPRINT OR, WHERE APPROPRIATE AND LESS DETRIMENTAL TO THE CHARACTER OR APPEARANCE OF THE COUNTRYSIDE, WITHIN THE CURTILAGE OF THE ORIGINAL DWELLING."*

5.1.5 The supporting text to Policy RES10 identifies that many of the existing dwellings in the countryside form an intrinsic part of the rural landscape and have been established for many years. As a result, the Council wishes to prevent proposals which seek to demolish these dwellings in place of new residential development. Whilst seeking to protect existing dwellings, the policy also acknowledges that there are times when special circumstances mean a replacement dwelling would be more appropriate. When seeking to demonstrate such a proposal, it is highlighted that a statement should be provided which details all of the circumstances of the

case. The following paragraphs of this policy statement seek to address criteria (a) and (b) of Policy RES10, as well as, the requirement for the submission of details describing the special circumstances of the case.

5.1.6 Criterion (a) – requires the replacement property to be of a similar size and scale to the existing. When considering the crude figures of existing residential floor space against that of the proposed, in this case, it is apparent that there is an increase. However, it should be borne in mind that a significant amount of non-residential floor space is also proposed to be removed as part of the application (this includes floor space which will not be replaced by the new development i.e. the open dutch barn, triple garage and industrial building). Thus, when comparing the extent of existing and proposed development on the site as a whole, the increase in footprint for the proposed replacement dwelling is only slight. A break down of the existing and proposed floor space is provided within the Design and Access Statement prepared by Savage Hayward Architects.

5.1.7 With regard to scale, the design of the proposal provides a range of two and single storey elements in order to reflect the two and single storey range of buildings already present on site. Moreover, the proposed ridge height does not exceed the height of the largest building (industrial building) already present on site (see the cross section plan submitted as part of the application). It is considered these design considerations ensure the scale of the property proposed is appropriate for the site.

5.1.8 Whilst the proposed level of residential floor space is not a like for like replacement, the fact that; a number of the outbuildings proposed to be demolished are linked to the property and could, arguably, be converted to residential floor space in accordance with other policies of the development plan; the footprint reflects the form and layout of the existing property and outbuildings (see below); the height of the proposal does not exceed the height of existing buildings on site (see cross section/levels plan); and, that there are special requirements for the project (see below), it is considered the size and scale of the replacement property proposed is justified and meets with the objectives of criterion (a) of Policy RES10.

5.1.9 Criterion (b) - addresses the issue of siting. The requirement here is that the replacement dwelling is placed on a similar footprint to the existing dwelling or where appropriate. Clearly, the proposed replacement dwelling and swimming pool building are not only located on the site of the existing dwelling and outbuildings but have also adopted a similar form. The only real difference with regard to the siting/layout of the dwelling relates to the wing specifically designated for J's accommodation. Here the building extends further than the outbuildings currently located on site and, is the combined result of the requirement to meet with J's care provision, as well as, the advice of the planning officer to set the wing further back from the principal elevation. Notwithstanding the layout of J's wing, taking into account the overall siting, layout and footprint of the replacement dwelling, the proposal accords with the requirements of criterion (b) of Policy RES10.

5.1.10 Photomontages have been produced by Swift and submitted as part of the planning application to provide an accurate depiction of how the proposal will appear on site and how the requirements of both criterion (a) and (b) of Policy RES10 are met by the proposal. These images are compared with the current views of the site within the visual impact assessment also submitted as part of the application.

5.1.11 The subsequent paragraphs of this statement will address the following two issues;

i. whether or not the existing property is of such architectural merit that it forms an intrinsic part of the rural setting; and,
ii. whether or not there are circumstances which render this a special case.

5.1.12 The existing property

As described at paragraph 4.3 above, the overall quality of the existing dwelling and associated outbuildings is poor. In fact, aside from the red brick cow shed and workshop, the existing buildings are considered to be

both tired and unsightly, to the detriment of the appearance of the countryside.

5.1.13 A structural survey carried out in the early stages of the project concluded that significant work would be required to renovate the existing property in order to make it structurally sound and habitable. Notwithstanding the considerable works required to renovate the existing buildings, it is clear that the layout and proportion of rooms would not adequately serve the care requirements of the applicants' disabled son.

5.1.14 In both structural and historical terms, the only buildings showing any real merit for retention are the traditional red brick cow shed and workshop. Both of these buildings are to be retained on site with the workshop proposed for conversion to an annex. The proposal to redevelop the site, therefore, presents an opportunity to improve its overall appearance within the countryside whilst retaining the aspects which are of some historic value.

5.1.15 Taking into account the existing unattractive appearance of the site and the condition of the existing buildings, the grant of planning permission for a proposal which seeks to improve the site's overall appearance within the countryside would be positive and would not be in conflict with the intended purpose of Policy RES10 (i.e. to protect buildings of intrinsic importance to the countryside).

5.1.16 <u>Special circumstances</u>

In this case, the special circumstances are clearly those relating to J's condition and his care requirements. Whilst J's condition is not itself a planning matter and neither one which would alone justify a new dwelling in the countryside, taking into account the intended purpose of Policy RES10 and, the fact that the existing property is in a poor structural condition, of little architectural merit, failing to make a positive contribution to the rural setting, it is apparent that there is a clear planning gain to be made through the grant of planning permission for this proposal.

The annex

5.1.17 Policy NE5 of the HBBCLP is a saved policy and relates to development in the countryside. It states planning permission will be granted for development in the countryside which is either:

> *a important to the local economy and cannot be provided within or adjacent to an existing settlement; or*
>
> *b for the change of use, reuse or extension of existing buildings, particularly those of historic value; or*
>
> *c for sport or recreation purposes.*

It is apparent that a proposal for the change of use and re-use of the workshop to an annex complies with criterion (b) of Policy NE5.

5.1.18 Criterion (b) of Policy NE5 should be read alongside Policy BE20 of the HBBCLP. BE20 is a saved policy and one which relates specifically to the re-use and adaption of rural buildings. The existing structural quality of the building and the design details of the proposal are important in meeting with the objectives of Policy BE20. As stated above, the design details relating to the conversion of the annex are included within the Design and Access Statement prepared by Savage Hayward Architects.

5.1.19 With regard to the principle of development, however, the provision of on site accommodation for a care worker clearly meets with sustainable planning objectives, as well as, the Council's Supplementary Planning Guidance relating to the conversion of rural buildings.

5.2 Other material planning considerations

5.2.1 Planning Policy Statement 1 sets out overarching planning policies on the delivery of sustainable development through the planning process. Amongst other things, it is advised that sustainable development should be pursued in ways that protect and enhance the physical environment and optimise resource and energy use.

5.2.2 The proposal seeks to achieve both of these objectives. Not only does the application propose to significantly improve the appearance of the site

through the removal of unsightly and poorly constructed buildings but it also adopts sustainable energy methods to provide a more sustainable form of development on site.

5.2.3 Paragraph 8 of PPS1 advises that pre-application discussions are critical to the planning process. The applicants have engaged in pre-application consultation with the Council from the outset. Discussions have taken place with regard to the fundamental principle of development, as well as, the more intricate details of design. The proposal as submitted reflects the pre-application advice received from the Council during this process.

5.2.4 Planning Policy Statement 7 relates to sustainable development in rural areas. Paragraphs 12 and 15 of PPS7 advise local planning authorities to ensure that development respects and where possible enhances the quality and character of the countryside. It is considered the redevelopment of the site as proposed not only respects but also enhances the quality and character of the countryside in accordance with the planning objectives of PPS7. This is reaffirmed by the visual impact assessment also submitted as part of this application

6.0 CONCLUSIONS

6.1 In summary:

- both the physical and visual quality of the existing buildings on site is poor;
- the existing buildings do not make a positive contribution to the rural setting;
- the replacement dwelling seeks to improve the overall appearance of the site and as a result, not only protects but also enhances the visual appearance of the countryside;
- whilst proposing the demolition of the unsightly buildings on site the proposal includes the retention of two traditional red brick agricultural buildings;

- there are special circumstances relevant to this proposal arising from the specific care requirements of the applicants' disabled son;

- the replacement dwelling is located on the footprint of the existing buildings and adopts a similar form;

- the size and scale of the proposal is appropriate when taking into account the extent of existing floor space proposed to be removed and the height of existing buildings on site;

- the replacement dwelling adopts sustainable energy methods to provide a more sustainable form of development; and,

- the proposal meets with the objectives of the development plan and National Government Guidance.

6.2 For the above reasons the application proposes an attractive and appropriate form of development for which planning permission should be granted.