

Delegated Report



Hinckley & Bosworth
Borough Council

Planning Reference 26/00702/CLE
Applicants M, E R & A Beeston
Ward Barlestone, Nailstone, and Osbaston

Application Site 102 Main Street, Nailstone

Proposal Certificate of Existing Lawful Development for the implementation of planning application 23/00518/FUL

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant Certificate of Lawful Existing Use

2. Planning Application Description

- 2.1. This is an application for a Lawful Development Certificate to confirm that the development approved via 23/00518/FUL has been lawfully implemented at 102 Main Street, Nailstone.

3. Description of the Site and the Surrounding Area:

- 3.1. The application site is situated on the northern side of Main Street and immediately to the east of Ibstock Road ('A447') to the southwest of, but within the settlement of, Nailstone and its associated Conservation Area. The application site consists of a rectangular farm complex, comprising a farmhouse and ranges including a threshing barn, store and stables, and an area of paddock land to the north of these structures. The buildings within the application site are identified as key unlisted buildings within the Nailstone Conservation Area Appraisal.

4. Relevant Planning History

- 4.1 **25/00387/DISCON** Partially Discharged (determined: 12.08.2025)

Application to discharge C5 (WSI), C6 (Contaminated Land), C8 (Materials), C9 (Hard and Soft Landscaping), C10 (Precautionary Method of Working Strategy), C11 (Bat Survey), and C12 (Bat Enhancement Scheme) attached to planning permission 23/00518/FUL

4.2 **23/000518/FUL** Permitted (determined: 06.10.2023)

Barn conversion to form new dwelling, erection of new dwelling, extension of existing dwelling to provide an annex, replacement roof and associated works

5. Publicity and Consultation

5.1. There is not statutory requirement to consult third parties on an application for a Lawful Development Certificate. Nevertheless, the Council's Conservation Officer responded to the application to confirm that they had no comments to make on the application. No further responses have been received.

6. Policy

6.1 Section 191 of the Town and Country Planning Act 1990 (as amended).

7. Appraisal

7.1 In determining an application for a Lawful Development Certificate, Planning Practise Guidance confirms that a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

7.2 The Applicant is responsible for providing sufficient information to support the application and that such evidence should be sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. If the Local Planning Authority has no evidence itself to contradict or otherwise make the Applicant's version of events less than probable, there is no good reason to refuse the application, provided that the Applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities. It is against this legislative framework that the application is assessed.

7.3 The following documents and information have been submitted to support the application:

- Application Form
- Certificate of Lawful Development Statement
- Inspection and Roof Removal
- Location Plan

- 7.4 Planning permission 23/00518/FUL remains extant until 06 October 2026. 17 planning conditions were attached to 23/00518/FUL, and planning conditions C5 (Written Scheme of Investigation), C6 (Land Contamination), C9 (Landscaping), and C12 (Bat Enhancement Scheme) needed to be discharged prior to the commencement of development. These conditions were sufficiently discharged as part of application 25/00387/DISCON to enable the commencement of development on 12 August 2025.
- 7.5 The Application Form states that works began on site on 30 March 2026 and the Applicant has demolished buildings B4 and B6, and removal of the roof structures of Buildings B2, B3, and B4 as identified on Page 3 of the submitted Inspection and Roof Removal document. The submitted Inspection and Roof Removal document (dated 07 April 2026) was undertaken by an independent licenced bat consultant and confirms the statements within the Application Form. The statements within the Application Form are also supported by photographic evidence within the submitted Certificate of Lawful Development Statement and through historic satellite imagery of the application site from 2025.
- 7.6 Section 56(1)(a) of the Town and Country Planning Act 1990 (as amended) ('TCPA') confirms that the development of land shall be taken to be initiated if the development consists of the carrying out of operations at the time when those operations are begun, and Section 56(4)(aa) of the TCPA identifies that such operations would include any work of demolition of a building.
- 7.7 The evidence submitted by the Applicant demonstrates that single storey brick lean-to stable building and the northern stable block has been demolished and building operations have been undertaken to three further buildings within the application. The Council has no information to contradict the Applicant's claims, and, on the balance of probabilities, it is considered that the development approved via 23/00518/FUL has lawfully commenced on site. A Certificate of Lawful Existing Use therefore may be granted.

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;

- (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 In conclusion, the submitted information is considered to demonstrate that, on the balance of probabilities, the development approved via 23/00518/FUL has lawfully commenced on site at 102 Main Street, Nailstone in accordance with Section 56 of the Town and Country Planning Act 1990 (as amended). A Certificate of Lawful Existing Use therefore may be granted.

10. Recommendation

10.1 **Grant Certificate of Lawful Existing Use**