Hinckley & Bosworth Borough Council

A Borough to be proud of

Planning (Listed Buildings and Conservation Areas Act) 1990

LISTED BUILDING CONSENT

Name and Address of Applicant
Mr J Davenport
Elm Farm
Main Street
Higham on the Hill
Nr. Nuneaton
Warwickshire
CV13 6AE

Name and Address of Agent (if any)
Emery Architectural Design Ltd
Greenacres
South Kilworth Road
North Kilworth
Leicestershire
LE17 6HE

Part I - Particulars of Application

Date of Application	**Application No.**
15 June 2011	11/00468/LBC

Particulars and location of development:

DEMOLITION OF EXISTING STORE AND THE ERECTION OF A NEW STORE.

West Hall Barr Lane Higham On The Hill Nuneaton Leicestershire

Part II - Particulars of decision

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the historic fabric and character and setting of the Grade II listed building, surrounding development, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed demolition would be in accordance with the development plan as: the outbuilding has limited functional architectural or historic significance and there are proposals for its replacement which would preserve the character and appearance of the Higham on the Hill Conservation Area and the setting of Higham Hall.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE3 and BE8

In pursuance of its powers under the Town and Country Planning Act, 1990, the Hinckley & Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following condition(s) :-

1. The demolition works hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Block and Location Plan Drawing No. 2001-257-loc (A3-1); Block and Location Plan Drawing No. 2001-257-loc (A3-2); Existing Plans and Elevations Drawing 2011-257-1 and Proposed Plans and Elevations Drawing No. 2001-257-2 received by the local planning authority on 15 June 2011.

3. The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and full planning permission has been granted for the re-development for which the contract provides.

The reasons for the conditions are :-

1. To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

2. For the avoidance of doubt and in the interests of proper planning.

3. To preserve the character and appearance of the Higham on the Hill Conservation Area to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.



Date:- 8 August 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to grant listed building consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 10 of the Planning (Listed Building & Conservation Areas) Act 1990 within **six months** of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Listed Building Consent Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 10 of the Planning (Listed Building & Conservation Areas) Act 1990, to the provisions of the development order and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him.

4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building & Conservation Areas) Act 1990.

5. This consent relates to planning control only and is without prejudice to any other statutory consents or approvals that may be required under the Building Regulations or under other enactment's.

6. The obtaining of listed building consent for the demolition of a listed building does not free the applicant from his duty to give specific notice of the intended demolition to the Local Planning Authority under Section 29 (3) of the Public Health Act 1961.

7. Attention is drawn to Section 8 of the Planning (Listed Building & Conservation Areas) Act 1990 the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Local Planning Authority or the Secretary of State for the Environment) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Saville Row, London W 1, and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that it has completed its record of the building or that it does not wish to record it.

8. This consent does not grant or imply permission for any material change in the use of the building(s) to which it relates, nor for the redevelopment of the site of the building(s) after its (their) demolition.

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