

The Planning Inspectorate
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Temple Quay House
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31st March 2025

Our ref: CHR/MCMAN/24/2005
Your ref: APP/K2420/W/24/3357989

Dear Sirs,

**RE: TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR CHRISTOPHER MCMANU
SITE ADDRESS: POND BARN, COLD COMFORT FARM, ROGUES LANE, HINCKLEY**

The following comments are submitted on the matters raised within the Local Planning Authority's statement on the above appeal.

The LPA's statement raises comments in relation to dependence upon motorised transport and resulting environmental harm. In response we would draw the Inspectors attention to the previous permitted use of the application site for dog day care which was licensed to care for upto 30 dogs. This use would attract considerably more vehicular movements due to the nature of the use requiring dogs to be dropped off and collected than a singular four-bedroom dwelling. If it's considered that vehicular movements result in environmental harm this harm would be significantly reduced by the proposed change of use and conversion to a single dwelling house. Given the date of the adoption of Policy DM17 was 2016 this policy was a consideration in the assessment of the dog day care application reference 18/00353/FUL. The LPA did not consider the level of vehicular movements associated with the care of upto 30 dogs to result in environmental harm therefore it cannot be the case for considerably less vehicular movements. To clarify, the conclusion of the officers report for the dog day care application states:

"The development proposes the re-use of part of an existing agricultural building in the countryside as a dog day care facility, which is diversification of an existing rural enterprise, and would be acceptable in principle. As a result of the nature of the development, the layout, design, material and mitigation measures proposed, the proposed development would not have any significant adverse impact on the character or appearance nor residential amenity, subject to the imposition of conditions. Subject to formal comments from Leicestershire County Council (Highways) the proposed development would be in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP and the overarching principles of the NPPF."

The Inspectors attention is drawn to the existing residential properties in the local area which are detailed in the Appeal Statement submitted on behalf of the appellant such as those beyond Cold Comfort Barn, The Barn, The Cow Shed, Bullrush Cottage, Willow Cottage, Lilly Cottage and Lante Fields Farm that are independent to Cold Comfort Farm which have similar conditions in terms of

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transport. The LPA acknowledge at para 6.11 that the site isn't isolated from nearby residential development which demonstrates the suitability of the location for residential development,

NPPF Paragraph 83 relates to rural housing and states that housing should be located where it will enhance or maintain the vitality of rural communities. Its acknowledged that development can support services in a village nearby. As is the case with existing residential development occupants of the dwelling can utilise existing services in locations such as Stoke Golding, Barwell and Hinckley which contributes to the vitality of existing services.

In terms of the LPA's comments in relation to the Impact upon the Character of the Surrounding Area and the Open Countryside we refer the Inspector to paragraphs 6.3 to 6.32 which relate to the First reason for refusal and policies DM4, DM10 and DM15.

The dog day care use and agricultural storage use of the building has ceased therefore the building is redundant. The proposed change of use would prevent the building and site from falling into disrepair. Section 11 of the NPPF relates to making effective use of land and promotes the development of underutilized land and buildings. The proposals provide the opportunity to effectively use the site for a residential use that would not result in harm to the character of the area or the environment. The curtilage of the site has been reduced to the immediate surroundings therefore confining any domestic use to this area and a detailed landscape plan can be requested by condition. The LPA previously granted the building and associated curtilage and a use that resulted in greater urbanisation than the proposed residential use therefore the proposals provide a betterment to the rural character of the area.

The LPA refer to the appellant removing the structure if it not required, there is no mechanism in place to enforce this removal therefore in the circumstance planning permission is not granted the building would be left vacant and vulnerable to vandalism.

With regard to the LPA comments on Self-Build we would refer the Inspector to paragraph 6.46 of our statement which states:

The information provided on the application form clearly states that planning permission is sought for a self-build bespoke property to be constructed by and lived in by the applicant. Self-build is included within the description of the development therefore should permission be granted the development would be limited to self-build, any departure from this description would be a breach of the planning permission.

Furthermore, if the Inspector considered it appropriate a legal agreement could be offered to secure the Self-Build element of the proposals.

Yours sincerely



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