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SANSOM CLARKE
PROPERTY AND DEVELOPMENT SPECIALISTS

A. Statham Esq.
Garland Stud
Bagworth Road
Barlestone
Nr Nuneaton
Warwicks CV13 0JA

11/00166/Full

Our Ref: SMC/CH/S263/O-001
6th May 2011

Dear Mr Statham,

PROPOSED AGRICULTURAL BUILDING AT HEATH ROAD, BAGWORTH

I refer to the problems you have been experiencing with Hinckley & Bosworth Borough Council concerning your application for the above.

In addition the explaining of the background to this case, you also provided me with your Planning Statement and Design and Access Statement submitted with the application which I return herewith.

It seems to me that the planning authority is bent upon making all other genuine applicants pay for the mistake they made in granting permission for what looks like a sham application at Brascote recently, and that is patently not fair.

Given the number of hoops you are (in my view unreasonably) being asked to jump through, it is clear that the Planning Officer thinks your client's application could also be a sham, and is doubting that the intention is to use the building for agricultural purposes. The facts of the case demonstrate that there is no evidence or basis for this doubt:-

1. Your client has arranged his business affairs properly in order for them to function as an agricultural operation.
2. He has been running cattle on the land.
3. He has been persistent in showing that the building is needed and has apparently explained why in the supporting documents.
4. He would not be prepared to spend such a significant amount of money for a good, well-designed agricultural building if there was no genuine need for it.

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Stephen Clarke MRAC FRICS FAAV
104 Station Road, Ibstock, Leicestershire LE67 6JJ
Telephone & Fax: 01530 263696 Mobile: 07850 661180
email: stephenclarke@sansomclarke.co.uk

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I was intrigued to hear that you originally sought permission for this building for fodder storage in conjunction with keeping horses on the land. You were told by Richard Wright that they would not entertain an application connected with horses and it would have to be for cattle before they would consider whether permission could be granted.

When you explained to me what your client does with the horses he 'keeps', I could not see how that could fail to qualify as a legitimate agricultural activity in it's own right.

Breeding horses in order to improve stock, keeping the best males and females for further breeding whilst selling the rest for meat, is a legitimate agricultural activity. Look no further than pedigree beef cattle rearing for a direct comparable.

I attach an extract which includes the official planning definition of agriculture and have highlighted the relevant section.

So, whichever way your client wants to play it, he is fully justified in seeking permission for an agricultural building.

I suggest you seek an audience with someone Senior in the planning department in order to get this tragedy of errors put right once and for all, and your application approved. If this cannot be arranged, I strongly recommend that you Appeal for non-determination and go for costs.

Yours sincerely,

Stephen M Clarke
MRAC FRICS FAAV FLAND INST

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- 'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land' **with the exception of** (among other things):

- the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used.'

Development includes not only building operations but also the **use of land** for purposes other than agriculture and forestry. You will thus often need planning permission to change the use of buildings or land, even if no building works or structural changes are involved.

Planning permission is not usually needed for:

- internal alterations if the use of the building remains unaltered and the external appearance unaffected;

- outside building works involving the repair or maintenance of a building;

- demolition of existing buildings, although prior approval may be needed for the details of the proposed demolition of houses and adjoining buildings and for the restoration of the site, unless the demolition is part of an approved new development. (***But check with your local planning authority whether the building is listed as being of special architectural or historic interest, or is in a conservation area, in which case consent is needed. You also need consent to alter a listed building.)***

The Definition of Agriculture
Section 336 of the Town and Country Planning Act 1990 defines **'agriculture'** as including:

• 'horticulture, fruit growing, seed growing, dairy farming;

• the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);

• the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and

• the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'