

Case Officer: Bob Neville

Recommendation: Prior approval not required

Applicant: Mr Harry Blackwell

Proposal: Demolition of a small, stand-alone outbuilding, of a volume less than 115m³; such demolition being classified as permitted development under Schedule 2, Part 11, Class B

Expiry Date: 21 April 2021

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a former pig sty structure located within a wider site known as Mawles Farm, located within the village of Sibford Gower. The farm site sits on a crossroads within the village with the site bounded by Pound Lane to the west and Main Street to the south. The site benefits from an existing gated access of Pound Lane. The site sits adjacent residential properties within the village and land levels rise to the north opening out onto open countryside.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks to demolish a former pig sty building under permitted development and seeks to establish whether prior approval is required for the method of demolition and proposed restoration of the site.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

Application: 20/02545/F	Permitted	24 November 2020
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Conversion of existing barns to create 1 new dwelling, demolition of existing steel barn and erection of replacement ancillary outbuilding and associated works.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. The Local Planning Authority has not publicised the application, as the duty lies with the applicant to advertise their intention to demolish the building. A copy of the site notice has been provided by the applicant.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. SIBFORD GOWER PARISH COUNCIL: No comments to make on the application.

OTHER CONSULTEES

6.3. None undertaken

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

8. APPRAISAL

8.1. This application is for determination as to whether prior approval for the method of demolition and/or restoration of the site is necessary and is required to be determined under Class B of Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This requires a site notice to be displayed on or near the land for not less than 21 days.

8.2. Class B of Part 11, Schedule 2 of the GPDO gives Permitted Development rights (PD) for demolition that has obtained prior approval. An Application for Prior Notification of Proposed Demolition triggers a 28-day process in which the Local Planning Authority has to determine whether or not formal approval is needed for the works. If so, then details of the method of demolition and means of restoring the site needs to be approved.

8.3. Para B.2 of Part 11 Schedule 2 of the GPDO makes it clear that such prior approval is not needed for demolition that is considered to be 'excluded demolition'. 'Excluded demolition' is defined at Para. B.3 (GPDO) to mean 'any development on land which is the subject of a planning permission, for the redevelopment of the land'.

8.4. There is an extant planning permission (20/02545/F) relating to the redevelopment of the site. The former pig sty building is shown to be retained within the approved scheme. Therefore, whilst the demolition of the former pig sty would have implications for the lawful implementation of the approved scheme, the demolition of the former pig sty is not considered to represent 'excluded demolition' and, therefore, the development set out in this prior notification does not fall into the category of 'excluded demolition'. The applicant has further verbally confirmed that they will be looking at variations to the approved scheme 20/02545/F through a S73 application; which potentially could also include the removal of the former pig sty building.

8.5. The development is not considered to be 'urgently necessary in the interests of health and safety'.

8.4 Where demolition is not 'excluded development' or 'urgently necessary', the applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority is required as to the method of demolition and any proposed restoration of the site.

8.6. The application form sets out the demolition process and the proposed restoration of the site; i.e. that:

- The structure would be manually dismantled;
- All roof and stone materials would be re-used on site;
- Stone will be recycled. Rubble/spoil will be carted from site; and
- The area will be restored to become a green garden space.

8.7. Evidence of a site notice has been provided as part of this application and this has been confirmed by officers as being displayed on site.

8.8. The structure to be demolished is a relatively small building approximately 82m³ in volume, and its removal would not be appreciated beyond the confines of the site. Demolition is proposed to be carried out manually and materials recycled. Planning officers consider the proposed method of demolition to be acceptable.

- 8.9. The application form and plans indicates how the site would be restored, with the land being incorporated as garden land within the wider scheme for the site. The LPA finds this information to be sufficient in terms of site restoration. The onus would be on the site owner to maintain and manage the site in its new (i.e. post-demolition) condition as part of the wider scheme of re-development of the site.
- 8.10. Therefore, it is considered that prior approval is not required for the demolition works the subject of this application.

9. RECOMMENDATION: That prior approval is not required.

The proposed development, notwithstanding this decision, is subject to compliance with all other conditions and limitations set out within Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) including that the development is carried out within a period of five years beginning from the date that the Local Planning Authority received notice of the proposed works.

Case Officer: Bob Neville

DATE: 19/04/2021

Checked By: Nathanael Stock

DATE: 20.04.2021
