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## Appeal Decisions

Site visit made on 14 August 2017

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5 September 2017**

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### **Appeal A: APP/X2410/W/17/3171196**

#### **2 Pick Street, Shepshed, Leicestershire LE12 9BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Philip Whitehead against the decision of Charnwood Borough Council.
  - The application Ref P/16/2514/2, dated 7 November 2016, was refused by notice dated 20 December 2016.
  - The development proposed is the enlargement of the entrance driveway and resurfacing of the driveway.
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### **Appeal B: APP/X2410/Y/17/3170067**

#### **2 Pick Street, Shepshed, Leicestershire LE12 9BB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Philip Whitehead against the decision of Charnwood Borough Council.
  - The application Ref P/16/2466/2, dated 31 October 2016, was refused by notice dated 20 December 2016.
  - The works proposed are the enlargement of the entrance driveway and resurfacing of the driveway.
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## **Decisions**

1. The appeal is allowed and planning permission is granted for the enlargement of the entrance driveway and resurfacing of the driveway at 2 Pick Street, Shepshed, Leicestershire LE12 9BB in accordance with the terms of the application, Ref P/16/2514/2, dated 7 November 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A3/02/rev and A3/03/rev.
  - 3) No development shall take place until a method statement for the demolition and making good of the wall has been submitted to and approved in writing by the local planning authority. The method statement shall include details of the means of demolition, the reinstatement of the wall including the materials and mortar to be used. The development shall be undertaken in accordance with the approved details.

2. The appeal is allowed and listed building consent is granted for the enlargement of the entrance driveway and resurfacing of the driveway at 2 Pick Street, Shepshed, Leicestershire LE12 9BB in accordance with the terms of the application Ref P/16/2466/2 dated 31 October 2016 subject to the following conditions:
  - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
  - 2) The works hereby permitted shall be carried out in accordance with the following approved plans: A3/02/rev and A3/03/rev.
  - 3) No works shall take place until a method statement for the demolition and making good of the wall has been submitted to and approved in writing by the local planning authority. The method statement shall include details of the means of demolition, the reinstatement of the wall including the materials and mortar to be used. The works shall be undertaken in accordance with the approved details

### **Main Issue**

3. The main issue in these appeals is the effects of the proposal on the listed building, its setting and the character of the area.

### **Reasons**

4. The appeal relates to this former church which is a grade II listed building. It was constructed in 1842, designed by A W N Pugin and is now converted to a commercial use. The church is constructed of granite rubble with a slate roof. Its significance is derived from its overall design and its historic association.
5. Part of the boundary with Pick Street is marked by a low wall constructed of the same materials as the church. This runs from the entrance to the church and is variously said to be around 19m in length and 13m in length. There is an existing break in the wall for the access and a short section of the wall on the other side of the access. The wall is attached to the church and the submitted evidence suggests that it may be original, or constructed very shortly after the church.
6. In my view the boundary wall does add to the character of the listed building being of the same materials and clearly defining its boundary here, although not of primary significance. The existing break in the wall does not detract from the character of the site nor in the contribution that the wall makes to the building and the area. The proposal would result in the removal of 0.9m length of the wall to increase the width of the access to 4.55m. The appellant states that this is required to allow cars and small commercial vehicles to enter and leave the site without encountering difficulties, particularly when cars are parked on the opposite side of Pick Street.
7. In my judgement, the loss of such a small section of the wall, compared to its overall length, would be barely noticeable. I consider that the remaining part of the wall would still adequately define the boundary and complement the church. I do not consider that the wider opening would have any harmful effects in relation to opening up the land to views, as is suggested by the Council. The loss of fabric would be minimal and would not be harmful, in my judgement.

8. As a result of my findings, I consider that the proposal would have no harmful effects on the listed building, its setting or on the wider character of the area. Therefore, there is no conflict with Policies CS2 and CS14 of the Charnwood Local Plan Core Strategy or Policy EV/1 of the Borough of Charnwood Local Plan.
9. In relation to conditions, I consider that it is appropriate to ensure that the proposal is completed in accordance with the approved drawings. In addition, so that the proposal has an acceptable appearance, I shall also include a condition which requires a method statement which would ensure that the demolition and reinstatement is done in an appropriate manner and constructed of materials which have been agreed by the Council.

### **Conclusions**

10. For the reasons set out above, I find that the proposal would preserve the special architectural and historic character of the listed building and would not harm its significance or its setting. The wider character of the area would also be unaffected by the proposal. Therefore, the appeals are allowed.

*S T Wood*

INSPECTOR