



Appeal Decision

Site visit made on 8 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/X2410/W/19/3233486

**Land adjacent former Bradgate Park Nursing Home, Brand Hill,
Woodhouse Eaves, Leicestershire L12 8SS**

- 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 I Jowett (William May Developments Ltd) against the decision of Charnwood Borough Council.
 - The application Ref P/17/2241/2, dated 27 October 2017, was refused by notice dated 18 January 2019.
 - The development proposed is erect two semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would preserve or enhance the character or appearance of the Woodhouse Eaves Conservation Area; and
 - The effect of the development on biodiversity.

Reasons

Conservation Area

3. The appeal site is located within the Woodhouse Eaves Conservation Area. The Conservation Area Character Appraisal states that contours and landform are an important feature and is composed of two main areas; namely the built part of the village, and the wooded, landscaped area of Brand Hill.
4. The appeal site originally formed part of a larger site that included the nursing home, this was subsequently demolished, and eight dwellings approved by a 2012 application. From the evidence in front of me, that consent included a Section 106 agreement which required the developer to provide two dwellings within the village as affordable housing or make a financial contribution to the Council. I understand that the developer has been unable to secure two dwellings in the village to meet that requirement, and therefore submitted a planning application for two dwellings on this site to meet that affordable housing need.
5. I find that the design of the dwellings would not be in keeping with the relatively traditional architectural nature of the Conservation Area and is lacking in detail that gives the additional character to nearby properties, when

seen in the context of the existing dwellings, and the appeal proposals. This would be reinforced by failing to utilise the local Charnwood Stone, which characterises the street scene in key sections of the locality.

6. I acknowledge that the vegetation on and around the site gives it somewhat of a sylvan setting, and assists in screening the site, but given the proximity to the location of the proposed dwellings, the trees would undoubtedly have the potential to create a poor outlook and reduced living conditions for the new residents. I consider that there is a significant risk to the vegetation and trees located on the site as pressure could well be brought to bear by residents in order to reduce the level of vegetation and trees to improve amenity, which I understand has occurred with the original development of eight dwellings. Therefore, I consider that the character and appearance of the Conservation Area would not be preserved or enhanced by the design of the properties or their materials of construction nor the impact of the development on the trees and vegetation on and around the appeal site.
7. Taking all matters into account, the proposal would result in less than substantial harm to the Conservation Area. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) less than substantial harm should be weighed against the public benefits of the proposal.
8. The provision of two dwellings would make a modest contribution towards the Council's housing figures. The appellant contends that the appeal site is the only location suitable to meet the need for two affordable dwellings, as set out by the Section 106 Agreement for the original development.
9. There would also be a limited social and economic benefit through the development of the site and the expenditure of future occupants using local services and facilities, and there may also be employment opportunities associated with building the properties. However, I must attach considerable importance and weight to the desirability of preserving the character and appearance of the Conservation Area. I find therefore that the modest and limited public benefits identified do not outweigh the less than substantial harm that would result from the proposal.
10. Therefore, I conclude on this issue that the proposal would not preserve or enhance the setting of the Conservation Area and therefore conflicts with Policies CS2 (High Quality Design) and CS14 (Heritage) of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) (the CS) and the heritage requirements of the Framework.

Biodiversity

11. The Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
12. Given the lack of information in front of me with regard to biodiversity, and how it could be addressed, given the degree of uncertainty, the use of conditions would not be reasonable in this case.
13. The absence of sufficient information means that I cannot rule out potentially significant harm to biodiversity. As such, the scheme would be contrary to Policy CS13 of the CS where it seeks to avoid loss of biodiversity. It would also

be contrary to the Paragraph 175 of the Framework where it states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

Conclusion

14. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR