



Appeal Decisions

Site visit made on 21 June 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal A Ref: APP/F2415/C/22/3296285

The Old Station, Station Road, North Kilworth, Lutterworth, Leicestershire LE17 6HY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
 - The appeal is made by Simon Vicary of Vicary Plant Spares UK Ltd against an enforcement notice issued by Harborough District Council.
 - The notice was issued on 15 March 2022.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the siting and use of a prefabricated two storey office block on the Land in the approximate location hatched black on the Plan.
 - The requirements of the notice are to:
Remove the prefabricated two storey office block from the Land in its entirety including all fixtures and fittings associated with the structure, and returning the Land to its previous condition.
 - The period for compliance with the requirements is:
Six months
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/F2415/W/22/3293648

The Old Station, Station Road, North Kilworth, Lutterworth, Leicestershire LE17 6HY

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
 - The appeal is made by Simon Vicary of Vicary Plant Spares UK Ltd against the decision of Harborough District Council.
 - The application Ref 21/01675/FUL, dated 15 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is for a prefabricated two storey office block.
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Decisions

Appeal A

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the prefabricated two storey office block at The Old Station, Station Road, North Kilworth, Lutterworth, Leicestershire LE17 6HY as shown on the plan attached to the notice.

Appeal B

2. Appeal B is allowed and planning permission is granted for a prefabricated two storey office block at The Old Station, Station Road, North Kilworth,

Lutterworth, Leicestershire LE17 6HY in accordance with the terms of the application, Ref 21/01675/FUL, dated 15 September 2021.

Preliminary matter

3. The notice refers to land at Vicary Plant Spares UK Ltd whereas both the appeal forms and the application form refer to the addresses which are detailed in the banner headings above. It is apparent that Vicary Plant Spares UK Ltd is the name of the commercial business and these different descriptions have therefore not resulted in any confusion, as it is clear from the plans attached to the enforcement notice in appeal A and the submitted plans in appeal B, the actual location of the appeal site.

Appeal A – ground (a), and Appeal B

4. The ground of appeal for appeal A is that planning permission ought to be granted for the matters alleged in the notice. The proposal in appeal B is similar to matters alleged in the enforcement notice. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the appeals together, except where otherwise indicated.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is a commercial premises with other commercial sites located within the immediate vicinity. This grouping of commercial sites which contain buildings and structures of various design and built form sits within a countryside location surrounded by open fields. The character of the area surrounding the appeal site is a mix of different built forms of commercial nature surrounded by open countryside.
7. The office block does have a utilitarian design with flat roof and eaves and given the mix of built form in the immediate area, it does not appear out of keeping in the context of the existing surrounding development. The office block is sited away from the A4304 highway behind existing fencing with the majority of the ground floor of the building screened from public view. Due to the scale of the office block and its proximity from the highway, it does not appear as an obtrusive feature within the street scene.
8. The dark green colour of the office block blends in with the colour palette of surrounding buildings as well as natural features and therefore has a sympathetic appearance that does not detract from the character of the area. The office block given its siting and design is not an incongruous structure that detracts from local character, and it does integrate into the existing built form and street scene. The appeal site is located on approach to the entrance to the village of North Kilworth and due to its siting, the office block does not compromise the character of the nearby village.
9. The office block does not have a harmful effect on the character and appearance of the surrounding area. The development complies with GD8 of the Harborough Local Plan and Policy NK5 of the North Kilworth Neighbourhood Plan which seeks development to demonstrate high quality design, form and

layout, respect and enhance local character, and respect the context and characteristics of individual sites, street scene and wider local environment.

10. The Council have referred to recent planning permissions for buildings in the area indicating that these consented buildings show timber clad elevations and pitched/curving roofs, designs akin to modern agricultural barns. These other permissions do not alter my assessment above and the acceptability of the office block in relation to the development plan policies.

Conclusion

11. The office block does not conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweighs this finding.
12. Therefore, for the reasons given above, I conclude that appeal A on ground (a) and the application for deemed planning permission should succeed and appeal B should be allowed.
13. On this basis there is no need to consider ground (f) and (g) of appeal A.

Chris Baxter

INSPECTOR