



Appeal Decision

Site visit made on 27 June 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2023

Appeal Ref: APP/T2405/W/22/3307106

20 Cromford Road, Cosby, Leicestershire LE9 1TL

- 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 Mrs Becky Webster against the decision of Blaby District Council.
 - The application Ref 22/0446/FUL, dated 22 April 2022, was refused by notice dated 22 July 2022.
 - The development proposed is described as 'retrospective change of use of "scrub land" to residential curtilage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the development was substantially complete, and I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the site is an appropriate location for the development proposed having regard to the development plan,
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on ecology.

Reasons

Whether the site is an appropriate location

4. The appeal site is located within an area designated as a green wedge. Policy CS16 of the Blaby District Local Plan Local Plan (Core Strategy) Development Plan Document Adopted February 2013 (CS) specifically relates to green wedges which are designated with the intention of preventing the merging of settlements; guiding development form, providing a green lung into urban areas; and a recreational resource.
5. In regard to land use or development within green wedges there are three criterion listed. The first two criterion seek to ensure that the open and undeveloped character of the green wedge is retained and ensure that green networks between the countryside and open spaces are retained.

6. Although I accept that the proposal is unlikely to result in the merging of the nearby settlements of Littlethorpe and Whetstone, the effect of clearing and the erection of fencing the appeal site would albeit to a limited extent contribute to incrementally eroding the separation between the settlements.
7. I note that the appellant contends that the land that has been encompassed into the garden was previously unmaintained scrub however it is clear that this would have formed part of the open and undeveloped character of the green wedge. The appellant has cleared the scrub and enclosed a parcel of land with fencing. I appreciate that the appellant does not intend any further built development and would accept a condition restricting permitted development rights, however the clearance and fencing of the site has already materially eroded the open and undeveloped character of the Green Wedge.
8. The third criterion related to retaining or enhancing public access to the green wedge however there is no dispute that the land was not previously accessible to the public and as such this criterion is not relevant in the circumstances.
9. The appellant suggests that the aim of providing a green lung is more relevant to urban areas such as Glenfield and Braunstone. However, the policy is clear that Cosby is included and is considered to be a built-up area. As such, the site although small is a component part of the District's green lung.
10. I therefore conclude that the appeal proposal would materially harm the functions of the Green Wedge and is therefore not appropriately located. It is therefore contrary to Policy CS16 of the CS which seeks amongst other things to retain the open and undeveloped character of the Green Wedge and provide a green lung into the urban areas.

Character and appearance

11. Cromford Road is a residential estate containing predominantly semi-detached dwellings of similar appearance. The dwellings have large driveways and front gardens which combined with mature trees, hedgerows and vegetation gives the area an open and verdant character and appearance.
12. 20 Cromford Road is located at the end of the estate, next to which is a densely covered area of vegetation which makes a particularly positive contribution to the verdant character and appearance of the area.
13. The proposal has resulted in a parcel of land being cleared of vegetation and enclosed by fencing. Due the open frontages which are characteristic of the area fencing is not prevalent, as such the fencing that has been erected due to its domestic appearance as well as the clearance of the vegetation results in a feature that stands out as prominent and incongruous in the street scene and erodes the open character and appearance of the area.
14. There is a public right of way (PROW) that runs behind the site and gives access through to the golf course. The removal of the vegetation and erection of the fencing is noticeable when walking along the PROW in both directions. In particular, the fencing when looking from the golf course stands out as an overly domesticated feature that erodes the verdant character and appearance of the area.
15. The appellant has provided photographs of fencing on Ashover Close, which is a short distance from the site. However, the character and appearance of this

close is different to the appeal site, notably houses at the entrance are terraced and have their frontages facing Brooklands and Cromford Road which results the rear gardens facing onto Ashover Close and the need for fencing.

16. I conclude that the development has resulted in material harm to the character and appearance of the area. It is therefore contrary to Policy CS2 of the CS which amongst other things, seeks to ensure development respects the local character and is designed to be appropriate in its context.

Ecology

17. The appellant did not carry out an ecological survey to establish any ecological value the land had before clearing it. It is however noted that the comments received from Leicestershire County Council's Ecologist were made when a much larger area of land was shown and was significantly reduced to what the Council made their decision on.
18. It is likely that the larger parcel of land, due to its dense coverage with vegetation, ponds and proximity to the local wildlife site would have ecological value and the Ecologist has suggested that a survey should be submitted if any further clearance is intended.
19. In respect of the smaller parcel of land this appeal relates to, the appellant has not provided any substantive evidence to demonstrate that there has not been ecological harm in carrying out the proposal. As such, I cannot conclude that the proposal has not resulted in material harm to the ecology of the appeal site and adjoining.
20. I conclude that it has not been demonstrated that the development would not cause unacceptable harm to ecology. I therefore find conflict with Policy CS19 of the CS which seeks to protect the important areas of the District's natural environment and landscape.

Other Matters

21. It is noted that there seems to be some uncertainty in relation to ownership of the land and is a factor in the submission of the application. The appellant is pursuing the ownership of the land and if successful would allow them to maintain the land. The issues over ownership are however not a planning consideration and as such has not affected my judgment and, in any case, this additional land is outside of the red line and is therefore not before me to consider.
22. I note that a number of interested parties have submitted representations in support of the proposal, many of which do not provide any specific reasons for such support. I note that some of the comments in support make reference to the benefits that the larger garden would give to the appellant, suggest that the fence is a positive and that the appellant has been maintaining the land however these matters do not outweigh the harm I have identified.
23. There are some concerns raised by interested parties over the uneven terrain and safety concerning the land however as the land was not previously publicly accessible, and is not proposed to be, the situation will not change in this regard.

Conclusion

24. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR