



Appeal Decision

Site visit made on 15 August 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2023

Appeal Ref: APP/G2435/W/22/3313534

The Fields, Strawberry Lane, Blackfordby, Leicestershire DE11 8AQ

- 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 A Nicholls and Miss L Hudson against the decision of North West Leicestershire District Council.
 - The application Ref 22/00357/FUL, dated 1 March 2022, was refused by notice dated 24 June 2022.
 - The development proposed is demolition of existing house and outbuildings and erection of a new dwelling and associated garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellants on the appeal form differs from that given on the planning application form. The personal circumstances of the appellants have not been set out, and on that basis I have used the names as given on the planning application form as the right of appeal rests with the original applicants.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

4. The Council's third reason for refusal relates to the effect on trees and biodiversity. However, based on evidence submitted with the appeal, the Council has confirmed that it no longer wishes to contest this reason for refusal.
5. On that basis, the main issue is the effect of the proposal on the character and appearance of the area, with due regard to heritage assets.

Reasons

6. The appeal site is part of an enclosed area of grassland on the edge of the large village of Blackfordby. The historic core of the village is located on the northern edge of the settlement, with the remainder of the village consisting of

- relatively recent housing development. The appeal site is located on the edge of the historic core adjacent to a residential area.
7. Part of the appeal site and the larger area of grassland is located within the boundary of the Blackfordby Conservation Area (CA). The CA is concentrated around the Parish Church in the northern part of the village and has a relatively open character. The CA contains a mixture of buildings representative of the phases of development in this part of the village. It is these factors that contribute to the importance of the CA as a designated heritage asset.
 8. The appeal site includes a dwelling of an understated agricultural character which is in a state of disrepair. This building is within the CA, and the CA Appraisal identifies it as an unlisted building of architectural or historic merit which is considered to make a positive contribution towards the streetscape of the area. It is therefore appropriate to consider the building as a non-designated heritage asset.
 9. Limited information has been submitted by the appellants in respect of the significance of the building as a heritage asset. However, comments from Historic England (HE) indicate that the building may date to the early-mid 18th century, possibly from 1870-1885. The HE comments outline the circumstances in place at that time, and that the house can be considered as relatively rare given the limited number of farms being built during that period. The HE comments also set out that the building is a historic smallholding farmhouse, or a pair of smallholding farm workers cottages associated with working the surrounding farmland.
 10. This reflects my own observations, where the agricultural character of the building and the extent of open land in which it sits reflects the historic development of the village.
 11. The proposed demolition of the dwelling would lead to its total loss, with great harm to its significance as a non-designated heritage asset. The loss of this building of merit would also lead to harm to the character and appearance of the CA, although I consider that that harm would be less than substantial to the heritage interest of the CA as a whole.
 12. The appellants have provided an Inspection Report which refers to a number of structural issues with the building and concludes that in its current condition it is structurally unsafe to be used as habitable accommodation. I saw that the building is in a poor condition and is not weathertight.
 13. However, both the Council's Conservation Officer and HE have expressed concern about the level of detail in the Inspection Report, including that it has not been conducted by a conservation accredited specialist. The appellants have provided a rebuttal from the author of the Report, which emphasises their experience as a Civil Engineer and refers to a number of structural issues of the building. However, given the significance of the building, the Inspection Report and rebuttal are not suitably robust with regards to the feasibility of repairs and the associated costs. The Council's Conservation Officer also refers to potential opportunities from structural works which could address issues including the headroom within the dwelling.
 14. Based on the evidence before me, it has not been demonstrated that it would be unfeasible or unviable to retain the existing building in some form. The

evidence in respect of the structural condition of the building therefore carries limited weight in respect of its proposed demolition.

15. Furthermore, it has not been demonstrated that appropriate steps have been taken to ensure that the building has been suitably maintained. The background for this has not been set out in detail, and I am mindful that this may not be due to the approach of the current appellants. But the apparent history of neglect of the site significantly lessens the weight that should be given to the deteriorated state of the dwelling.
16. It is also proposed to demolish some outbuildings that are both within and outwith the CA, but based on what I have seen and read these are of little or no merit with regard to character and appearance or heritage interest.
17. The proposed dwelling would also be significantly larger than the understated farmhouse it would replace. The appeal site is in a relatively free-standing elevated position, and the existing building is visible from a public path adjacent to the boundary of the site (albeit through a hedge and planting) and from nearby properties, as well as glimpsed views from the highway.
18. The design of the proposed building is of a relatively suburban character, and would be of a significant scale even in comparison to the more recent suburban forms of development on nearby sites and in the wider village. Due to its increase in bulk and elevated position, the proposed dwelling would be of greater prominence compared to the building it would replace. The height and scale of the roof and the massing of the elevations would give the building an overdominant and obtrusive appearance within the site and the context of the surrounding area.
19. The appellant refers to the simple design of the dwelling and the use of quality materials, window styles and detailing to reflect the character of the village. However, on the front elevation the window placement and detailing would appear as a clumsy pastiche of the character of the wider village and buildings within the CA. The side elevations would also be of an obtrusive and stark appearance, which the fenestration and step-back of the facades would do little to break up. The rear elevation would also include an extensive area of glazing in a gable wall, and although this would reflect the modern status of the dwelling, it would appear as a jarring feature rather than a logical and sympathetic progression of design in this area.
20. The design of the proposed outbuilding is also inappropriate, due to its excessive scale and the use of dormers in the roof which is uncharacteristic of this area.
21. In respect of the character and appearance of the CA, there is no prevailing design of buildings which establishes a context for development. Indeed, a number of the significant buildings within the CA are of an individual design set in large plots. However, the design of the buildings as proposed are of no particular merit, and the scale of the fields in which the site sits does not justify a dwelling of the form proposed. The extent of the curtilage as proposed also does not reflect the existing setting of the dwelling within this open area, and would detract from the appreciation of this plot of land in respect of the character and setting of the CA.

22. When read as a whole, the proposal would be of a scale, design and layout that would lead to significant harm to the character and appearance of the area. For the same reasons, the building would also fail to preserve or enhance the character and appearance of the CA.

Other Matters

23. I have had regard to the various permissions and decisions referred to by the main parties, including the demolition of the Blue Bell Public House which was also a non-designated heritage asset within the CA. However, it has not been demonstrated that the circumstances which led to those decisions are the same as the appeal before me, including with regard to the form of the original site, the relationship with heritage assets, and the extent of benefits arising from the proposed development. In any event, I have determined this appeal on its own merits.
24. I have had regard to the comments raised locally in support of the proposal for a single dwelling. However, those comments do not lead me to a different conclusion based on my own observations.

Conclusion

25. Whilst the harm to the CA would be less than substantial, I attach great weight to the conservation of this designated heritage asset in accordance with the National Planning Policy Framework (the Framework). The loss of the non-designated heritage asset of the existing dwelling would also lead to great harm to heritage assets.
26. I am mindful of the public benefits of the proposal. The development would add to the mix of housing in the area and there would also be economic benefits during the construction period. However, the benefits arising from a single dwelling would be limited. The proposal would bring the site back into a productive use, address issues of anti-social behaviour on the site, increase biodiversity, and the dwelling would be of an energy efficient design. However, these benefits could also be achieved through the refurbishment of the existing building or through a new dwelling of an appropriate design, and therefore carry limited weight in favour of this specific appeal proposal.
27. In conclusion, the proposal would cause harm to the character and appearance of the area and the CA, and there are no public or other benefits that would outweigh that harm. The proposal would therefore be contrary to Policies HE1 and D1 of the North West Leicestershire Local Plan 2021 and Policies G2 and ENV4 of the Blackfordby Neighbourhood Plan 2022 with regard to matters of design, the historic environment and non-designated heritage assets. The proposal would also be contrary to the Framework with regards to achieving well-designed places as well as conserving and enhancing the historic environment.
28. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR