



Appeal Decision

Site visit made on 9 January 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/X2410/W/23/3319288

Land at 7 King Street, Sileby, Loughborough LE12 7LZ

- 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 UCR Construction and Development Limited against the decision of Charnwood Borough Council.
 - The application Ref P/22/1587/2, was refused by notice dated 2 February 2023.
 - The development proposed is erection of two bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the setting of the listed building and the character and appearance of the Sileby Conservation Area, and the living conditions of future residents.

Reasons

3. The proposal is for two dwellings to be constructed on land adjacent 7 King Street. A previous application for eight dwellings has been approved on another part of the land, and construction is advanced. An extension of that internal access for that approval would allow the creation of the access to serve the two properties.
4. The host dwelling lies within the Sileby Conservation Area which was first designated in 1988, and generally defines the settlement that existed in 1884. The area has good meadows and access to spring water, which assisted early arable cultivation and includes a broad range of development that is representative of the medieval and post-medieval settlement. King Street is indicated to be one of the main streets in the Conservation Area, although Number 7 is not specifically mentioned in the area appraisal.
5. 7 King Street is a Grade II Listed Building which, from the listing is said to be 18th Century, and the development is located within the curtilage of that building. This development would effectively remove the existing land associated with No 7, which in turn has Listed Building Consent to be sub-divided into two dwellings.
6. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section

- 72(1) of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. This area of land is the last section that can be associated with No 7 as the land has been separated to allow the development of the eight dwellings. The proposed dwellings, whilst single storey in nature, would be considerable in mass and bulk, and would detract from the remaining setting of the Listed Building.
 8. I note from the evidence that this area was to remain as a communal area for the properties created in converting Number 7, and the loss of this area, combined with the mass and bulk of the development that would cause harm to the Listed Building, albeit "less than substantial" in the parlance of the National Planning Policy Framework (the Framework).
 9. I note from the evidence that the appeal site is in separate ownership from No 7 but this does not remove its historic relationship and setting, and any subsequent effects.
 10. With respect to the Conservation Area, the appeal site may not be easily visible from King Street itself, but this does not, in itself reduce any harm that can be generated by the proposal. However, the soon-to-be completed eight dwellings, and the forthcoming conversion of Number 7, has, in my opinion undermined the Conservation Area, and as such, I find no additional harm generated in terms of the effect on the character or appearance of the Conservation Area. The harm generated is to the setting of the Listed Building, by the potential removal of the last section of the curtilage surrounding the Listed Building, which as stated previously is "less than substantial".
 11. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposal would see two new properties being added to housing stock, with the associated financial benefits that brings in terms of additional local expenditure, but that overall weight can only be moderate as it relates to a modest increase of two dwellings. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. As such, I am not satisfied that the public benefits are sufficient to outweigh the harm identified.
 12. In summary, the proposal would fail to meet the requirements of the LBCA as it would cause less than substantial harm to the setting of the Listed Building. It would be contrary to Policy EV8 of the Charnwood Local Plan 2011-2028 Core Strategy and Policy EV8 of the emerging Charnwood Local Plan (2021-2037) which, amongst other matters, expects development to protect the setting of heritage assets.

Living Space

13. There is some difference of opinion regarding the nature of Policy H3 and its tie-in to the Nationally Described Space Standards (the NDSS).
14. I find that the increasing weight of the policy, set out in the Draft Local Plan, and its use of the NDSS means that I can assign weight to that policy.
15. The NDSS, whilst not formal legislation, sets out sizing aims for development, and the proposed development falls some way short of those figures. As such, with the large shortfall in living space when compared to the NDSS that would

cause harm to the living conditions of future occupiers, I attribute weight to that draft policy, and consider the appeal proposal to be deficient in its spacing requirements.

16. As such, I find conflict with Policy H3 of the emerging Charnwood Local Plan and the NDSS, which sets out recommended space standards for new development.

Other Matters

17. The Council cannot demonstrate a five year housing supply, and as such, Paragraph 11(d) of the Framework would normally be engaged. However, the harm to designated heritage assets is an exception to that “tilted balance” and it therefore does not apply in this instance.

Conclusion

18. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
19. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR