



Appeal Decision

Site visit made on 16 January 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th February 2024

Appeal Ref: APP/F2415/W/23/3325154

Walnut Farm, 45 North End, Hallaton, Leicestershire LE16 8UJ

- 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 and Mrs Gill against the decision of Harborough District Council.
 - The application Ref 23/00340/FUL, dated 2 September 2022, was refused by notice dated 27 April 2023.
 - The development proposed is a tractor shed/stables.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area including an Important Open Space;
 - Whether the proposal would preserve or enhance the character or appearance of the Hallaton Conservation Area (CA); and
 - The effect of the proposed development upon the living conditions of nearby occupiers with regard to outlook.

Reasons

Character and appearance

4. The appeal site forms the south eastern corner of Walnut Paddock located within the Hallaton CA and is designated as an Important Open Space. This part of Walnut Paddock is largely open grassland used as a paddock. At the time of my site visit I observed a tractor and farm machinery being stored next to an existing car port.
5. The neighbouring parcel of land that also makes up Walnut Paddock, extending between North End and Hogg Lane, is designated as Local Green Space formed

- of a public open space accommodating a pond, meadow grassland and native trees.
6. Walnut Paddock, therefore, has important value through its open and verdant appearance and positively contributes to the spatial and agrarian characteristics and distinctiveness of the village.
 7. The 'made' Hallaton Neighbourhood Plan (2021) (NP) states that Important Open Spaces are important open areas for the community on account of their value for recreation, amenity or tranquillity. NP Policy ENV2 sets out that development proposals that result in their loss, or have a significant adverse effect upon them, will not be supported unless the open space is replaced by equivalent or better provision in an equally suitable location, or it can be demonstrated that the open space is no longer required.
 8. The proposed development is for a three bay tractor shed and lean-to constructed of an oak frame, vertical timber boarding and metal sheeting. The shed is to be positioned in the south eastern corner of the paddock next to an existing three bay car port and neighbouring the rear garden of 23A High Street.
 9. I acknowledge that the proposal would be positioned close to an existing access and carport sitting on a lower ground level. However, the introduction of built form, in the form of a large structure, and associated infrastructure into an Important Open Space would erode its undeveloped nature diminishing the contribution Walnut Paddock makes to the open and verdant character of the village.
 10. Because of the overall height, length and form of the building proposed, and despite its sympathetic appearance, I find that it would result in a significant adverse impact on the character and appearance of the area. As such, the proposed development would be contrary to NP Policy ENV2.

Impact on the historic environment

11. The CA is characterised by a historic road layout and green spaces that extend through the village and surround the built form that contributes to its rural agrarian character. This agrarian landscape provides a verdant setting for a number of attractive buildings in the village including cottages, farmhouses and agricultural buildings – a number of which are considered to be local heritage assets.
12. As set out above I find that the introduction of built form would unacceptably diminish the site's verdant appearance which would not preserve the character or the appearance of the area. Overall, I find that the proposed development on account of its scale and site coverage would diminish openness and the site's contribution to the CA, causing less than substantial harm to its significance.
13. In accordance with Paragraph 208 of the Framework, it is for the decision maker, having identified harm to designated assets, to weigh this harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. The appellant suggests that the proposed development is needed in this location to provide greater security from theft and vandalism and to tidy up

this part of the site. Whilst tidying up the site would be of a benefit to the CA, this could be achieved without the shed proposed. Whilst I fully understand the need to provide a secure compound for farm equipment this would be more of a personal benefit, rather than a public one.

15. Heritage assets are an irreplaceable resource and taking into consideration the points above I am not satisfied that the public benefits are sufficient to outweigh the less than substantial harm that would occur to the significance of the CA.
16. As such, the proposed development would fail to preserve or enhance the character or appearance and the significance of the Hallaton CA contrary to Policy HC1 of the Harborough Local Plan (2019) (LP) and the aims and objectives of the Framework in respect of the historic environment.

Living conditions of neighbouring occupiers

17. The proposed building would extend along the rear garden of No 23A. From my observations during the site visit the presence of a pergola and outdoor seating area indicate that the occupiers of this property utilise this part of the garden for recreational purposes.
18. Taking into account the length and height of the tractor shed and its position in close proximity to this outdoor area, I find that the proposed development would be visually intrusive unacceptably diminishing the living conditions of existing occupiers in terms of loss of outlook. The proximity of the proposed development would therefore have a significant overbearing effect on the occupiers of this property.
19. As such, it would not accord with LP Policy GD8 and NP Policy HBE1 which, amongst other things, require developments to be designed to minimise the impact on the amenity of existing residents including in respect of overshadowing and overbearing impacts.

Conclusion

20. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR