

Appeal Decisions

Site visit made on 25 September 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Appeal A Ref: APP/X2410/W/24/3344667

36 Kings Lane, South Croxton, Leicester, LEICESTERSHIRE, LE7 3RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Adrian Dennis Coombs against the decision of Charnwood Borough Council.
 - The application Ref is P/23/0614/2.
 - The development proposed is the erection of a small timber bridge over ditch.
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Appeal B Ref: APP/X2410/W/24/3344670

36 Kings Lane, South Croxton, Leicester, LEICESTERSHIRE, LE7 3RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Adrian Dennis Coombs against the decision of Charnwood Borough Council.
 - The application Ref is P/23/0620/2.
 - The development proposed is the erection of an equipment shed.
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Decisions

Appeal A Ref: APP/X2410/W/24/3344667

1. The appeal is allowed and planning permission is granted for a small timber bridge over ditch at 36 Kings Lane, Leicester, LE7 3RE, in accordance with the terms of the application, Ref P/23/0614/2, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan; and Land Access Bridge 260-03-23 V1.

Appeal B Ref: APP/X2410/W/24/3344670

2. The appeal is allowed and planning permission is granted for the erection of an equipment shed at 36 Kings Lane, Leicester, LE7 3RE in accordance with the terms of the application, Ref P/23/0620/2 and the plans submitted with it subject to the following condition:

1) The following plans are hereby approved:

- Site Location Plan – received by the LPA 05 April 2024;
- Site plan of land at 36 Kings Lane, South Croxton, Leicestershire for Mr and Mrs Coombs for the following applications:-Retention of access bridge over ditch. Retention of Timber decking. Retention of Timber Shed. New 3 Rail Fence. – Drawing. No. 36 Barn Site Boundary Plan V4a 03/2023 – received by the LPA 05 April 2024;
- New Garden shed for A D Coombs 36 Kings Lane South Croxton Leicestershire LE7 3RE Drawing.

Preliminary Matters

3. In the grounds of appeal on Appeal A the appellant suggests that the erection of the bridge is not development that requires planning permission. However, the application the subject of the appeal is not for a Certificate of Lawfulness and this section 78 appeal has to be determined on its individual planning merits.
4. In Appeal B I have omitted the term 'retention' from the description of the proposal as this is not an act of development.
5. Both applications are retrospective.

Main Issue

6. The main issue in both appeals is the effect of the proposal on the countryside character of the area.

Reasons

Background

7. No. 36 is a detached dwelling, said to have originated from the conversion of an existing farm building, located in the countryside forming part of the 'High Leicestershire' landscape character area. It lies at the eastern end of a ribbon of residential development. The property appears to have a relatively limited residential curtilage but there is other land in the appellant's ownership to the south which comprises a grassed area and an area of sparse woodland on the eastern edge separated by a narrow ditch.
8. The appellant says the bridge proposed is to span the ditch to enable the use of a sit-on mower in the woodland area. The shed, sited at the far end of the mainly grassed area, is used to house the mower and other agricultural/forestry equipment.

Policy context

9. The policies in the development plan and emerging Local Plan (Post Examination stage) mentioned by the Council are primarily concerned with confining built development to recognised settlements and allocated sites and protecting areas of countryside. Where acceptable, development should be small scale and (amongst other aspects) be essential for agriculture, horticulture or forestry; be of a high-quality design; and protect the landscape character of the local area of countryside.

Effect on countryside character

10. In assessing the visual impact of the bridge and shed building I considered this from around the sites themselves and from the public footpath D53 which runs through an area of woodland to the east of the application sites and the appellant's land.
11. The timber bridge is very small in scale with a span of about 3m across the ditch. There were no hand rails at the time of my visit but even with timber rails 0.7m high, as shown on the submitted plans, the bridge would not look out of place in the general countryside landscape. From the public footpath views of the bridge were very limited as the structure is largely well screened by planting along the edge of the appellant's woodland. In practical terms the bridge also overcomes the need for the sit-on mower to travel on the highway to access the land on the east of the ditch.
12. The small timber shed in Appeal B, located close to the Queniborough Brook, is also well-screened by existing vegetation. The building has a simple rural design similar to a loose box and is not overtly domestic in appearance. It is small in scale with a single pitch roof and I am satisfied that it is not prominent or inappropriate in the general rural landscape and would hardly be seen in the public realm from the public footpath.
13. The Council disputes that the shed is needed for agricultural and forestry purposes and submits that the mower it would house is more likely used to maintain the grassed land alongside the domestic curtilage of the property. The Council therefore argue that the 'equipment shed' should therefore be regarded as a garden shed and located within the recognised garden area rather than in an isolated area away from natural surveillance.
14. However the use of the building put forward does not imply or rely on a form of domestic use and the impact of the building has been considered on its individual merits. In relation to the applicable policies, in terms of Policy CS2 the height, materials and scale of the shed respect the character of the area and reasonably protect the character of the landscape and countryside as set out in Policy CS1. Further, in relation to the emerging Local Plan, as proposed to be altered with the Main Modifications, the shed would be small in scale and would not have a significant environmental impact as set out in Policies C1, EV1 and DS5. On this basis I am satisfied that this development reasonably accords with current and emerging development plan policy.

Planning balance

15. Overall I find that these small timber structures are well designed and have little impact in the surrounding rural landscape and do not harm the intrinsic character and beauty of the countryside. I am also satisfied that they are reasonably required for land and woodland management purposes using a broad definition of such use in the countryside. There is no conflict with the relevant policies in the development plan and emerging Local Plan. This accord is not outweighed by any other factor and therefore the appeals should be allowed.

Conditions

16. The Council considers that the only condition that is necessary is one which sets out the plans that are approved. As the proposals are partly retrospective but the handrails have not been installed on the bridge it is reasonable to impose this condition on Appeal A in order to define the permission and be certain about what is permitted. Similarly for Appeal B the Council recommends a condition stating the plans that are approved and I will impose this for clarity.

Conclusion

17. For the reasons given above I conclude that both appeals should be allowed.

David Murray

INSPECTOR