



Appeal Decision

Site visit made on 17 December 2024

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/T2405/W/24/3347656

Round House, 156 Leicester Road, Countesthorpe, Leicestershire LE8 5QW

- 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 Mr Jagtar Singh (Marble Homes) against the decision of Blaby District Council.
 - The application Ref is 23/1068/FUL.
 - The development is described as 'the continued use of land for the siting of four storage containers'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw during my site visit that the development has been carried out and the four storage containers are already in situ at the appeal site. Therefore, I have considered the appeal on the basis that planning permission is being sought retrospectively.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024, which I have had regard to as a material consideration in my decision making. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issues

4. The main issue are:
 - the effect of the development on the character and appearance of the area; and
 - whether the site is a suitable location for the development having regard to the development plan.

Reasons

Character and appearance

5. The appeal site is located off Leicester Road between the settlements of Countesthorpe and Leicester. With the exception of Round House and its associated garden and driveway area, the appeal site is surrounded by open agricultural fields which distinctly form part of the countryside. This part of Leicester Road contains some ribbon development including the row of dwellings located to

the side of the appeal site which are set back from the roadside. The pockets of built development are surrounded by farmland with playing fields also present. Grass verges, hedgerows and mature trees are prevalent along the route with glimpses to open fields beyond often evident. This provides a spacious and cohesive street scene that contributes to the rural character of the countryside.

6. Round House comprises a detached bungalow located at the end of a long narrow access track off Leicester Road. It is set back from and separated from the row of dwellings fronting Leicester Road by a mature hedgerow containing trees which runs alongside the track. The appeal site is located on an open area of land to the side of Round House, adjacent to its driveway and parking area and includes a small timber building and remains of a wall labelled as a 'ruin' on the submitted plans. The open and undeveloped nature of the vast majority of the land including the land where the appeal development has been sited, makes a positive contribution to the character and appearance of the countryside.
7. Despite their set back position in relation to the road and their grouping around the existing timber building, the containers are visible to passers-by through gaps in the hedgerow including at the site access. The open nature of the site also means that they are highly visible to the occupiers of Round House and their visitors. The composition of the containers which are former shipping and lorry containers with blue or green finishes with lettering, are not reflective of agrarian buildings more typical in the countryside. The containers are of an industrial character and appearance at odds with and result in a significantly adverse effect upon the prevailing rural character of the landscape.
8. Even if landscaping were to be carried out, any planting would take several years before reaching a height and maturity to adequately filter views of the development to address its unacceptable visual prominence from the road. Furthermore, landscape planting to provide screening between Round House and the appeal site would be unlikely to be effective due to the need to retain access to containers from the shared driveway.
9. I conclude that the development would result in an unacceptably harmful effect on the character and appearance of the area. In this regard, it would conflict with Policies CS2 and CS18 of the CS and Policy DM2 of the DPD that seek to ensure that design is appropriate in its context, is sympathetic to the surroundings, and is in keeping with and would not have a significantly adverse effect on the appearance or character of the landscape. The development would also be contrary to the guidance contained in the Blaby Landscape and Settlement Character Assessment (2020) which seeks to protect the character of the open and undeveloped nature of the land in the relevant character area in order to maintain distinctiveness between the villages and also to distinguish this part of Blaby District from the suburbs of Leicester to the north.
10. For the same reasons, the appeal proposal would conflict with the Framework, notably paragraphs 129 d), 135 c) and 187 b), which support development that maintains an area's prevailing character and setting; seeks to ensure that developments are sympathetic to local character and recognises the intrinsic character and beauty of the countryside.

Location of the development

11. Policy CS1 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (CS) sets out a strategy for locating new development which seeks to encourage patterns of development which are accessible. The appeal site is located in the countryside as defined on the proposals map in the Blaby District Local Plan (Delivery) Development Plan Document (2019) (DPD), outside of the any of the settlement boundaries identified for growth, including the Larger Central Village of Countesthorpe. The appeal site is also physically and visually detached from the nearest settlement boundary of Countesthorpe by intervening fields and is not in an edge of centre location. The site is therefore in the countryside for the purposes of decision making and fails to comply with Policy DM3 of the DPD.
12. Policy CS18 of the CS states that, notwithstanding any character or appearance effects, planning permission will, be granted for limited small scale employment development subject to consideration of its impacts. Furthermore, the need to retain countryside will be balanced against the need to provide new development in the most sustainable locations.
13. The containers are used for the storage of building equipment in association with the appellant's business which has offices in Leicester and operates predominantly in the East Midlands. The appellant states that they require the containers for storage as they own the appeal site and currently have no other space for the storage of building equipment. Whilst this may be the case, this does not mean that there are no other suitable sites for the containers such as on employment land allocations or other suitable locations within the settlement boundaries.
14. Paragraph 89 of the Framework recognises that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements. The development provides a small yet beneficial contribution to a small business which in turn supports the local economy. However, a specific need for the containers to be located in the countryside on the appeal site which conflicts with the requirements of the development plan has not been demonstrated. In addition, the Framework confirms that the planning system should be genuinely plan-led and to provide commercial development in a sustainable manner.
15. I conclude that the site is not a suitable location for the development having regard to the development plan. In this regard, the development is contrary to Policy DM3 of the DPD insofar as it requires employment development to be directed to employment land allocations, key employment sites and other suitable locations within the settlement boundaries. Furthermore, given my findings on the first main issues, the proposal would be for unacceptable development in the countryside in the context of Policy CS18 of the CS.

Other Matters

16. Matters relating to the effect of the development on the highway, access to local services and the delivery of larger employment allocations are not in dispute. Even so, these factors do not justify the harm identified.
17. The appellant indicates that the containers have already been in situ for a period of time. However, the Council refused an application for a lawful development certificate for the siting of four storage containers at the appeal site in April 2023

(Council ref: 23/0342/CLE). As a consequence, a fallback position to justify the harm caused by the development does not exist.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR