



Appeal Decision

Site visit made on 21 January 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/F2415/W/24/3351611

Castle View, Caldecott Road, Great Easton, Leicestershire LE16 8TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Bell Kaybee Developments Ltd against the decision of Harborough District Council.
 - The application Ref is 24/00619/VAC.
 - The application sought planning permission for the creation of new access and erection of 4 dwellings with associated garaging/carports-Variation of Condition 2 (approved plans) of 23/01164/FUL to fit doors previously approved to Cart Lodges to Plots 3 and 4 to provide a more secure premises without complying with a condition attached to planning permission Ref 23/01164/VAC, dated 27 September 2023.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location and Block Plan Boundary Treatment Details 9705 L.10 Rev A;
 - Proposed Site Plan ref: 22089 002 P02;
 - Plot 1- Plans, Elevation and Roof 22089 005 P01;
 - Plot 2- Plans, Elevation and Roof 22089 006 P02;
 - Plot 3- Plans, Elevation and Roof 22089 007 P01;
 - Plot 4- Plans, Elevation and Roof 22089 008 P03; and
 - Garages and Cart Lodges- Plans, Elevation 22089 010 P01.
 - The reason given for the condition is: For the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether condition 2 is necessary in its current form, having regard to whether the proposal would preserve or enhance the character or appearance of the Great Easton Conservation Area (the CA).

Reasons

3. Planning permission was granted for four dwellings and garaging and was subject to condition No 2 which listed the approved plans. The appellant is now seeking to make some changes to an open detached timber structure used for garaging cars for the occupiers of plots 3 and 4 (the garage). This has been constructed, and the appellant is now seeking to replace drawing 22089 010 P01 with drawing 22089 010 P02, to allow the enclosure of the open side of the garage in matching timber walls and doors.

4. Great Easton is a relatively compact village with numerous roads. Most of the village, including the appeal site is within the CA. The village displays a relatively tight pattern of road side development, particularly along High Street and Caldecott road. There are, however, areas of open space and gaps which allows the buildings to be viewed in the rural landscape. These and the common use of materials, architectural quality of buildings and former farmsteads provide a visual harmony, which contribute to the special architectural and historic interest and significance of the CA.
5. The appeal site has a relatively small road frontage and provides a complementary in depth development which reflects a rural farmstead arrangement with homes arranged around a courtyard. The existing garage is a relatively large structure and has been designed to look like an open cart shed. It is set behind stone wall in front of the dwellings and clearly visible in certain views out from the village. This allows the village and its pastoral setting to be appreciated. As such it makes some form of positive contribution to the CA.
6. The garage is located prominently in front of the courtyard homes. Enclosing the garage would result in a solid mass which would have very little screening from the direction of the main part of the village. During my site visit I observed two vehicles within the garage. The courtyard and new homes were visible above these vehicles. Given the height of the structure, I am not convinced that vehicles would result in the same effect as enclosing the sides. Thus it would not have an equivalent impact as the approved scheme.
7. The garage is of a distinctive high quality design and materials, but the enclosure of its sides would emphasise its substantial scale. Its increased prominence would diminish its appearance as an ancillary structure. Moreover due to the separation from the main dwellings, it would appear more dissociated with the overall development at the site. As a more substantial building, set back behind the wall it would appear more incongruous than the current arrangement.
8. It is understood that the above sensitive arrangement was part of the design ethos to allow views through the courtyard homes and reduce the prominence of the siting of the garage. I am mindful of the guidance contained within paragraph 140 of the Framework, which seeks to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
9. I find that views of the courtyard homes would still be possible even with the enclosure of the garage. However, I find that the resultant building would, due to a combination of the enclosure with its width, height and siting draw the eye as an unduly dominant feature. The alterations would be unsympathetic to the existing readily identifiable design character of courtyard homes to the detriment of the character and appearance of the CA.
10. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The proposal would lead to less than substantial harm to the significance of a designated heritage asset. The Framework at paragraph 215 requires this harm to be weighed against the public benefits of the proposal.

11. The appellant contends the enclosure of the garage would provide real safety benefits. This is reflected in comments from the Parish Council. I can appreciate that enclosing the garage would instil a greater sense of security. However, I have no substantive evidence that crime is a significant problem in the area, or that the storage of other equipment could not be kept in other less prominent locations within homes or gardens. Other measures such as unobtrusive CCTV could also be installed. As such the benefits before me are primarily private rather than for the wider public.
12. Although the proposal would be a high quality design and would minimise opportunity for crime, I therefore conclude that varying condition 2 to allow for the enclosure of the garage would not preserve or enhance the character or appearance of the CA, and the harm is not outweighed by public benefits. The proposal therefore conflicts with Policies HC1 and GD8 of the Harborough Local Plan 2011 to 2031, adopted 30 April 2019. Together these seek to ensure that development achieves a high standard of design and preserves or enhance the character or appearance of the Conservation Area. For similar reasons, the proposal would be in conflict with Policy DBE1 of the Great Easton Neighbourhood Plan 2017 to 2031.

Other Matters

13. The appellant raises the matter of the provisions of the General Permitted Development Order (GPDO) as a material consideration in this case. I have not been directed to the relevant Class or Part. However, there has been no Certificate of Lawful Development provided which would demonstrate that the appeal proposal meets the requirements of Part 1 Class A – F, or Class A within Part 2 of Schedule 2 of the GPDO. In any event conditions 14 and 15 on the decision notice of the approved application 23/01164/VAC seek to control such development in these Classes. I am therefore not satisfied that the proposal could be constructed without the grant of planning permission or that a certificate would be issued.
14. The appellant has put forward an argument relating to a development, which it is stated was approved by the Council under planning application 19/01998/FUL at Stockerstone Road. However, on the evidence presented I am unable to conclude that the circumstances are directly comparable with those which apply in this appeal. They will also have been determined under a different set of circumstances, planning policies and other evidence which is not before me in this appeal. In any event each application is determined on its own merits and does not justify development that would be harmful. For these reasons I attach limited weight to this matter.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. For the reasons given above I conclude that the appeal should be dismissed.

K Williams INSPECTOR