



Appeal Decision

Site visit made on 25 February 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/X2410/W/24/3355112

1 Old Gate Road, Thrussington, Leicestershire LE7 4TL

- 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 James Hutchinson against the decision of Charnwood Borough Council.
 - The application Ref is P/24/0839/2.
 - The application sought planning permission for erection of 5 dwellings and garages with vehicular accesses and associated works following demolition of existing farm buildings without complying with a condition attached to planning permission Ref P/21/2593/2, dated 10 January 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:
 - A2056 PL01D - Site location and block plans - revised plan received 18th Aug 2022
 - A2056 PL02 - Plot 2 - Proposed floor plans
 - A2056 PL03 - Plot 2 - Proposed elevations
 - A2056 PL04 - Plot 3 - Proposed floor plans
 - A2056 PL05 - Plot 3 - Proposed elevations
 - A2056 PL06 - Plots 2 & 3 garages
 - A2056 PL07C - Plots 2 & 3 street scene - revised plan received 18th Aug 2022
 - A2056 PL08 - Plots 4 & 5 - Proposed floor plans
 - A2056 PL09 - Plots 4 & 5 - Proposed elevations
 - A2056 PL10 - Plot 6 - Proposed floor plans
 - A2056 PL11 - Plot 6 - proposed elevations
 - A2056 PL12C - Plots 2-6 Street scene - revised plan received 18th Aug 2022
 - A2056 PL13A - Proposed access visibility splays - plan received 10th May 2022
 - 26053_06_170_01A - Topographical Survey
 - The reason given for the condition is: To define the terms of the planning permission.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Grade II listed building known as 9 Seagrave Road¹ (No 9) is located near to the site. In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

¹ List Entry Number: 1230938

3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this instance, the issues most relevant to the appeal are 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.
4. The appeal site is situated outside of but near to the Thrussington Conservation Area (CA). Although there is no statutory protection for the setting of a CA in the Act, paragraph 213 of the Framework requires consideration of any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting.

Background and Main Issue

5. Planning permission was originally granted for the erection of 5 dwellings and garages with vehicular access and associated works following demolition of existing farm buildings in January 2023 (Council Ref P/21/2593/2) (original permission). I saw on my site visit that development has commenced, including the construction of the dwelling on Plot 2.
6. The appellant seeks to vary Condition 2, to amend the approved plans for Plot 6. Amendments include the repositioning of a proposed porch and front door, the addition of a chimney and alterations to the proposed fenestration including the addition of rooflights.
7. The main issue is the effect of varying the condition on the character and appearance of the area including the effect on the significance of the settings of No 9 and the nearby CA.

Reasons

8. The wider area is characterised by large arable fields with mature verdant boundaries broken up by pockets of development including small settlements and various rural farmsteads. Old Gate Road is a narrow route that rises gently in gradient away from the village of Thrussington. It has a footway along one side with grass verges and hedgerow lining the majority of both of its sides, with glimpses of the countryside achievable. This green edge to the route positively contributes to the country-lane character which assimilates it into the wider rural setting.
9. The nearby CA comprises two parts, including the core part of the village of Thrussington. The Thrussington Conservation Area Character Appraisal (the Appraisal) assists in highlighting the significance of the CA, which is in part derived from the planned form of the village focussed around a green, which in turn forms a central area of open space within the village. Significance is also derived from the surviving historic fabric of many of its buildings that tend to sit close together, forming continuous rows close to or on the roadside. Farmhouses historically tend to be located within the central village space and form a distinctive part of the CA. The open space, arrangement of historic buildings and relationship with the surrounding countryside are unifying characteristics across the CA and contribute to its special interest and significance.
10. The Grade II listed building, No 9, comprises a one and a half storey thatched roof cottage with whitewashed brick walls, located adjacent to the junction with Old Gate Road. It sits perpendicular to the road and its side elevation is prominently located

on entry into the village along Seagrave Road. Its frontage faces towards the green and the Appraisal suggests that its associated farmland may have stretched out to its side and rear. This orientation represents one of few exceptions to the alignment of dwellings in the village that more typically sit parallel to the streets. The significance of the listed building is therefore derived in part from its age, surviving historic fabric and its prominent position and arrangement.

11. The evidence suggests that the appeal site was formerly part of a farm consistent with the rural approach to the village and the CA. The approved plans for Plot 6 indicate a building of an agrarian influence with minimal openings within its elevation fronting the road. In contrast, the amended scheme for Plot 6 would have a more domestic influence, with an active elevation facing the road, including a door and rooflights.
12. Whilst its design may take cues from a farmhouse that formerly existed on the position of Plot 1, the appeal proposal would sit on a different plot adjacent to Plot 1 which has already been replaced by a large detached two-storey dwelling fronting the road². Moreover, the more domestic appearance of the proposal in a prominent position adjacent to the roadside edge and near to Plot 1, would interrupt the hierarchy of buildings intended to reflect a former complex of agricultural buildings on the wider site. Whilst it is acknowledged that Plots 2 and 3 are also large and domestic in scale and style, they are set further back from the roadside edge making them less prominent in the street scene.
13. Even if the amended Plot 6 would be no higher than the dwelling approved in the original permission, its large proportions would not reflect the proportions of traditional farmhouses within the village or dwellings along Old Gate Road which tend to be more modest in scale with shallower pitched roofs. This includes the buildings highlighted within Appendix 1 and 2 of the appellant's statement. Moreover, the openings within its front elevation would have a slightly off-centre alignment, at odds with the more typically symmetrical fenestration of farmhouses in the area. This would be in stark contrast to the former agricultural character and appearance of the site on a prominent site along Old Gate Road as it transitions between the village and the countryside, and less sympathetic than the design and layout of the Plot 6 approved in the original permission.
14. Whilst Plot 6 is separated from the listed building by Plot 1 and neighbouring land, the proposed development would still be conspicuous within the setting of the listed building. In particular, it would be visible around the junction of Old Gate Road and Seagrave Road where views on approach into the village form part of the setting from which this listed building is experienced. Despite some views being filtered by the presence of existing trees and hedgerow, the amendments to Plot 6 would unacceptably erode the semi-rural character that positively contributes to the setting of the Grade II listed building. It follows that the proposal would fail to accord with the statutory presumption under s66(1) of the Act and there would be harm to the significance of the listed building as a designated heritage asset. For the same reasons, the proposed development would result in harm to the significance of the CA through development within its setting.
15. Given the scale and nature of the proposal, the degree of harm to the significance of these heritage assets would be less than substantial. Paragraph 215 of the

² Council Ref: P/21/2241/2 Demolition of existing property and construction of a replacement dwelling – Approved 04/04/2022

National Planning Policy Framework (the Framework) states that this harm should be weighed against the public benefits of the proposal.

16. Given that the appeal proposal relates to an amendment to the design of Plot 6 only, public benefits would largely be derived from the environmental gain of increased levels of natural light and heat, reducing reliance on gas and reduced greenhouse gas emissions. The appellant also indicates that the repositioning of the porch would enable the provision of an additional off-street parking space, reducing the demand for off-street parking.
17. The wider public benefits associated with the appeal proposal would carry modest weight in favour of the proposal. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. Even cumulatively, the weight of public benefits in favour of the proposed development would not be sufficient to outweigh harm to the significance of designated heritage assets identified.
18. I conclude that varying the condition would result in a harmful effect on the character and appearance of the area including a harmful effect on the significance of the settings of No 9 and the nearby CA. In this regard, it would conflict with Policies CS2, CS11 and CS14 of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015), saved policy EV1 of the Borough of Charnwood Local Plan 1991 – 2006 (2004) and Policies D1 and Policy S1 of the Thrussington Neighbourhood Plan Referendum Document (2018) which require development to be of an appropriate design, which complements the local vernacular and character of the village and protects heritage assets. The proposal also fails to accord with the historic environment protection policies of the Framework.
19. The proposal also fails to accord with the guidance on achieving well-designed places contained in the Design Supplementary Planning Document (2020).
20. The Council's decision also refers to Policy DS5 and EV8 of the emerging Local Plan. Whilst it is at an advanced stage, I have little information about when the plan is likely to be adopted. In any event the emerging plan does not add to the policies in the adopted plan with regard to the site-specific circumstances of this appeal and does not alter my conclusion that the proposed development would conflict with the development plan.

Other Matters

21. The appellant has drawn my attention to a Bellway Homes application³ and to a housing development at Storkit Meadows where similar house types are proposed. They also refer to an application to remove a garden wall⁴ and to the replacement dwelling on Plot 1, which they consider to be potentially more harmful to the setting of heritage assets. However, I do not have full details of the circumstances that led to these proposals being accepted. In any case they do not justify the harm I have identified with regards to the appeal proposal.
22. The appellant has referred to difficulties accessing the Council's planning pages on the website and an unwillingness of the Council to engage during the

³ Council Ref: P/22/1539/2

⁴ Council Ref: P/16/2477/2

application process prior to a decision being made. These matters are not material to my assessment.

23. A lack of objection and/or support from neighbours or the Parish Council are not matters that attract weight in the favour of the proposal.

Conclusion

24. 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