



Appeal Decision

Site visit made on 4 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/F2415/W/24/3348875

Land to rear of 13 High Street, Market Harborough LE16 7NJ

- 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 Graham (Omnitrade Ltd) against the decision of Harborough District Council.
 - The application Ref is 24/00537/FUL.
 - The development proposed is the demolition of existing single storey brick building, resurfacing of car park, and erection of new fencing and gates.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey brick building, resurfacing of car park, and erection of new fencing and gates at Land to rear of 13 High Street, Market Harborough, LE16 7NJ in accordance with the terms of the application, Ref 24/00537/FUL and subject to the following conditions:
 - 1) The access gate in the south-west corner of the site and the weld mesh steel fence adjacent to Talbot Yard hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The access gate in the south-west corner of the site and the weld mesh steel fence adjacent to Talbot Yard hereby permitted shall be carried out in accordance with drawing nos: GRA 283 SUR 002 'Site Location Plan' and GRA 283 PA 003 'Site Plan'.

Preliminary Matters

2. The application form states that the development has been completed. However, I observed during my site visit that the access gate in the south-western corner of the site has not been installed and there are minor differences with the mesh style of the fencing installed adjacent to Talbot Yard, which does not accord with the submitted plans. The remainder of the development appears to have been completed in accordance with the plans before me. I have therefore considered this appeal on the basis of the submitted plans.
3. I note the Council altered the description of development during the determination of the application and the appellant has used this description on their appeal form. However, I have adopted the description used on the application form in the banner heading and in my formal decision as this omits superfluous information that does not relate to an act of development.
4. The appeal site is situated within the Market Harborough Conservation Area and is located in close proximity to a number of listed buildings. In considering whether to grant planning permission, I have been mindful of my statutory duties under Section

66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

5. The site is located within the setting of a Grade I listed building. I note that the Council did not consult Historic England during the determination of the application. Therefore, in order to comply with Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended), Historic England have been notified during the course of this appeal.

Main Issue

6. The main issue is whether the development would preserve or enhance the character or appearance of the Market Harborough Conservation Area (CA).

Reasons

7. The appeal site is situated within the Market Harborough CA, which covers the historic core of the market town. The CA Character Statement (CACS) identifies long, narrow burgage plots that were built on to form characteristic yards behind street frontage buildings as forming part of the historic character of the CA, contributing in part to its significance. The CACS explains that, where they remain, these yards are accessed through buildings, covered passageways or carriageways and some have been refurbished for a mix of uses. The CACS states that further use of the Harborough yards would enhance the character of the town centre.
8. The appeal site relates to land to the rear of commercial premises facing the High Street and is surrounded by a mix of uses. The site is one of the characteristic yards seen within this part of the CA and can be accessed via Talbot Yard (a public right of way) from the High Street through a coach arch that is attached to the Grade II listed Talbot Public House. Access can also be taken off School Lane to the south-west. The site is predominately hard surfaced and is in use as a car park. A variety of boundary treatments separate the site from neighbouring uses including brick walls, metal palisade fencing, and concrete post and timber panel fencing. Whilst development has taken place around the site, the open yard formation remains, and the land is visible in the public realm when travelling along Talbot Yard. Due to its architectural value and interest derived from understanding the historic formation of the town, the site is considered to contribute to the special interest and significance of the CA.
9. The development seeks permission for the demolition of a single storey brick building, resurfacing of the car park in tarmac and gravel, and erection of new fencing and gates. The evidence supplied by the appellant shows the demolished single storey brick building was a modern flat roofed structure constructed from buff brick, positioned broadly centrally within the site. Given its form and appearance, this building did not make a positive contribution to the character and appearance of the CA and therefore its demolition has not resulted in any material harm and assists in opening up the yard.
10. Furthermore, the site and surrounding land is finished in a variety of hard surfaces such that the use of gravel and tarmac is acceptable and does not result in any harm to the character or appearance of the CA either. These elements of the appeal scheme have previously been granted planning permission (ref. 24/00007/FUL), details of which have been supplied to me in evidence. This extant permission is a

material consideration in the determination of this appeal, and I find no reason to take a different view to the Council on this matter.

11. The Council also finds no harm with the approx. 2m high close boarded timber fencing to the bin stores and 2m high black weld mesh steel security gates and fencing immediately to the rear of the flat roofs at the rear of shops. There is also extant permission for fencing in these locations, albeit all of weld mesh style for both locations. These fences are set well into the site such that they are not prominent features when travelling along Talbot Yard. Any glimpsed views of these fences are seen against the backdrop of the rear flat roofs and service areas of the shops and are not incongruous or out of character in this setting. As such, these elements do not result in harm to the character and appearance of the CA.
12. An approx. 1.2m high black weld mesh steel fence and pedestrian gate is proposed to be installed along Talbot Yard, slightly inset from where there is a change in land level. The installed fence in this location on site has a slightly looser mesh than that shown on the proposed plans, however, both have a very similar appearance. A 2m high black weld mesh steel access gate and frame is proposed at the School Lane entrance. The extant permission approved a 1.2m high black estate rail fence and gate in a similar position along Talbot Yard and a 2m high black estate rail gate at the School Lane entrance.
13. The proposed fencing would be modest in height and the dark mesh style would retain a degree of permeability, reducing its prominence, mass and solidity. As a result, the spacious feel of the yard would be retained. Due to the proposed positioning, public access from the High Street via the coach arch and along Talbot Yard would also be unobstructed. For these reasons the fencing would have little effect on the character and appearance of the yard, the characteristic formation of which would remain unaltered. Similarly, the access gate at the School Lane entrance would retain a permeable and recessive appearance, due to its proposed colour and style, and would not detract from the architectural form of the yard and the contribution it makes to the CA. Neither of these elements of the appeal scheme would erode the architectural value and historic formation of the yard and therefore would not result in harm to the significance of the CA.
14. I acknowledge that the style of the proposed fencing would be of a more industrial character than the estate rail fencing that has extant permission. However, this is not considered to be unacceptable in this context given the site is a rear service yard where there is a variety of existing boundary treatments and due to the recessive height, colour and style proposed. Furthermore, whilst estate rail fencing is not uncommon in certain historic settings, it is not typically characteristic of town centre service yard environments. As such, I do not consider it necessary to insist upon this style of fencing in this context.
15. Overall, for the above reasons, I therefore conclude the development would preserve the character and appearance of the Market Harborough CA and accord with Policies HC1 and GD8 of the Harborough Local Plan 2011 to 2031 (2019). These policies, amongst other things, require development to achieve a high standard of design quality, safeguard and improve local character and distinctiveness, reflect the characteristics that make places special where they relate to areas with high heritage value and preserve or enhance the character and appearance of conservation areas. The development also complies with the National Planning Policy Framework where it requires consideration to be given to the impact of a proposal on the significance of

a designated heritage asset, and great weight to be given to the asset's conservation.

Other Matters

16. The site is proximate to several listed buildings including the Grade I listed Church of St Dionysius and Grade II listed buildings The Talbot Public House (no 9 High Street) and Symingtons Factory (known as Harborough Civic Offices) all of which can be seen from the appeal site. Mindful of the statutory duty set out in s66(1) of The Act, I have had special regard to the desirability of preserving their setting.
17. Buildings fronting the High Street separate the appeal site from the Church of St Dionysius, which is a prominent feature of many near and distant views of the town. The special interest and significance of the Church is derived in part from its architectural and historic interest. The built backdrop of the historic core of Market Harborough, of which the appeal site forms part, positively contributes to the building's significance.
18. Beyond the Church is Symingtons Factory, a 4-storeyed red brick former corset factory with a tall tower surmounted by a steep roof and lantern turning the corner from the Church Square to Adam and Eve Street. This building with its tower forms a prominent landmark in association with the church spire in the town centre. The special interest and significance of this building is also derived in part from its architectural interest, historic fabric and former use. The CACS explains that the setting of this building with the Church and group value with other listed buildings in the Church Square also contributes to its significance.
19. The Talbot Public House lies closest to the appeal site and has a 18th Century façade with possible earlier core. The façade is rendered with rusticated quoins to the first floor and contains a coach arch providing access down Talbot Yard and past the appeal site. The significance of the listed building is derived in part from its architectural and historic interest.
20. Notwithstanding the proximity of the appeal site to these listed buildings and that there is some intervisibility between them, the development would not affect the significance of the listed buildings or their setting, particularly given the site context, location and extent of the appeal scheme. Accordingly, I find the development would preserve the setting of the listed buildings. This is supported by the comments provided by Historic England as part of this appeal in which they concur that the development would have a negligible impact on the settings of the nearby listed buildings.
21. Representations have been made by several interested parties in relation to the development impeding public access over the land and the obstruction of a public right of way. However, I note the Local Highway Authority confirms that the development would have no material impact on the public highway and that Public Right of Way Footpath A84 (Talbot Yard) would not be adversely affected. Comments also raise concerns regarding the installation of pole mounted cameras and signage on the land and the impact this has on visual amenity and privacy. However, these features are not included on the proposed plans and therefore fall outside the scope of this appeal.

Conditions

22. Given the demolition of the single storey brick building, resurfacing of the car park, construction of the fencing to the bin stores and steel security gates immediately to the rear of the flat roofs at the rear of shops have already taken place, conditions requiring implementation of these elements in accordance with the plans are not necessary.
23. However, I have dealt with the access gate in the south-western corner of the site and fencing adjacent to Talbot Yard as having not yet commenced. Accordingly, the standard time limit condition is needed. I have also attached a condition specifying the approved plans, in the interests of certainty. No other conditions are necessary.

Conclusion

24. For the reasons given above and having regard to all matters raised, I conclude that the development accords with the development plan and the appeal should be allowed.

H Whitfield

INSPECTOR