



Appeal Decision

Site visit made on 25 March 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/F2415/D/24/3349708

Cream Cottage, Main Road, Claybrooke Parva, Leicestershire LE17 5AE

- 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 73A 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 G Hart against the decision of Harborough District Council.
 - The application Ref is 24/00452/VAC.
 - The application sought planning permission for 'creation of new site access and erection of carport' without complying with a condition attached to planning permission Ref 20/00515/FUL, dated 4 June 2020.
 - The condition in dispute is No 6 which states that: *The development hereby permitted shall be in accordance with approved plans: 4670/GH/18/001, 4670/GH/18/002, 4670/GH/18/003-P1, 4670/GH/18/004-P1 and 4670/GH/18/005-P1.*
 - The reason given for the condition is: *for the avoidance of doubt.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the appeal form which gives the appeal site address as being on 'Main Street', I have used 'Main Road' which is the address given on the application form and the Council's decision notice and shown on the location plan.
3. The appeal site includes a listed building which is located within the Claybrooke Parva Conservation Area ('the CA') and the vicinity of other listed buildings. I have therefore had special regard to section 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Council's officer report referred to effects of the proposal on the 'Grade II listed Churchyard'. However, the Council has confirmed that the reference should have been to the Claybrooke Parva War Memorial listed building which is sited within the churchyard. I have considered the appeal on that basis.
5. The Council granted planning permission¹ ('the Parent Permission') for 'creation of new site access and erection of carport' subject to a number of conditions. Condition 6 specified the approved plans which include an annotation showing the roof of the carport as 'clay tiles to match main house'.
6. However, the carport roof has been installed using tile effect metal roofing sheets rather than clay tiles as was indicated on the approved plans. The application subject of the current appeal seeks a new permission for the same description of

¹ Application ref 20/00515/FUL

development as the Parent Permission but with a varied Condition 6 which would refer to an amended plan specifying tile effect metal roofing sheets to the carport roof to reflect what has been installed on site.

7. Subsequent to the submission of the current appeal, an earlier proposal also seeking to 'vary' condition 6 of the Parent Permission in order to provide for metal sheeting to the roof of the carport was dismissed at appeal² ('the Previous Appeal'). The main parties were invited to comment on any implications of the Previous Appeal decision for their cases and I have taken the comments made into account.

Main Issues

8. The main issues are the effect of the proposal on:
 - i) the setting and significance of Cream Cottage, a Grade II listed building;
 - ii) the character and appearance of the Claybrooke Parva CA; and
 - iii) the setting and significance of nearby listed buildings.

Reasons

Cream Cottage and the Claybrooke Parva Conservation Area

9. Cream Cottage is a two-storey dwelling which the listing description indicates dates to the late 17th or early 18th century and which was restored in the late 20th century. It has a timber frame with a painted exterior, albeit with an exposed timber rail, and includes a plain tiled roof with two red brick stacks and a central entrance set within a late 20th century porch. Its simple form and detailing provide for a modest yet attractive cottage which sits well within its rural context and I agree with the Inspector in the Previous Appeal that the significance of the building reflects its late-17th/early-18th century vernacular domestic architecture in a village setting. In terms of its setting, some further significance derives from the building's relationship with its associated grounds and the wider street scene, including other cottages around the bend in Main Road with which the building has group value.
10. The CA sits within a surrounding agricultural landscape and encompasses the Church of St Peter and an adjoining open space which sit broadly between Church Road and a bend on Main Road, along with buildings which form a loose cluster around these streets. The cluster includes agricultural structures, but the buildings along Main Road are predominantly dwellings and while there is some variety in their height and scale, the dwellings are typically of traditional form, style and materials, including tiled roofs and brick, painted or rendered exteriors. Together with the position of the dwellings around the bend in Main Road facing generally towards the Church and open space, this provides for an attractive group and street scene vista which contributes much to the character, appearance and thus the significance of the CA.
11. As a historic building on Main Street which occupies a prominent position close to the apex of the bend, I find Cream Cottage with its grounds to make an important contribution to the character, appearance and significance of the CA.
12. The carport sits to the side of Cream Cottage. It is set back from Main Road behind a low brick wall, but the distance is not great and while there are mature trees positioned along the boundary, their canopies are relatively high. As a result, there

² Appeal ref APP/F2415/D/24/3337927

is limited screening of the carport and I saw that the roof which runs broadly parallel to the adjacent section of street is readily visible, both on the approaches to the site and from directly alongside.

13. Guidance in the Development Management Supplementary Planning Document 2021 advises that natural materials are best within conservation areas, and encourages roofs of real slate or clay tiles. The artificial tile effect metal roofing sheets which have been installed to the carport conflict with this guidance.
14. Moreover, the sheets are treated with a 'slate blue' grey colour polyester paint coating and despite some leaf fall and patina, I saw that they have an appreciably shiny, gloss quality. This is particularly pronounced along ridges and the edge trims, and there are also some sections of the underside of the roof which are visible from Main Road close to the access. As a result, the roof is of clearly different nature and appearance to the traditional matt materials that are typical nearby.
15. Although the sheeting has been profiled to resemble tiles, the continuous standing ridges running down the roof slopes result in a further marked point of contrast against the smooth profile of the predominant clay tile and slate roofs nearby.
16. In combination, these factors result in an unsympathetic carport roof that stands out awkwardly against the traditional materials which are typical in the CA and particularly to the group of buildings fronting Main Road which includes the appeal site. As a consequence, it is conspicuous in the street scene and I find that it detracts from the character and the appearance, and thus the significance of the CA. The incongruous roof material also forms a visually intrusive and discordant feature within the grounds of Cream Cottage, detracting from how this building is experienced within its setting to the detriment of the listed building's significance.
17. In reaching this view, I note the appellant's comments that metal roofing is not uncommon in the rural landscape and drawing my attention to buildings with corrugated metal roofs on other sites locally. However, the stable building to the north of the site is not within the CA and while garages and agricultural stores to the east of the site are within the CA boundary, the Council indicates that there is no planning history for these structures and that they are likely to predate the designation of the CA. In any event, these examples are all set significantly back from Main Road to the rear of other buildings, and the stables and agricultural stores are also of clearly different nature and function to the carport. The circumstances of these buildings are not therefore comparable to the carport which would be understood as a domestic outbuilding occupying a prominent position within the group of dwellings that line Main Road.
18. Furthermore, I agree with the Inspector in the Previous Appeal that corrugated metal sheeting used on agricultural buildings tends to rust or age over time and that was indeed my observation of the nearby agricultural and garage buildings. In contrast, the technical specification for the polyester paint coat to the carport roof refers to 'excellent corrosion resistance and climatic protection'. I have noted above that the roof remains shiny despite some patina, and the specification suggests to me that this incongruous quality would be likely to endure rather than experiencing any significant softening in appearance as it weathered.
19. I acknowledge that there are a covered garden structure and log store within the grounds of Cream Cottage which have corrugated profile roofs. However, I have no

details of any planning permissions granted for these features. Moreover, the structures are of much more modest scale and I saw that they are set back much further from the street than the carport and that screening is provided by fencing and a brick bath house structure within the grounds. While they can be glimpsed from Main Road, they are unobtrusive features in the street scene and their visual effect is not therefore comparable to the development before me.

20. I additionally acknowledge details indicating that roofing to the Church of St Peter has been replaced with profiled steel roofing sheeting with a coating to look like lead. Nevertheless, the information before me suggests that this was following the theft of lead roofing and was subject to ecclesiastical exemption such that consent was not required for the works. The replacement sheeting would also share a visual similarity with lead which I note is a traditional roofing material for churches and other high status buildings. Its use on the Church does not therefore persuade me that such a material would be appropriate or sympathetic in the context of the carport as a domestic outbuilding.
21. I find for the above reasons that examples of metal roofs in the general vicinity of the carport do not moderate in any meaningful way the incongruous nature of the appeal development within its specific context, nor offer a compelling justification for the harm that I have identified would be caused to the significance of each of the CA and Cream Cottage.
22. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
23. I find the degree of harm caused to the significance of Cream Cottage as a listed building and to the CA as a whole is in each case less than substantial bearing in mind its extent and how it would affect their significance. Nevertheless, the harm attracts considerable importance and weight.
24. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the appellant asserts that the metal roofing is a resilient and long-term performing structure which is durable and meets their needs. However, there is no substantive evidence before me demonstrating that clay roof tiles, as were approved under the Parent Permission, would not offer reasonable longevity and durability. Nor is there compelling information to show that clay tiles could not adequately meet the appellant's needs.
25. In this context, the performance of the roofing does not offer a clear and convincing justification for the use of an unsympathetic material which causes harm to the significance of Cream Cottage and the wider CA. The metal roofing may be recyclable at the end of its life, but these factors do not in my assessment amount to public benefits sufficient to outweigh the harm that the development causes to Cream Cottage and the CA.
26. The additional information submitted as part of the appeal scheme does not therefore lead me to find differently to the Previous Appeal and I similarly conclude that the proposal fails to preserve the setting and significance of the Grade II listed

building 'Cream Cottage' and that it causes harm to the character, appearance and significance of the Claybrooke Parva CA. Accordingly, the proposal conflicts with the Act and the Framework.

27. It is also contrary to Policies HC1 and GD8 of the Harborough District Local Plan 2019 ('the LP') which include requirements broadly seeking a high standard of design that respects local character and the context of the site and street scene; and the conservation or enhancement of the setting and significance of heritage assets.

Setting and Significance of Other Listed Buildings

28. Other listed buildings in the vicinity of the appeal site include the Church of St Peter (Grade I listed), the Claybrooke Parva War Memorial (Grade II listed) and Claybrooke Hall (Grade II listed).
29. The listing description indicates that the Church has possible 12th Century remains but that it was rebuilt in around 1300 with later phases of alterations and rebuilding. It includes a prominent tower with obelisk finials to the corners, a random rubble stone exterior and an imposing window with tracery to the east gable end. The Claybrooke Parva War Memorial is located within the churchyard. It dates to about 1920 and the listing description highlights its architectural and historic interest as a thoughtfully-designed and well-proportioned witness to the tragic impact of world events on the community, and notes that it forms a group with the Church.
30. The churchyard provides the immediate setting to the Church and War Memorial, but wider views, particularly of the Church, are possible including across the adjoining open space from Main Road and the facing dwellings. Insofar as it relates to the current proposal, I agree with the Inspector in the Previous Appeal that these immediate and wider settings contribute positively to the special interest of both listed buildings.
31. Claybrooke Hall to the west of the appeal site is a large early 19th Century house with a shallow hipped roof and detailing typical of the period including a canted bay and a porch with paired Tuscan columns. It is set back from Main Road behind boundary walls and entrance gates and the generous grounds which provide its immediate setting along with the architectural quality of the building give a sense of its historic status within the village. However, there are also opportunities to appreciate the building and its place within the village from the wider street scene and insofar as it relates to the current proposal, this extended setting also makes some contribution to its significance.
32. Notwithstanding some intervening vegetation, the roof of the carport was partly visible from within the churchyard at the time of my visit. However, views are over some distance, reducing the potential to clearly discern the materials. The carport is also clearly outside of the defined churchyard and open space and is appreciated against the surrounding built form which is of greater scale and prominence and its position relative to the Church and War Memorial means that it does not intrude on views towards these buildings. Similarly, the road layout and intervening development at Coventry House means that there is negligible opportunity for views or appreciation of the carport from or together with Claybrooke Hall.
33. Despite the harm that I have identified to Cream Cottage and the CA, I am satisfied having regard to these factors that the setting and significance of each of the

Church, War Memorial and Claybrooke Hall is preserved and in this respect, I find no conflict with LP Policies HC1 or GD8.

Conclusion

34. I have noted representations submitted in support of the proposal. Nevertheless, I have found unacceptable harm to the setting and significance of Cream Cottage and to the significance of the CA. In my assessment, the proposal conflicts with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR