



Appeal Decision

Site visit made on 20 May 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/K2420/C/24/3336333

1 Sherborne Road, Burbage, Hinckley, Leicestershire LE10 2BE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Brent Watson against an enforcement notice ("EN") issued by Hinckley and Bosworth Borough Council.
 - The EN was issued on 23 November 2023.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of a carport on the Land, as shown in the photograph under Appendix 1 of this notice.
 - The requirements of the EN are to: Remove the carport, and all materials associated with the carport from the land and return the land to its previous condition.
 - The period for compliance with the requirements is: Two months from the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. The appeal is dismissed, the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

The Appeal on Ground (a) and the Deemed Planning Application

2. An appeal under ground (a) is that planning permission should be granted for the matter alleged.
3. The **main issue** is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a detached dwelling sited on a corner plot. Sherborne Road extends around the front and side elevations of the dwelling. There is an attached garage to the rear of the dwelling that is accessed from a driveway adjacent to the dwelling's side elevation. Either side of the driveway is a planted grass verge that also extends alongside 11 Salisbury Road, to the rear of the appeal site. No boundary treatment separates the grass verge from the highway.
5. There is a row of detached dwellings on the opposite side of the road from the grass verge that directly front onto Sherborne Road. These dwellings are set behind landscaped front gardens that also provide off-street parking. There is an absence of boundary walls and fences to the front gardens of these dwellings. As such, the area surrounding the appeal site has an open and verdant character and appearance.

6. The carport is sited forward of the dwelling's side elevation and extends almost to the back edge of the pavement. Consequently, it appears stark and prominent and erodes the open, verdant character and appearance of the road. The corrugated plastic sheeting to the carport's roof and its mono-pitch design that slopes down towards the dwelling, are incongruous and detract from the surrounding area.
7. I have considered the representations of occupiers of neighbouring properties who support the retention of the carport as they do not consider it is detrimental to the character or appearance of the surrounding area. However, for the reasons given above, I have found that the carport harms the character and appearance of the surrounding area.
8. I have been directed to a similar structure at St Mary's Primary School. However, I am not aware of the planning history surrounding this structure or whether planning permission was required. Furthermore, the primary school is not within proximity of the appeal site. Consequently, it is not directly comparable to the carport. In any event, I must determine each case on its own merits.
9. For these reasons, the carport detracts from the character and appearance of the surrounding area. It conflicts with Policy DM10 of the Hinckley and Bosworth Borough Council Local Plan 2006-2026 Site Allocations and Development Management Policies DPD, adopted 2016 which, amongst other things, seeks to ensure that developments complement or enhance the character of the surrounding area with regard to layout, design and materials.

Other Matters

10. I acknowledge the sustainability of wood as a building material. However, this does not overcome the carport's harmful effect on the character and appearance of the surrounding area. The carport's lack of harm to passersby and an absence of water draining onto the pavement from the carport's roof, are neutral matters.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

A Berry

INSPECTOR