
Appeal Decision

Site visit made on 28 April 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 30 JUNE 2025

Appeal Ref: APP/K2420/W/24/3357325

Hill View, 15 Sheepy Road, Twycross, Leicestershire CV9 3PQ

- 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 Ms E Clarke against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/00529/FUL.
 - The development proposed is Formation of new access and parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parties' documents refer to the 2023 National Planning Policy Framework (the Framework). However, I have had regard to the Framework (December 2024) in reaching my decision. As none of the relevant paragraphs have altered substantively, it has not been necessary to consult the parties.
3. The appeal site is situated within the Twycross Conservation Area (CA) and is proximate to a number of Grade II listed buildings. I have therefore paid special attention to the statutory requirements placed upon decision-makers by section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the Twycross Conservation Area.

Reasons

5. The appeal property forms the corner of the B4116 Sheepy Road with Flax Lane. The property is situated at the northern end of its plot close to the road junction with Flax Lane, from which it takes its vehicular access. The dwelling is two-storeys and consists of rendered masonry walls under a steeply pitched slated roof. The building has a varied door and window fenestration providing interest in terms of shape and detail, the upper floor windows being partially accommodated within steeply pitched roof dormers with ornate barge boards. Whilst the dwelling has been the subject of several previous extensions, it retains significant detail and commands a prominent, slightly elevated position, on the corner of the junction of the two roads, contributing to the architectural quality of the CA.

6. The garden of the property is large and runs downhill alongside Sheepy Road for around 72m from Flax Lane to its southern boundary with the adjacent open farmland. The property is located within the CA at a location where there are eight 'Unlisted Buildings of Local Historic or Architectural Importance', of which the appeal property is one, and two 'Listed Buildings' identified on the CA map, all located within 100m of the appeal property. The CA around the appeal dwelling has the character of a rural village of some age, though the specific area around the proposed new access is defined more by the natural, green and verdant, rural character of the hedges and open farmland to the south.
7. The western boundary of the appeal property with Sheepy Road consists of a dense mature hedge, within which are several mature trees of varying species, interspersed along its length, and providing screening of the residential properties as one travels north into the village. This hedge provides an unbroken green and verdant character to the approach to the village.
8. The B4116 curves at this location, such that the western boundary of the appeal property is prominent to anyone travelling either north or south on this section of the highway. There is a narrow grass verge between the edge of the carriageway and the mature hedge. The mature hedge continues south along Sheepy Road in a continuous line from the appeal property's boundary.
9. The proposal would introduce a new vehicular access at the southern-most section of the appeal property's garden, alongside its southern boundary with the adjacent open farmland. The new opening in the hedge would require the removal of a large section of the hedge, together with some of the trees or selective trunks of the multi-stemmed trees, and significant trimming of the hedge to provide the required visibility splay in the northerly direction. Whilst some landscaping would be retained, the extent of removal required to ensure acceptable visibility, would result in erosion of the verdant, rural character.
10. At my site visit there appear to be other trees to the south of the proposed access that would require removal, together with significant trimming of the hedge to provide the required visibility splay in the southerly direction. However, from the application drawings, this area is not within the application site and the hedge to the south of the proposed access is not identified as being within the appellants ownership or control. It is therefore unclear as to how satisfactory visibility could be achieved and maintained in this direction.
11. Notwithstanding the above, the proposal would introduce a large gap in the hedge with views into the proposed parking area, together with any vehicles parked within. The appellant has noted that materials could be conditioned to minimise the visual impact of the parking surface. However, as this parking would not be restricted solely to cars, the potential for larger vehicles being parked within the area cannot be ruled out, which, together with the urbanising effect of the opening and the parking surface, would create greater levels of visual harm to the CA. This would be more visually prominent because of the curve in the highway at this location, the new opening and the property's garden beyond being clearly visible to anyone travelling north on Sheepy Road.
12. The appellant has noted that there is an existing vehicular access on the opposite side of Sheepy Road, approximately ten metres north of the proposal, and therefore submits that the proposal would not harm the CA. Having considered this,

the existing vehicular access to the tennis courts is controlled via a lockable barrier gate, limiting its times of use. It is also situated on the inside of the curve in the road. It is therefore less immediately visible from within the CA than the proposal would be.

13. I have found that the proposal would fail to preserve or enhance the character or appearance of the CA and would therefore harm its significance. Having considered the extent of the harm, in the context of the Framework, I consider that it would be less than substantial harm.
14. Section 16 of the Framework requires great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
15. The appellant has identified issues in illegal and un-neighbourly parking at drop-off and pick-up times for the local school and has suggested that the proposal would contribute to relieving this issue, improving highway safety and providing a public benefit which would outweigh the harm.
16. Having considered the above, no firm evidence has been put before me to demonstrate this, other than anecdotal evidence. In any event, if there are issues of illegal parking in Flax Lane which make the existing parking arrangements for the appeal property problematic, or cause highway safety issues, these could be more readily addressed by the highway or police authorities. I see no evidence to demonstrate that the introduction of a further vehicular access remote from Flax Lane, would reduce or resolve any such illegal parking, and as such I see little public benefit resulting from the proposal that would outweigh the harm I have found to the character and appearance of the CA.
17. Having regard to my duties under Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to pay special attention to preserving and enhancing the character and appearance of conservation areas, I conclude that the appeal development would cause 'less than substantial' harm to the character and appearance of the Twycross Conservation Area as a designated heritage asset.
18. It therefore follows that the proposal would be contrary to policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016), which require, among other things, development to complement or enhance local character and to protect and enhance the historic environment.

Other Matters

19. I have had special regard to whether the settings of other nearby listed buildings would be preserved, notably the Grade II listed buildings of 'The Hollies' and 'Twycross House School'. However, the location of the appeal scheme, the intervening distance and the nature of the proposals relative to these other listed buildings leads me to the view that their settings would be preserved.
20. The Council had suggested an alternative location for a new access, much closer to the property, in closer proximity to the extant planning permission for an

extension to the appeal property. However, the appellant has dismissed this due to level differences, the proximity to the extant permission works and being considered more harmful. No evidence has been put before me to assess this option, and so I cannot make a judgement in this regard.

Conclusion

21. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan as a whole and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR