



Appeal Decision

Site visit made on 16 June 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/F2415/W/25/3363533

Manor Farm Yard, Hallaton Road, Medbourne, Leicestershire LE16 8DR

- 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 Charles Van-Oppen (Bel Air Estates Limited) against the decision of Harborough District Council.
 - The application Ref is 24/00418/FUL.
 - The development proposed is the erection of five two storey dwellings and associated parking and garages.
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Decision

1. The appeal is allowed and planning permission is granted for five two storey dwellings and associated parking and garages at Manor Farm Yard, Hallaton Road, Medbourne, Leicestershire LE16 8DR in accordance with the terms of the application, Ref 24/00418/FUL, subject to the conditions on the attached schedule.

Procedural Matter

2. As originally submitted, the planning application was described as the erection of four two storey dwellings and associated parking and garages – two garages with studio space above. However, the scheme was amended during its consideration by the Council. In my banner and formal decision, I have therefore used the amended description as cited on the appeal form and the Council's decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Medbourne Conservation Area.

Reasons

Character and appearance

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance. Section 66(1) of the Act sets out a duty to have special regard to preserving a listed building or its setting. The National Planning Policy Framework 2024 ('Framework') states that great weight shall be given to the conservation of designated heritage assets, such as conservation areas and listed buildings, and that harm to their significance requires clear and convincing justification.

5. The site falls within the Medbourne Conservation Area ('MCA') which covers much of the village, loosely clustered around a brook and the Church of St Giles. As described in the Medbourne Conservation Area Record Details and the Medbourne Neighbourhood Plan 2017-2031 (2018) ('MNP'), the buildings are varied in terms of their form, style and proportions, but are often substantial in scale, and are of high architectural quality. They are typically finished in a palette of materials including ironstone, red brick and render, often with slate or tile roofs.
6. Having regard to paragraphs 5.21 to 5.27 of the Historic Environment Appeal Statement by Humble Heritage ('HEAS'), and based on my own observations, whilst some buildings in the MCA have their principal elevation facing the highway, others are angled to, or face away from, it. Some are positioned close to the highway, but others are set back, often behind trees, hedgerows or stone walls, such that they are partially hidden from the streetscene. The diverse pattern of development and these characteristics all contribute to the significance of the MCA.
7. The appeal site comprises an area of grassland, which is largely hidden from public view by landscaped screening, including a Leyland Cypress hedgerow next to Hallaton Road. It sits adjacent to a new housing development, which is on higher ground just outside the MCA to the north-west, and opposite semi-detached twentieth century houses, which are within it, at Nos 13 to 19 (odds) Hallaton Road. Given its character and context, I agree with the view expressed in the HEAS that the appeal site, which is allocated for housing in the development plan, does not make a significant contribution to the significance of the MCA.
8. Unlike Nos 13 to 19, the houses on plots A to C would not follow the curvature of Hallaton Road, but would be laid out in a straight line tapering away from it, with their rear elevations facing the highway. However, in the context of the mixed grain and pattern of development in the village, that layout would not appear incongruous. Moreover, as the stone wall and Leyland Cypress hedge, which contribute to the significance of the MCA, are proposed to be retained, only the upper sections of those houses would be visible in the streetscene, and their orientation would only become more generally apparent upon entering the site.
9. The Council maintains that coniferous hedgerows have a restricted lifespan, and that the occupants of plots A and B would be likely to seek this one's removal to improve their living conditions, thus exposing the houses' rear elevations and paraphernalia in their gardens to public view. However, the Arboricultural Impact Assessment by Andrew Belson Arboricultural Consultant ('the AIA') estimates that this hedge has a remaining contribution of over 40 years. Moreover, rather than seek its removal, it appears to me that future residents may well appreciate the screening and privacy it provides.
10. Whilst it would be unreasonable to require this hedgerow's retention in perpetuity, for the above reasons I consider that the siting and layout of the proposed houses would accord with the character of the area, and that 'Important View A' looking south down Hallaton Road, as identified in the MNP, would not be harmed.
11. The proposed houses' form and substantial scale would reflect the bulk, proportions and steeply pitched gabled roofs, which typify many other houses in the MCA. They would also be appropriately finished with a mix of red brick, coursed stone and slate, with design detailing such as stone lintels and quoins, prominent chimneys, and windows with a vertical emphasis.

12. Finally, although not raised as a concern by the Council, I have considered the impact of the proposal on the setting of Manor Farm, Saddlers Cottage and Waterfall Cottage, all of which are Grade II listed buildings. However, even if buildings between the site and Manor Farm are curtilage listed, which is disputed in the HEAS, given the proposed dwellings' appropriate design and form, including the relatively modest scale of the dwelling on Plot A, and their siting, with gaps and landscaping between the proposed dwellings and the listed buildings, the significance of those designated heritage assets would not be harmed.
13. As the scheme would protect, conserve or enhance the significance of heritage assets, and the character and appearance of the MCA would be preserved, it would accord with Policy HC1 of the Harborough Local Plan 2011-2031 (2019) ('HLP'). Having given great weight to the conservation of designated heritage assets, I conclude that the scheme would not conflict with Section 16 of the Framework.
14. It would also satisfy the more general requirements in HLP Policy GD8, and MNP Policy H5, for a high standard of design, which is inspired by local character and distinctiveness, with reference to matters including scale, density, massing, height, landscaping, layout, materials and access; and with the Framework's requirement in Section 12 for high quality design which is sympathetic to local character and history.
15. Having regard to the statutory duties, the scheme would preserve the character and appearance of the MCA, and the setting of listed buildings would also be preserved.

Other matters

16. Nos 13 to 19 are on higher ground, and set back from the opposite side of Hallaton Road, with the highway and hedgerow separating them from plots A to C. The Council states that its separation distance guide of 21 metres between habitable room windows in the existing and proposed dwellings would be exceeded. There would also be a significant gap between the rear faces of the dwellings on plots D and E to Saddlers Cottage, where there is also landscaped boundary treatment. Consequently, outlook, privacy and the availability of natural light at those properties, and at others nearby, would not be significantly impacted by the scheme, and the occupiers' living conditions would not be affected to a harmful degree.
17. I have considered objections from local residents citing concerns that the proposal will exacerbate flooding. However, the scheme is accompanied by a Flood Risk Assessment by Lumax Consulting Civil and Environmental Engineers. This states that whilst there would be more impermeable area on the site than at present, a sustainable drainage strategy and water storage system will limit and mitigate run off. The Council raises no objection with regards to drainage and flood risk, and subject to compliance with the assessment's recommendations, neither do I.
18. Vehicular trip generation associated with this small scheme of five houses would be modest. The site access would emerge onto the outside bend of a Class C road, where highway visibility is good, and which is subject to a 30mph speed limit. Consequently, subject to appropriate conditions, I agree with the Local Highway Authority that the scheme's impact on highway safety would be acceptable.

19. Three of the proposed houses would have three bedrooms in accordance with MNP Policy H1. HLP Policy H2 requires 40% affordable housing on large sites of over 10 dwellings, or more than 1000sqm. This proposal falls below those thresholds. Part 4 of the policy continues that where small housing developments of 10 or few dwellings are proposed within five years of each other on sites with a spatial relationship (such as adjacent sites that have been in the same ownership) affordable housing will be required.
20. In this case, although I understand that the recent housing development on the adjacent site is, or was previously, in the same ownership, that was for a large scheme of over 10 dwellings, and I understand that affordable housing was provided. On that basis, the Council has not sought affordable housing on this small site. Having regard to the wording of HLP Policy H2, I have no cogent reason to disagree with that assessment.

Conditions and Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would not harm the character and appearance of the area, that the character and appearance of the Medbourne Conservation Area would be preserved, and that the proposal would accord with the development plan.
22. The Council and the appellant have provided a list of conditions if the appeal is allowed. I have considered these against the Framework's tests, making minor amendments where necessary in the interests of clarity and precision. This includes its stance that conditions should be kept to a minimum, and that those that are required to be discharged before development commences should be avoided unless there is clear justification.
23. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.
24. Section 100ZA(5) of the Town and Country Planning Act 1990, sets out that if an Inspector is minded to grant planning permission subject to pre-commencement conditions, they may only do so with the written agreement of the appellant. In this case, as I consider that pre-commencement conditions are necessary, I first sought the agreement of the appellant to their terms.
25. In his Statement of Common Ground, the appellant says that there should be a condition requiring the submission of a Construction Environmental Management Plan. However, his suggested condition No 4 only addresses construction traffic management. I consider that a pre-commencement condition is necessary requiring the submission of construction, traffic management and environmental measures. This is to protect nearby occupiers' living conditions and to mitigate biodiversity and environmental impacts, which could be affected from the outset of development.
26. To protect the character and appearance of the area, and nearby occupiers' living conditions, a pre-commencement condition is also necessary, as suggested by the Council, requiring the submission and approval of existing and proposed levels.

27. The results of an archaeological evaluation following the digging of six trial trenches on the site are presented in an Archaeological Evaluation by Pre-Construction Archaeology Limited. This found some evidence of Roman activity, possibly related to the Villa to the south-east, along with Anglo-Saxon and post-medieval remains, and sets out the potential for further finds. Thus, following the advice of the Leicestershire County Council Senior Planning Archaeologist, and as agreed by the appellant, I have imposed a pre-commencement condition requiring that a site investigation be carried out in accordance with a Written Scheme of Investigation.
28. In the interests of the character and appearance of the area, a condition is necessary requiring the submission of details of all external materials. For the same reason, conditions are necessary requiring the submission of a scheme of hard and soft landscaping; and the provision of tree protection measures in accordance with the AIA.
29. In the interests of the safety and convenience of highway users, I have imposed conditions requiring the provision of the access, parking/turning facilities, and visibility splays, in accordance with the submitted details; and preventing the erection of gates or other such obstructions within 5 metres of the highway boundary.
30. HLP Policy GI5 sets out, amongst other things, that development shall contribute towards protecting and improving biodiversity. The Ecological Appraisal by fpcr identifies opportunities to enhance biodiversity on the site. Notwithstanding the general biodiversity gain condition, which is deemed to apply to every planning permission unless exemptions or transitional provisions apply, I agree with the Council that a biodiversity enhancement scheme is required.
31. Whilst drawing No 2155 21A details some such measures, it is based on a now superseded layout. I have therefore imposed a condition requiring that biodiversity enhancement measures be provided in accordance with a scheme to be submitted to the Council, with the specific measures to be agreed between the parties.
32. Finally, in the interests of appropriate drainage, a condition is necessary requiring the submission of a site drainage scheme.
33. For these reasons, and having regard to all other matters raised, including objections from local residents and a representation in support from Medbourne Parish Council, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2155 01D, 2155 02F, 2155 03F, 2155 06F, 2155 07E, 2155 08B, 2155 09C, 2155 10C, 2155 11C, 2155 12A, 2155 13A, 2155 14A, 2155 15B, 2155 16A, 2155 17A, 2155 18B, 2155 20C and 2155 22.
- 3) No demolition/development shall commence on site until a Construction Environmental and Traffic Management Plan including details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, storage areas, use of protective fencing, construction working hours, details of responsible persons, and measures to reduce impacts on the environment and protected species, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period.
- 4) No development shall commence on site until details of existing and proposed levels have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include finished ground floor levels of all buildings in relation to existing and proposed site levels, the adjacent highway and adjacent properties, and the levels of the proposed access. The development shall be carried out in accordance with the approved details.
- 5) No development /demolition shall commence on site until a written scheme of archaeological investigation (WSI) has been submitted to, and approved in writing by, the Local Planning Authority. No demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and i) the programme and methodology of site investigation and recording and the nomination of competent person(s) or organisation to undertake the agreed works; and ii) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- 6) Prior to any construction work commencing above ground level a schedule of materials shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
- 7) Prior to the occupation of any of the dwellings hereby approved, a scheme of hard and soft landscaping, in accordance with drawing no 2155 20C, which shall include the hedgerow adjacent to Hallaton Road, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include full details of proposed hard and soft landscape works; retained planting/hedges/trees; new planting/hedges/trees; boundary treatment and a timetable of implementation. Thereafter, the landscape scheme shall be carried out in accordance with the approved details. Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

- 8) The development shall be carried out in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Management and Protection Plan by Andrew Belson Arboricultural Consultant. The fencing and ground protection shall be installed before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
- 9) Prior to the occupation of any of the dwellings hereby approved, the access, parking and turning facilities shall have been implemented in accordance with drawing no 2155 01D. The access, parking and turning facilities shall thereafter be retained and kept available for such uses in perpetuity.
- 10) Prior to the occupation of any of the dwellings hereby approved, vehicular visibility splays of 2.4 metres x 54 metres shall be provided to the northwest of the site access and 2.4 metres x 43 metres to the east of the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
- 11) Prior to the occupation of any of the dwellings hereby approved, the access shall be surfaced with tarmacadam, or similar hard bound material for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
- 12) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.
- 13) Prior to the occupation of any of the dwellings hereby approved, a scheme of on site biodiversity enhancement measures, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be implemented prior to the occupation of any of the dwellings and shall thereafter be retained.
- 14) Prior to the occupation of any of the dwellings hereby approved, a site drainage scheme, in accordance with the Flood Risk Assessment by Lumax Consulting Civil and Environmental Engineers and drawing no 2155 22, shall be submitted to, and approved in writing by, the Local Planning Authority. No part of the development hereby permitted shall be occupied until such time as the site drainage scheme has been implemented in accordance with the approved scheme.