



Appeal Decision

Site visit made on 14 July 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/X2410/Z/25/3366893

13 Market Place, Shepshed, Leicestershire LE12 9RT

- 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 Shaun Taylor against the decision of Charnwood Borough Council.
 - The application Ref is P/24/1706/2.
 - The development is described as a 'retrospective application to retain shopfront, a window and external cladding'.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Planning permission was granted in January 2024 for the change of use of this property from a public house to commercial, business and service uses, the insertion of a new window and replacement doors to the front elevation, and the erection of replacement gates (Ref: P/23/2158/2) ('the planning permission'). Section 3.0 of the Planning, Design and Access and Heritage Statement by J J M Planning ('PDAS') explains that some of the external works to convert the building were not carried out in accordance with the planning permission.
3. The scheme before me is therefore described as 'retrospective' in order to retain the development as built. I have been provided with a pre-existing elevation drawing and photograph, along with photographs of the building as it now is. Having regard to paragraph 3.2 of the PDAS the differences between the development as built compared to the planning permission essentially comprise the installation of a timber shop front, along with a non-flush fitting, black, timber-effect casement window, and black clad panels to provide a plinth around the front of the building. I have considered the appeal on this basis.
4. The Charnwood Local Plan 2021-2037 (Pre-Submission Draft July 2021) ('CPSDP') has reached a fairly advanced stage in preparation. Having regard to paragraph 49 of the National Planning Policy Framework 2024 ('Framework'), and the evidence in the Council's delegated report, I have attributed moderate weight to the emerging policies from the CPSDP as referred to in the decision notice.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host building and the area, including whether it preserves or enhances the character or appearance of the Shepshed Conservation Area ('the SCA').

Reasons

6. 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 Framework says that great weight shall be given to the conservation of designated heritage assets, such as conservation areas and listed buildings, and that any harm to their significance requires clear and convincing justification.
7. As described in the Shepshed Conservation Area Character Appraisal 2007, the SCA encompasses much of the original medieval settlement centred around St Botolph's Church, and Market Place, which is an historically important and significant open space. It continues that much of the value and distinctiveness of the SCA is derived from the quality of the historic building stock, and the wealth and variety of their surviving architectural details. This includes a range of window styles which contribute to the character of individual streets. The significance of the SCA, insofar as it relates to the appeal, therefore derives from the architectural quality and design of the buildings.
8. The appeal site is in a focal position on Market Place. It comprises a two storey building, which the Council considers to date from the nineteenth century, with a pastel green rendered finish, and which has white plastic windows with attached glazing bars, and dark cills.
9. The shop front includes a large, black window which is not subdivided by glazing bars, and which consequently has a very horizontal emphasis. Whilst there are windows in a range of styles and colours within the SCA, this one's appearance, proportions and colour are markedly at odds with the windows in the floor above, and with the other windows in the host building. It sits within unevenly spaced dark coloured pilasters, with the area between them comprising panels in the same colour.
10. Even if the window could be painted any colour without the need for planning permission as claimed, considered as a whole, I agree with the Council that the overall impression is akin to a boarded-up shop front, with an incoherent and irregular appearance which is unrelated to the remainder of this building's front elevation.
11. Turning to the low level black plinth, given that it wraps around the whole of the building's front wall and gable, it is a unifying and modestly proportioned feature. Consequently, and as there was a similar feature on the pre-existing building, it has not harmed the character and appearance of the host or the area.
12. Nos 9 and 9A Market Place are a pair of Grade II listed buildings, probably of seventeenth century origin, which are referred to in a representation from the Council's Natural and Built Environment Team. However, the Council's decision notice does not allege harm to their setting, and given the modest scale of the shop front alteration, along with its distance from, and obliquely angled relationship to, those designated heritage assets, I agree that their significance has not been harmed.

13. As I have few details of the approved retrospective planning application reference P/24/0718/2 at another premises in Market Place, I cannot make any meaningful comparisons between it and the scheme before me.
14. For the above reasons this shopfront has harmed the character and appearance of the host building and the area. The scheme therefore conflicts with Policy CA/12 of the Borough of Charnwood Local Plan 1991-2006 (2004) ('CLP') which requires shop fronts to be designed as an integral part of the overall frontage, reflecting its architectural composition, and having regard to matters including the style and proportions of the building and the overall character of the area.
15. It also fails to accord with the advice in the Council's Design Supplementary Planning Document 2020 that proposals shall respect and enhance the character of the area, with reference to matters such as design detailing; and which notes the importance of well-design shopfronts to street character.
16. It also conflicts with the more general stance on high quality design which respects the character of the area in CLP Policy EV/1, and Policy CS 2 of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) ('CCS'); along with the Framework's requirement for good design which takes account of local guidance, and which is sympathetic to local character and history; and with CPSPD Policy DS5.
17. Given its prominent siting and its incongruous design, the scheme fails to preserve or enhance the character and appearance of the SCA. It thereby also conflicts with CCS Policy CS 14, and CPSPD Policy EV8. I have given great weight to the conservation of this designated heritage asset. However, given the modest scale of the scheme, the harm to it is less than substantial. In accordance with Framework paragraph 215, I am therefore required to weigh the harm against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
18. The appellant refers to the building's previous state of disrepair, and to the praise that he has received from Shepshed Town Council for the improvements that have been made to businesses in Market Place, including the transformation of this property. He also points to other benefits arising from the building's renovation, including job opportunities, and a new coffee shop, offices and venue to hire for community events.
19. However, the benefits from those uses would still have arisen had the development been implemented in accordance with the planning permission. Consequently, they attract very little, if any, weight in my decision. As the public benefits are not sufficient to outweigh the harm that I have identified, the scheme also conflicts with the Framework, and it does not benefit from its presumption in favour of sustainable development.
20. The scheme does not preserve or enhance the character or appearance of the SCA, and it fails to satisfy the requirements of the Act, and policies in the development plan and the Framework. Having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Chris Couper

INSPECTOR