



Appeal Decision

Site visit made on 2 September 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th September 2025

Appeal Ref: APP/T2405/W/25/3362562

19 Green Lane, Countesthorpe, Leicestershire LE8 5QQ

- 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 John Saunders against the decision of Blaby District Council.
 - The application Ref is 24/0794/FUL.
 - The development proposed is new build 3 bedroom detached house and detached single garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area, including the setting of the Countesthorpe Conservation Area (CA) and setting of nearby listed buildings;
 - Biodiversity; and
 - Trees.

Reasons

Character and appearance

3. The appeal site comprises part of 19 Green Lane's garden area. Green Lane is characterised by residential dwellings which vary in architectural style. Nearby are two Grade II listed buildings; 7 The Square and 4 Green Lane. I have therefore had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The site is adjacent to the CA. The significance of the CA is largely determined by the medieval street pattern and the historical development of the settlement. The CA consists of a mix of uses including residential, commercial uses and open space. There are a mix of house types and dwellings vary in character and appearance. The majority of historic buildings are constructed of red brick with Welsh slate roofs. Parts of the CA include post war development which generally do not contribute to the special architectural or historic interest of the area. The trees both along and in views from Green Lane contribute to the rural character of the street and are important in views out of the village core.

5. No 7 dates from the late 16th century. It is a two-storey, rendered, timber framed building with a slate roof and jettied upper storey. The evidence before me indicates that the appeal site once formed part of the wider grounds of No 7. No 4 comprises a former farmhouse which dates from the early 19th century. It is a three-storey brick building with sash windows and a central door.
6. Given the siting of the proposed dwelling, the majority of, if not all, of the existing vegetation adjacent to the southern boundary would be required to be removed. The trees are not formally protected. Nonetheless, they contribute to the rural character of the street, soften the edge of the CA, and provide a verdant screen and buffer shielding the setting of No 7 and the more recent development to the north, including No 19. Thus, the vegetation and trees positively contribute to the CA and setting of the listed buildings.
7. The removal of the vegetation and trees would therefore not preserve the character or appearance of the CA or the setting of the listed buildings, in particular No 7. Furthermore, the proposed development would be open to views from No 4. Whilst the proposed dwelling would only be visually prominent from a small number of viewpoints, the loss of the vegetation and trees would be evident from numerous viewpoints within and outside of the CA between gaps of development.
8. The proposed architectural design of the dwelling would be in keeping with the area. However, given the siting of the dwelling, proximity to the southern boundary and resultant loss of trees and vegetation, the proposed development would introduce an unsympathetic and contrived form of built development that would be out of keeping with the established built form in the immediate area. The proposed development would increase the built-up nature of the site in proximity to the listed buildings. Consequently, the proposal would erode the character and appearance of the CA and would also be harmful to the setting of the nearby listed buildings.
9. For the reasons set out above, I find that the proposal would fail to preserve the special interest setting of the listed buildings and would not respect the local character, including the CA. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. Given the varied development in the locality and visibility of the site, I find the harm to be less than substantial in this instance. Within the less than substantial categorisation, the amount of harm would be at the lower end of the spectrum. Nonetheless, mindful of my statutory duties, this is a matter to which I attach considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
11. The appellant has not clearly outlined public benefits of the proposal, but I acknowledge that there would be some limited public benefits of the scheme.

However, the public benefits would not be sufficient to outweigh the harm that I have identified.

12. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest setting of the Grade II listed buildings, would cause harm to the CA and the character and appearance of the local area. Consequently, the proposal would fail to satisfy the requirements of the Act, paragraph 215 of the Framework and conflict with Policies DM1 and DM12 of the Blaby District Local Plan: Development Plan Document (2019) (DPD) and Policies CS2 and CS20 of the Blaby District Local Plan: Core Strategy Development Plan Document (2013) (CS). These seek to preserve and enhance heritage assets and ensure development respects local character. As a result, the proposal would not be in accordance with the development plan.

Biodiversity

13. Self-build and custom build development are exempt from Biodiversity Net Gain (BNG). The appellant provided a self-build BNG declaration with the planning application. However, to qualify for this exemption, an appeal involving a self-build scheme should be accompanied by a planning obligation that secures the dwelling for this purpose, since securing it via a condition would fail to satisfy the tests in the Framework. No such obligation has been provided and therefore the exemption is not secured with any degree of certainty.
14. The appellant highlights that a draft Section 106 agreement was submitted with the application, amendments were requested, and then the Council confirmed that the submission of a formal agreement prior to the decision was not necessary. They set out that they are fully prepared to finalize the necessary agreement before work commences. Nonetheless, these considerations do not outweigh the need for a completed planning obligation at this stage.
15. For the reasons given above, the proposal would have an unacceptable effect on biodiversity. Consequently, the proposal would conflict with Policy DM1 of the DPD and Policies CS2 and CS19 of the CS which seek, amongst other matters, to ensure developments improve biodiversity.
16. In relation to this main issue, the development would not specifically conflict with Policy DM10 of the DPD or Policy CS1 of the CS which are included in the reason for refusal. This is because these policies seek to support proposals for self and custom build housing in suitable locations and set out the strategy for locating new development.

Trees

17. There are numerous trees located on and adjacent to the appeal site. A tree survey and Arboricultural Impact Assessment have not been provided to enable a full evaluation of the impact of the development proposals upon the health and amenity value of the trees. Given the number of trees likely to be impacted by the development, and contribution they make to the area, it is essential that this matter can be fully considered to adequately determine the impact of the development on the trees.
18. The appellant highlights that these documents are not included in the Council's validation checklist, they had confirmation that an arboricultural statement was not

required, and they agreed during the site visit that this matter would be addressed later if necessary. However, these considerations do not outweigh the need for these documents.

19. For these reasons, inadequate evidence has been provided to assess the proposed developments impacts on trees and therefore, on balance, the proposal would have an unacceptable effect on the nearby trees. Consequently, it would conflict with Policy CS2 of the CS which seeks high quality design which protects the natural environment and takes account of local landscape and other features.

Other Matters

20. The appellant has expressed dissatisfaction with the way in which the Council has dealt with the application. They highlight that no opportunity was provided to discuss or address specific concerns, and no meaningful consultation was permitted. The appellant considers that the Council has not worked in a positive and proactive manner. They have also addressed matters raised by objectors which do not relate to the reasons for refusal. The other matters raised do not overcome my findings above.
21. The delegated report sets out that there would be direct overlooking from 19 Green Lane into the immediate private amenity space of the proposed dwelling which would harm the living conditions and privacy of the occupants of proposed dwelling. This does not form part of the reasons for refusal, and in any event this matter could be dealt with by a planning condition.

Planning Balance and Conclusion

22. I have found that the proposed development would fail to preserve the special historic interest setting of the Grade II listed buildings, would cause harm to the CA and to the character and appearance of the local area. Furthermore, it would have an unacceptable effect on biodiversity and trees. Thus, the proposed development would conflict with Policies DM1 and DM12 of the DPD and Policies CS2, CS19 and CS20 of the CS. Given the Council's housing land supply position, paragraph 11(d)(ii) of the Framework is engaged.
23. Weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are consistent with the aims of the Framework. There is nothing within the Framework to suggest that the policy requirements should be lessened on account of the shortfall in housing supply. In that context, I attach significant weight to the conflict with the development plan.
24. In considering paragraph 11 d) i. of the Framework, I must determine whether the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
25. For the reasons given above, the proposed development would fail to preserve the special historic interest setting of the Grade II listed buildings, would cause harm to the CA and to the character and appearance of the local area. Furthermore, it would have an unacceptable effect on biodiversity and trees.
26. The site is located within the settlement boundary of Countesthorpe close to a range of services and facilities, with direct linkages to the road network. Therefore, the site constitutes a sustainable location for the scale of development proposed. The proposal would contribute towards the Council's housing land supply position

and, subject to a completed planning obligation, would contribute to the District's supply of self and custom build housing. Furthermore, the development would also provide economic benefits.

27. Nonetheless, the benefits of the scheme would not outweigh the conflict found. Consequently, the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.
28. The proposal would be contrary to Policies DM1 and DM12 of DPD and Policies CS2, CS19 and CS20 of the CS and I afford this conflict, with the relevant policies of the development plan, significant weight.
29. For the reasons given above, to conclude, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR