



## Appeal Decision

Site visit made on 30 September 2025

**by Mr R Walker BA HONS DIPTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

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**Appeal Ref: APP/X2410/W/24/3357658**

**20C Main Street, South Croxton, Leicestershire LE7 3RJ**

- 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 Dr and Mrs Farooqi against the decision of Charnwood Borough Council.
  - The application Ref is P/24/0721/2.
  - The development proposed is erection of detached self-build dwellinghouse with associated works and access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Draft Charnwood Local Plan is at an advanced stage. However, the Council's statement advises that it has been subject to modifications and an additional consultation recently. I have no firm details regarding the nature of these modifications and whether they relate to any of the draft policies that have been referred to in the appeal. Accordingly, I can not be certain that they would not change, and I have given them little weight in my decision.
3. Following the submission of a signed Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended), the Council has not sought to defend its second and fourth reasons for refusal relating to ecological compensation and the lack of a planning obligation. The Council's third reason for refusal is focussed on the effects of the proposed development on the South Croxton Conservation Area and the main issue reflects this. However, the site is also within the setting of listed buildings that lie within the Conservation Area. As such, I have had special regard to both sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in reaching my decision.

### Main Issues

4. The main issues are:
  - Whether the appeal site represents an appropriate location for the proposed development with particular reference to the spatial strategy for the area and access to services and facilities; and
  - Whether the proposal would preserve or enhance the character or appearance of the South Croxton Conservation Area.

## Reasons

### *Location*

5. The proposal would be adjacent to, but outside of, the 'Limit to Development' boundaries of South Croxton as defined by the Council's Local Plan (LP) (2004). This means that the site is treated as countryside for the purposes of applying the relevant development plan policies. In this regard, the proposal would not accord with the development strategy set out in Policy CS1 of the Core Strategy (CS) (2015). Moreover, the proposal, for a self-build dwelling, would not meet any of the exceptions for development in the countryside listed in Policy CT/1 of the LP.
6. The appellants suggests that Policy CS3 of the CS, or Policies CT/1 and CT/2 of the LP do not specifically say that small villages are not appropriate locations for accommodating some housing growth. However, the site is in the countryside not in the village and none of these policies, or any others that I have been referred to, offer specific support for the scheme before me.
7. South Croxton has a Church and a village hall, which is a level of facilities commensurate with its role in the development plan as a small village. Bus connections are possible to Syston, a Service Centre less than 5 miles away and there are other villages with a more limited range of facilities a short drive away. Whilst cycling maybe possible, given the distances involved I am not convinced that this would be a likely option for most future occupiers particularly during inclement weather.
8. Overall, occupants would be likely to have a greater use of private vehicular journeys than alternative, more sustainable modes of travel. This includes healthier options such as walking, which would be a direct consequence of the appeal site's location and the limited range of facilities in South Croxton. I have reached this conclusion recognising that the National Planning Policy Framework (the Framework) accepts that opportunities for sustainable rural transport solutions are reduced and that trips to other settlements in a vehicle would be over reasonably short distances.
9. I therefore find that the appeal site does not represent an appropriate location for the proposed development with particular reference to the spatial strategy for the area and access to services and facilities. As such, I find conflict with the requirements of Policy CS1 of the CS and Policy CT/1 of the LP, when taken together and in so far as they relate to this main issue. These say, amongst other things, that land lying outside the defined Limits to Development is variously identified on the Proposals Map as Countryside, Green Wedge and Areas of Local Separation. Development within these areas of generally open land will be strictly controlled.
10. The proposal seeks a self-build house and there is no dispute that there is a shortfall in supply of plots for this type of development. The restrictive nature of Policy CS1 of the CS and Policy CT/1 of the LP would unduly constrain the supply of self-build housing and are not, in this respect, entirely consistent with the Framework. Nonetheless, these policies are consistent with the Framework, to the extent that they seek to promote sustainable rural development and recognise the intrinsic character and beauty of the countryside.

## *Conservation Area*

### Significance/special interest

11. The South Croxton Conservation Area (CA) covers most of the village. It is a small rural village which has a predominantly linear pattern of development with most properties concentrated along Main Street. Buildings are built predominantly from brickwork with slate roofs. The density of development reduces as the land rises to the St John the Baptist Church. This is positioned such that it is a landmark feature in views within the village and in longer views in the surrounding countryside.
12. There is a striking contrast in the historic pattern of lower density development around the top of the village near the Church compared with the higher density of housing fronting onto Main Street and School Lane further to the south west. This is exemplified along Three Tuns Lane (the Lane) where housing is limited to the south side before the corner. To the north side in contrast, the combination of hedgerows, and vegetation contribute to the transition into the countryside. Beyond the corner as it turns, the combination of open parcels of undeveloped land including fields, hedgerows, and vegetation results in a more rural character.
13. The appeal site forms part of the extensive grounds associated with 20C Main Street and its combination of managed lawn, fruit trees, and footpath results in a domesticated appearance. Nonetheless, from the Lane, the host dwelling is not dominant due to its distance from the Lane. Instead, the open undeveloped nature and soft qualities of the appeal site contribute to the more rural characteristics of this part of the CA. Along the Lane views of the Church can be glimpsed in gaps in vegetation. However, there is little to indicate that these views were designed or intentional but appear to be more of an incidental result of the historically rural character of this part of the CA.
14. In so far as it relates to this appeal, the character and appearance of the CA is largely derived from the surviving elements of its historic layout, open spaces, and street pattern, combined with the architectural richness of its buildings.

### Appeal proposal and effects

15. The proposal would result in a dwelling accessed from, and facing, a part of the Lane, which is not characterised by housing. The proposed dwelling would appear divorced from, and fail to integrate with, any existing building group and the historic settlement pattern in this part of the CA. This is due to the combination of its access point onto the Lane, the distance and topography to the nearest houses in the village and the more rural character of this part of the Lane, along with the overall massing and eye-catching design of the dwelling with large expanses of glazing.
16. The introduction of the dwelling in this location would appear in some views of the Church, particularly in winter months and in private views. However, there is no substantive evidence before me to indicate that views over this historically open undeveloped part of the CA are planned historic views. Moreover, the extent of views from the Lane would be fleeting. In this regard, even if the proposed dwelling is seen in combination with the upper portions of the Church or reduces the extent of views of it, this does not add to the harm I have identified from the siting of the dwelling in this more rural part of the CA.

17. Drawing the above together, the proposal would fail to preserve or enhance the character and appearance of the CA. As a result, the expectations of the Act have not been met, and the proposal would harm the significance of this designated heritage asset.

Public benefits

18. Paragraph 212 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
19. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage asset, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
20. In this instance, as the harm would be confined to a small part of the CA, the harm to the overall CA would be 'less than substantial' and toward the lower end of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.
21. The proposed development would be a self-build dwelling, and this would be secured by the submitted planning obligation. The Council has a duty under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the area. There is no dispute that there is a shortfall in the provision of self-build housing units in the Borough.
22. The appellants casts doubt on the Council's 5-year housing land supply position. Although different figures have been produced by the Council recently, I have no substantive evidence to dispute the Council's figure of 5.78 years in its statement published in December 2024 based on the standard methodology. In any case, the presence of a 5-year supply of housing is not a maximum and the government places considerable importance on boosting the supply of housing, including self-build housing, supporting windfall sites and making effective use of land including previously developed land. The proposal would create short-term employment through the construction of the house. Moreover, future occupiers would contribute to the vitality of the local rural community and economy. Taken together, these are matters of potentially significant weight. However, the weight I give the range of social and economic benefits is moderated by the location of the appeal site, which is not in an appropriate location with regards to the spatial strategy for the area and access to services and facilities.
23. It has been suggested that the contribution to the local rural community should also include consideration of the appellant's job as a local healthcare practitioner. However, this occupation could change, and there is nothing to tie the occupiers of

the house to any such role. As such, the appellant's job, and any potential benefits from this to the local community, does not carry weight in favour as a public benefit.

24. The absence of harm in relation to other considerations such as, the living conditions of local residents, highway and pedestrian safety, or that the scheme would not contribute to the coalescence of settlements, are matters that weigh neither for nor against the proposal and do not constitute public benefits.
25. As a self-build dwelling the proposal is exempt from the statutory biodiversity net gain regime. However, it is put to me that the proposal would achieve biodiversity gains in accordance with Policy CS13 of the CS by off-site credits being purchased. The planning obligation that is before me does not include any provisions in relation to this matter. Instead, it is proposed that a condition be included were I minded to allow the appeal that would require a scheme for off-site biodiversity offsetting. From the evidence before me this is likely to take the form of a legal agreement.
26. However, the Planning Practice Guidance (PPG) says that a negatively worded condition, which requires an applicant to enter into a planning obligation is unlikely to be appropriate in the majority of cases. Instead, entering into an obligation prior to a grant of permission is the best way to ensure certainty and transparency. Moreover, the PPG states that in exceptional circumstances negatively worded conditions requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk.
27. As there are no such exceptional circumstances in this case, the most appropriate mechanism to secure off-site biodiversity enhancements would be through an appropriately worded planning obligation. As such, although I note the appellant's intentions, as I do not have an adequate mechanism before me to secure off-site biodiversity enhancements, I do not consider this to be a public benefit in this instance.
28. Overall, the public benefits in favour of the proposed development do not outweigh the great weight that I attach to the harm I have found. Accordingly, the proposal would be contrary to the requirements of both the Act and the Framework, in so far as they relate to this main issue. It follows that it would also be contrary to the requirements of Policy CS14 of the CS which says, amongst other things, that the Council will conserve and enhance its historic assets for their own value and the community, environmental and economic contribution they make. It will do this by, amongst other things, requiring development proposals to protect heritage assets and their setting. Policy CS14 is broadly consistent with the objectives of Chapter 16 of the Framework in relation to preserving and enhancing designated heritage assets.

## **Other Matters**

29. Near the appeal site lies the grade II\* listed St John the Baptist Church and the grade II listed Hill Top Farmhouse, North Manor Farmhouse, and the South Croxton War Memorial. In so far as they relate to this appeal both the Farmhouses are listed for their architectural and historical interests which form an integral element of the historic rural community of the village. The official listing for the

memorial stipulates the reasons for its designation. This includes its historic and design interests and having group value with the Church and North Manor Farmhouse. I have no reason to disagree with these reasons.

30. Due to the combination of the more recent houses that have been built, the distance, changes in topography and intervening vegetation, I find that the appeal site does not make a positive contribution to the setting of the two Farmhouses or the War Memorial and thus their significance and special interest. The introduction of the proposed dwelling in this location would not alter how the two Farmhouses and the War Memorial are experienced. Instead, relative to these listed buildings, the proposal would be discreetly located such that it would not intrude into or harm their setting and thus their significance.
31. The Church's special interest and significance, in so far as it relates to this appeal, relates to its historical use as a religious site from the fourteenth century, and its external ecclesiastical architectural character. It sits on a prominent high point in the village and is a dominant landmark feature in close and wider views underlining its historical role in the community. Views of the Church can be gained from the appeal site, as can glimpsed views from the Lane across the site. However, there is no firm evidence that these private views are designed, and they are more incidental in nature by virtue of the site's historical undeveloped agricultural use which has later evolved to a garden use. As such, I find that the open undeveloped qualities of the appeal site make a neutral contribution to the setting of the Church and thus its significance.
32. The proposed dwelling would be largely seen in combination with the Church in private views and glimpsed views from the Lane. However, the Church is frequently viewed in combination with houses in the village and its connection with the community is part of its historical interest. As such and given my findings in relation to the setting of the Church, I do not find that that the proposal would harm the setting of the Church and thus its significance.
33. I have had regard to the appeal decisions submitted by both main parties. However, none share the same combination of considerations in relation to the impact on the South Croxton CA, the relationship to the spatial strategy, access to services, or the range of benefits found in this appeal. In this regard, they do not share the same balance of considerations as found in the appeal before me, and I have reached my own conclusions on the appeal proposal based on the evidence before me.
34. As set out, I have given little weight to the Draft Charnwood Local Plan. From the evidence before me, there are no policies of the draft plan that would specifically support the proposal in this location, even having regard to Policy H6 which relates to self-build housing. In this regard, notwithstanding that I have given little weight to the draft plan, the proposal would not garner support from it in any case.
35. Even if I accept that paragraph 11(d) is engaged, as submitted by the appellants, the proposal would be contrary to guidance in the Framework relating to designated heritage assets. In such a scenario, the so called 'tilted balance' towards granting permission set out at paragraph 11(d) of the Framework would not apply. This is because policies in the Framework that protect areas of particular importance (in this case relating to designated heritage assets) provide a clear reason for refusing the proposal.

## **Conclusion**

36. The proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*Mr R Walker*

INSPECTOR