



Appeal Decisions

Site visit made on 22 April 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal A Ref: APP/T2405/C/24/3336551

Appeal B Ref: APP/T2405/C/24/3336552

Land at 49-51 Main Street, Cosby, Leicestershire

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr David Marriott of The Marriott Group and Appeal B is made by Mr Allan Marriot against an enforcement notice issued by Blaby District Council.
- The notice was issued on 7 December 2023.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of three oak framed porch canopies to the front and rear elevations of the property (shown in blue in the approximate positions on the attached plan)."
- The requirements of the notice are:
 - i. Remove in their entirety the three oak framed porch canopies to the front and rear elevations of the property (shown in blue in the approximate positions on the attached plan).
 - ii. Where damage is caused to the front and rear elevations of the property by the removal of the three oak framed canopies, make good with the surrounding render.
- The period for compliance with the requirements is: three months after the notice takes effect.
- The appeals are proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since appeals have been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decisions

1. It is directed that the enforcement notice is varied by:
 - *In section 5, the deletion of the words "ii. Where damage is caused to the front and rear elevations of the property by the removal of the three oak framed canopies, make good with the surrounding render."*
2. Subject to the variation, the appeals are allowed insofar as they relate to the porch canopy on the front elevation and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the porch canopy on the front elevation on land at 49-51 Main Street, Cosby, Leicestershire .
3. The appeals are dismissed and the enforcement notice is upheld as varied insofar as it relates to two porch canopies on the rear elevation and planning permission is refused in respect of two porch canopies on the rear elevation on land at 49-51 Main Street, Cosby, Leicestershire on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

The Enforcement Notice

4. It is incumbent upon me to put the enforcement notice (notice) in order. There is no dispute that the alleged breach of planning control has occurred. Furthermore, the purpose of the notice is to remedy the breach by seeking the removal of the

three porch canopies. The steps required to be taken however go on to seek the repair of render if damaged by the removal of the porch canopies.

5. While the removal of the porch canopies would remedy the breach of planning control, there is no evidence before me to show the render applied to the buildings existed before the porch canopies were erected. I therefore find 'step ii.' goes beyond what is necessary to remedy the breach and I shall delete it. This would not cause injustice to the appellant or Council as it does not widen the scope of the notice.

Preliminary Matter

6. The notice refers to the erection of three porch canopies to the "*front and rear elevations*". While the three porch canopies are shown blue on the plan attached to the notice, what constitutes the front elevation and the rear elevation is not clear. For the purposes of my decision, I shall refer to the elevation with one porch canopy as the front elevation and the elevation with two porch canopies as the rear elevation.

The Appeals on Ground (a)

7. The appeal property is within the setting of the Grade II listed Coates Barn (known as Tithe Barn) and the Grade II* listed Church of St Michael and All Angels, it is also within the Cosby Conservation Area (CCA). I am aware of my statutory duty arising from section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB & CA Act 1990), which requires me to have special regard to the desirability of preserving the setting of the identified listed buildings, and section 72(1) of the LB & CA Act 1990, which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CCA.
8. An appeal on ground (a) is that planning permission should be granted for the three porch canopies (porches). The **main issues** are the development's effect on:
 - the setting of the Tithe Barn and Church of St Michael and All Angels;
 - the character and appearance of the CCA; and
 - whether there are any public benefits that would outweigh any identified harms.
9. Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (the CS) promote strategic objectives relating to the design of new development in relation to the historic environment. They require development to be appropriate to its context, to have taken account of local development patterns and to be sympathetic to their surroundings, amongst other things. Policies DM1 of the Local Plan (Delivery) Development Plan Document (2019) (the LPD) and CNDP3 of the Cosby Neighbourhood Development Plan 2023-2029 (the CNDP) set out the criteria that new development proposals will be expected to meet, while policies DM12 of the LPD and CNDP1 of the CNDP seek to avoid harm to the district's heritage assets and confirm development that conserves or enhances the historic environment will be supported.
10. The Church of St Michael and All Angels (the Church) derives its significance from its historical association with the residents of Cosby village as a place of worship. It has significant communal value as well as architectural and historic interest.

Historic mapping provides no obvious direct historic association between the Church and the appeal site that would contribute towards its significance.

11. The Tithe Barn (the Barn) derives its significance from its architectural interest as a surviving cruck-framed building and its historic association with Church Farm as a working farmstead. There was a recent functional association between the appeal site and the Barn, whose previous use was as an office/store used to support the café/deli use operating from the Barn. There is also significant intervisibility between the buildings due to the open nature of Church Farm Close and the courtyard.
12. The CCA's character and appearance is drawn from its origins as a small agricultural community. The historic core is centred around the Church and the village's development has broadly followed the alignment of Cosby Brook, which runs through it. The open and spacious nature of the brook makes an important contribution to the village's character. Many of the buildings adjacent to the brook are of historic and architectural interest. I am told however that the conservation area appraisal recognises that the character of some buildings erected in the 18th and 19th centuries has been altered or concealed. The redevelopment of the former Church Farm property would be a prime example of change within the CCA.
13. The appeal property forms the eastern end of a row of terraced dwellings that sit perpendicular to Main Street, adjacent to the junction with Church Farm Close. The end of the terrace nearest Main Street steps down in height and its front elevation steps in from the rest of the terrace, giving it a subservient appearance. Historically, the appeal properties had no entrance doors in the elevation facing Church Farm Close (rear elevation) and they were only accessible from the pedestrian walkway adjacent to the front elevation.
14. The appeal properties comprise a ground floor two-bedroomed apartment and a first floor one bedroomed flat. The planning permission which granted that use and associated operational development included the provision of two entrance doors on the rear elevation and one on the front elevation. A single storey extension to part of the front elevation also formed part of the permitted works. In addition to the permitted works, two porches have been erected on the rear elevation of the terrace, and one has been erected on the subservient element of the building on the front elevation.
15. Relying on the ability to experience the Church, the Barn and the appeal site within the same view is a reasonable factor to apply in determining whether the heritage assets are affected by the unauthorised development. While other non-visual ways of experiencing heritage assets exist, the context of this development is such that its visual effect on the significance of the heritage assets is key.
16. It would be fair to acknowledge that there have been significant changes over the years to the setting of the Church and the Barn; farm buildings have been demolished, a haulage business has operated with the addition of storage buildings, and more recently, the haulage yard has been redeveloped for residential purposes. The design and materials of the porches seek to replicate the lychgate that has been erected between Church Farm Close and the adjacent residential estate.

17. I appreciate there is little consistency to the fenestration detailing across the rear elevation of the terrace. Window openings have a variety of sizes and styles and the two entrance doors represent the introduction of an additional feature. At the time of their introduction, this part of the building was however obscured by mature tree planting, which has since been removed. Even with the introduction of the entrance doors, the terrace retained an uncluttered and unadorned appearance, demonstrative of its low status origins.
18. Each of the three porches is constructed of an oak framework with slate roof. They have dimensions of approximately 1.5 m wide, 1.2 m deep and 3.2 m high. The materials and dimensions of the porches give them a grandeur that is out of keeping with the materials, scale and proportions of the terrace.
19. The two porches on the rear elevation are visually domineering, which detracts from the terrace's visual simplicity. Furthermore, the lack of first floor windows and the porch's proximity to the eaves level on the subservient part of the building extenuates that visual dominance. They are clearly visible in views of the Church and the Barn. While they may replicate the design and materials of the lychgate entrance into the adjacent residential estate, it is located beyond the listed buildings, and it appears subservient to the Church and the Barn. Whereas the porches' proximity to Main Street, and the open nature of Church Farm Close leaves them drawing attention from both the Church and the Barn. These two porches do not therefore make a positive contribution to the way the Church or the Barn are experienced as they are unduly visually prominent. They therefore fail to preserve the significance of the Church or the Barn by contributing to the erosion of the setting within which they are experienced.
20. The porch on the front elevation highlights the original orientation of the building and is less evident in views of the Church and the Barn. This porch is also read against the backdrop of the single storey extension, which reduces its visual dominance in the street scene and views available of the Church and the Barn. I therefore find the porch on the front elevation does not detract from the visual aesthetics of the setting of the Church or the Barn. Its effect on the significance of these heritage assets is therefore neutral.
21. The addition of the porches may represent a further chapter in the history of the development of the terrace, but that of itself is insufficient justification for their retention. Similarly, the high quality materials used in their construction does not justify their size and scale. No public benefits arise from the development. While reference is made to potential improvements being made to the rest of the terrace in the future, I have not been provided with any details of such.
22. I appreciate that there are other examples of porches on buildings throughout the CCA. They however tend to be of a size and scale appropriate to the size and scale of the buildings to which they are attached. For the reasons given above, the two porches on the rear elevation fail to preserve the character and appearance of the terrace, therefore they have a moderate adverse effect on the character and appearance of the CCA. The porch on the front elevation, also for the reasons given above, has a neutral effect on the character and appearance of the CCA.
23. I find the porch on the front elevation to be acceptable due to its neutral effect on the identified heritage assets. However, having special regard to the desirability of preserving the setting of the identified listed buildings and paying special attention

to the desirability of preserving the character or appearance of the CCA, the harms caused by the two porches on the rear elevation are of considerable importance and I shall give them considerable weight. The harm I have identified to the heritage assets caused by the two porches on the rear elevation is less than substantial, sitting at the lower end of the scale. No clear and convincing justification has been provided that would support planning permission being granted for these two porches. Nor has any public benefit arising from the development been demonstrated. The two porches on the rear elevation therefore conflict with policies CS2 and CS20 of the CS, policies DM1 and DM12 of the LPD, and policies CNDP1 and CNDP3 of the CNDP.

24. I note the content of the eight letters of support that have been submitted. These do not however change my findings regarding the level of harm being caused to the identified heritage assets by the two porches on the rear elevation and their subsequent conflict with policy.

Conclusion on Ground (a)

25. For the reasons given above I conclude that the appeals should succeed in part only, and I will grant planning permission for the porch erected on the front elevation, but otherwise I will uphold the notice with a variation and refuse to grant planning permission in respect of the two porches erected on the rear elevation. The requirements of the notice will cease to have effect as far as it is inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended).

The Appeals on Ground (g)

26. An appeal on this ground is that the period specified falls short of what should reasonably be allowed. The appellants have cited a need for the works to be conducted in favourable weather conditions. A request for the period to be extended to six months to allow sufficient time for planning, resourcing and implementation within a suitable weather window is made.
27. The notice was issued during the winter months, and a suitable weather window may have proved difficult to find during the three month period specified. The period of compliance would now however be over the summer months. Finding a suitable weather window should not therefore be problematical.
28. The appeal on ground (g) therefore fails.

M Madge

INSPECTOR