
Appeal Decision

Site visit made on 17 May 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 June 2016

Appeal Ref: APP/K2420/W/16/3142663

Crown Acre, 36 Station Road, Stoke Golding, Leicestershire CV13 6EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Carlyle against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00618/OUT, dated 29 May 2015, was refused by notice dated 15 December 2015.
 - The development proposed is the erection of a single dwelling off Station Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal was submitted in outline with access only to be determined at this stage. I have considered the appeal on this basis, with the submitted layout plan being for indicative purposes only.

Main Issues

3. The main issues raised in this case are:
 - the effect of the proposed development on the rural character and landscape of the area having particular regard to the established pattern of development;
 - the effect of the development on the significance of local heritage assets in particular the Stoke Golding Conservation Area and the Registered Bosworth Battlefield;
 - the effect of the development on protected and other trees.

Reasons

Rural character

4. The appeal site forms part of the garden to the residential dwelling at 36 Station Road. The property is located in a large plot set well back from the road, accessed by a long private drive. It lies on the edge of the settlement of Stoke Golding adjacent to open agricultural fields to the north and west. The appeal site is relatively flat and sits in an elevated position with the surrounding land sloping down to the north and west towards the Ashby Canal
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approximately 250 metres to the west and 300 metres to the north. Station Road to the west of the appeal site is characterised by linear residential development, whilst to the east lie the residential cul de sacs of Crown Hill Close and Andrew Close.

5. The proposed dwelling would be sited in the south west corner of the appeal site, behind Nos. 38 and 40 Station Road. This siting would be at odds with the established pattern of development that of a linear built form along Station Road. I acknowledge that No.36 is set back from Station Road but this existing dwelling sits behind and to the side of properties on Crown Hill Close and does not therefore physically relate to the linear development on Station Road.
6. When viewed from the canal towpath the appeal site sits in an elevated position bounded by mature landscaping and trees. The existing residential property is a clear feature at the edge of the settlement. The indicative plans submitted show that the appeal property would form a dormer bungalow, which whilst being set further back into the site than the existing house would be visible through breaks in the existing landscaping. This would result in a consolidation of built form on the edge of the settlement which would adversely affect the visual appearance and rural character of the area.
7. I acknowledge that the built edge of the settlement appears urbanised particular in the area around Crown Hill Close and Andrew Close where there is less landscaping to visually soften the built development at the edge of the settlement. In contrast the appeal site contributes to a more natural well landscaped edge to the settlement. I consider that further built development on the site would have an increased urbanising effect and would be detrimental to the rural character and appearance of this area of Stoke Golding.
8. I conclude that the proposed development would be at odds with the established pattern of development in the locality and result in an increased urbanising effect causing harm to the rural character of the area. The development would therefore conflict with saved Policy BE1 of the Hinckley and Bosworth Local Plan (LP) 2001 and Policy DM10 of the emerging Site Allocations and Development Plan Policies DPD (SADMP) which aim to safeguard and enhance the existing environment and character of the surrounding area. These policies I consider to be generally consistent with the National Planning Policy Framework (the Framework), in particular paragraph 17 which has similar objectives.

Designated heritage assets

9. The appeal site lies within the Stoke Golding Conservation Area which includes within its boundary part of the Registered Bosworth Battlefield, a heritage asset of national significance. A significant characteristic of the Conservation Area is its historic interest and the village's connection to the Battle of Bosworth.
10. The appellant has argued that the boundary of the Battlefield would be more logical if it followed the curtilage of the dwelling and that there is no specific evidence provided to explain the significance of the appeal site to the designated heritage asset. I note that the Battlefield has been the subject of extensive research which has identified the extent of its area. As a result of this research English Heritage re- evaluated the boundary resulting in its amendment in 2013.

11. The character of the Battlefield is one of undeveloped open land. Whilst the appeal site lies on the periphery of the designated Battlefield site and is in a residential use, as a result of its open undeveloped nature, I consider that it continues to make a significant contribution to its character. The proposed dwelling would result in the encroachment of built form into this area. This would have an adverse impact on the appreciation of the Battlefield boundary. I accept that this does not currently follow any defined physical features within the appeal site. However the proposed building would intrude into the Battlefield area and its presence would have an adverse impact on its visual extent and open character.
12. I acknowledge that the appeal site has been altered over time and that the area of the proposed dwelling once included a swimming pool. However it still retains its open character and therefore makes a positive contribution to the character of the Battlefield.
13. There is a statutory duty set down in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals. The National Planning Policy Framework (the Framework) in paragraph 132 requires great weight to be given to the conservation of designated heritage assets, which include conservation areas and battlefields. In paragraphs 134 and 135 it draws a distinction between substantial harm and less than substantial harm to such assets. Given the scale of the appeal proposal and its effect on the Conservation Area and Battlefield as a whole, I consider this harm would be less than substantial in this case.
14. In line with guidance, this harm must be weighed against the public benefits of the proposal. The proposal would result in a dwelling in a sustainable location which would contribute to the supply of housing in the area. However these benefits would in my view be very limited and would not significantly or demonstrably outweigh the harm of the proposal to the significance of the Registered Battlefield and the Conservation Area.
15. The proposal would conflict with saved LP Policies BE7 and BE17 and Policies DM11 and DM12 of the emerging SADMP which aim to protect and enhance the historic environment. I consider these policies to be generally consistent with the Framework in particular Section 12 and paragraphs 17 and 56 which have similar aims.

Protected and unprotected trees

16. The appeal site is bounded by a number of mature trees. I note that since the Council's decision on the original planning application, a Tree Preservation Order has been imposed on two Ash trees to the south of the application site.
17. The indicative plan accompanying the application illustrates the proposed dwelling sited close to the protected and other trees on the site where there could be incursion into the root protection areas adversely affecting the longevity of the trees. I acknowledge the importance of the protected trees to the character and appearance of the Conservation Area. However I am mindful that the appeal proposal is in outline and that siting is not a matter to be determined at this time. I consider that the appeal site is of an adequate size for the siting of the dwelling to be amended to safeguard the trees in the

vicinity of the proposed dwelling. Therefore this forms a matter which could be addressed in detail at the reserved matters stage were the appeal to be allowed.

18. I consider that the appeal proposal would not cause harm to protected or unprotected trees within the site. The development would therefore comply with the objectives of saved LP Policies BE1, BE7 and NE12 and SADMP Policies DM10, DM11, DM12 which aim to retain and protect existing landscape features, trees and the historic environment. These policies are generally consistent with the Framework in particular paragraph 109 which aims to enhance the natural and local environment and minimise impacts on biodiversity.

Conclusion

19. I conclude that the development would cause harm to the rural character of the area and the significance of the Conservation Area and Registered Battlefield, designated heritage assets. Whilst I have found that the appeal proposal would not cause harm to protected or other trees, this would not significantly or demonstrably outweigh the harm I have identified.
20. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR