

Delegated Report

Planning Ref: 26/00408/HOU

Applicant: Mrs Samantha Lane

Ward: Newbold Verdon with Desford & Peckleton Markfield

**Site: 12 Rectory Gardens, Newbold Verdon, Leicester,
Leicestershire, LE9 9AJ**



**Hinckley & Bosworth
Borough Council**

Proposal: 12 Solar PV array on front elevation roof and associated battery

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning consent for the installation of 12 solar panels to the front facing roof slope of a two-storey dwelling. A storage battery is also proposed at ground floor level to the rear.

3. Description of the site and surrounding area

- 3.1. 12 Rectory Gardens is a semi-detached dwelling that forms part of a modern development constructed in the early 2010s on the grounds of the former (modern) Rectory. The application dwelling and the development as a whole has a design that reflects traditional and historic built form within the Conservation Area and as such the development makes a neutral contribution to the significance of this heritage asset. Due to the orientation of the Rectory Gardens highway and the positioning of the dwellings at the back edge of the pavement or behind short front gardens an important view westwards from the junction of Rectory Gardens and Main Street towards the grade II listed building The Old Rectory (National Heritage List for England (NHLE) ref 1074087)) remains available, where its special historic and architectural interest can be observed and appreciated through the boundary vegetation.

4. Relevant planning history

07/00940/FUL

- Erection of 13 dwellings with associated parking and access
- Planning Permission
- 01/02/2008

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Following the publications, no comments have been received.

6. Consultation

- 6.1. Newbold Verdon Parish Council
- No comments received

- 6.2. Leicestershire County Council (LCC) Ecology
- Preliminary Roost Assessment (PRA) required
 - Swift boxes required

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.3. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Planning (Listed Buildings and Conservation Areas) Act 1990

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact on ecology and biodiversity

Assessment against strategic planning policies

- 8.2 Paragraph 161 of the NPPF (2024) states that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 168 of the NPPF (2024) states that *'When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:*
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;*
 - b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;'*
- 8.3 The development plan in this instance consists of the adopted Core Strategy (2009), and the SADMP (2016). Whilst there are no specific policies relevant to the proposal within the Core Strategy, Spatial Objective 12: Climate Change and Resource Efficiency does seek to minimise the impacts of climate change by, amongst other measures, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.
- 8.4 Policy DM1 of the SADMP and paragraph 11 of the NPPF (2024) provide a presumption in favour of sustainable development whereby development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.

- 8.5 Policy DM2 of the SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. It further states that planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 8.6 It is therefore considered that there is support in principle within both local and national planning policies for the development of renewable energy installations, such as that proposed and subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.8 Section 16 of the National Planning Policy Framework (NPPF) (2024) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.9 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.10 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.11 The proposal is for 12 solar panels to be installed on the roof slope of the front (south facing) elevation of the building. The solar panels are to be arranged in two rows of six panels sat symmetrically. They are specified to be a black colour to ensure they are not overly prominent in colour and tone and to respect the dark grey colour of the slated roof of the building. Due to the presence of the attached property (14 Rectory Gardens), this being orientated at 90 degrees and of greater scale, and the presence of mature vegetation along the frontage when approaching Rectory Gardens from the south along Main Street, the proposed panels would only be a visible presence within a limited section of the Conservation Area near the building itself.
- 8.12 The visual impact upon the building and the wider area resulting from the panels would be negligible and cause no harm to the significance of the Conservation Area. Due to the siting of 12 Rectory Gardens set slightly behind no.14 and the direction of

the important view westwards towards The Old Rectory the proposed panels would not be a prominent within the view so there would be no reduction in the ability of the observer to appreciate and understand the special interest of this grade II listed building. The panels would represent a very minor and neutral change within the wider setting of The Old Rectory.

- 8.13 For the above reasons the proposal would preserve the heritage significance of the Newbold Verdon Conservation Area and be compatible with the significance of the grade II listed building The Old Rectory. Consequently, the proposal would therefore be in accordance with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.15 Given the nature of the proposed development, the proposal would not result in any adverse harm upon neighbouring amenity in all respects.
- 8.16 The proposal would therefore be in accordance with Policy DM10 of the SADMP.

Impact on ecology and biodiversity

- 8.17 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.18 The site is located within a 'Swift Alert' zone as it is within 250m of a number of recorded nest sites. LCC Ecology have requested that the proposal include the installation of swift boxes. Given that the proposal is for installation of apparatus to the roof and not alterations to or enlargement of the roof, whilst desirable, it is considered that the installation of Swift boxes is unrelated to and irrelevant to the development being permitted.
- 8.19 LCC Ecology have also requested a PRA. The proposal would involve the installation of apparatus on top of part of the existing roof, which would be retained below. A single roof tile would be removed and replaced to allow cabling. In addition, the roof space comprises habitable accommodation implemented and approved as part of the original consent for the dwelling, therefore substantial works have taken place to the roof to which would remove many features associated with roosting bats. Therefore, on balance, it is considered that a PRA is not necessary in this instance.
- 8.20 The proposal would therefore be in accordance with Policy DM6 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. National and local policy support small-scale renewable energy development. The proposal would have only a limited visual presence and would not harm the character or appearance of the Newbold Verdon Conservation Area or the setting of the Grade II listed Old Rectory. The proposal would not adversely affect neighbouring residential amenity. The proposal would not result in any adverse harm on ecology and biodiversity.
- 10.2. The proposal is therefore in accordance with Policies DM2, DM10, DM11 and DM12 of the SADMP, the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the overarching principles of the NPPF.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan, received 4 May 2026
Proposed Front Elevation, received 13 May 2026
Proposed Side Elevation, received 13 May 2026
Proposed Rear Elevation, received 13 May 2026
Proposed Roof Plan, received 13 May 2026

Reason: To ensure a satisfactory form of development in accordance with Policies DM2, DM10, DM11 and DM12 of the SADMP, the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

3. Should the solar panel arrays hereby permitted no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then they shall be removed from the roof within 3 months after the end of the 6 months cessation period.

Reason: In the interests of visual amenity and to protect the character and appearance of the application dwelling and surrounding area in accordance with Policies DM2, DM10, DM11 and DM12 of the SADMP, the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

NOTES TO APPLICANT :-

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://MiningRemediationAuthority.gov.uk)

Standing Advice valid from 1st January 2025 until 31st December 2026