

Delegated Report

Planning Ref: 25/00402/FUL

Applicant: Mr Ian Everington

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: The Blue Bell Inn, 39 High Street, Desford

Proposal: New timber pergola, new metal pergola, retaining wall with fencing and bin store and associated works

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the construction of an enclosed timber pergola and partially enclosed metal pergola, retaining wall with fencing, a bin store and associated works at The Blue Bell Inn, 39 High Street, Desford.
- 2.2. To facilitate the development the existing bay window on the western elevation of the existing public house is to be removed and replaced with double solid-panelled doors. The existing detached garage building is also to be removed.
- 2.3. The proposed timber pergola extends 4.86 metres from the western elevation of the existing building for a length of 12.13 metres. It is to be enclosed with wooden railway sleepers to a height of between 0.6 metres and 1.05 metres. The sleepers form part of the structure for the associated planter boxes on the southern and western elevations. Above the wooden sleepers the structure is to be infilled with glazed units for the remainder of the structure's height to the underside of the eaves.
- 2.4. The proposed timber pergola has a mixed roof form, comprising of an extension to the existing gabled entrance porch, a lean-to roof from the western elevation of the existing building and, for the remainder, a flat roof form. The gabled and lean-to sections are proposed to be tiled to match the existing roof while the flat sections are to have a triple polycarbonate roof. The pergola has a maximum eaves height of 2.55 metres and a ridge height of 3.15 metres.
- 2.5. The proposed metal pergola is freestanding and has a width of 6.05 metres and a length of 3.05 metres. It is partially enclosed on the western elevation by fixed louvres and open-sided on all other elevations. It has a flat roof form with a total height of 2.3 metres.

- 2.6. To accommodate the metal pergola, the existing bin store is to be relocated and reconfigured with new 2 metre close board timber fencing surrounds. A retaining wall and fence of 2 metres height is also proposed between the reconfigured bin store and the metal pergola.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located on the northern side of High Street in Desford. It is within the settlement boundary of Desford and the Desford Conservation Area.
- 3.2. The site is located in a prominent location on the northern side of High Street, which is considered to form the historic core of the Desford Conservation Area.
- 3.3. The application site comprises the western elevation of the Blue Bell Inn including the western bay window and the gabled entrance porch, and beyond that the existing outdoor seating area, service yard access, a detached garage building, and the fenced bin storage area.
- 3.4. The application site is associated with and includes elements of the western elevation of the Blue Bell Inn. The Blue Bell Inn is a public house with cream-painted rendered walls and red plain clay tiles. It contributes positively to the character of the Desford Conservation Area and is a prominent feature when viewed from the western approach.
- 3.5. The Desford Conservation Area Appraisal (DCAA) (2010) identifies the 'Old Bluebell Inn' as an unlisted building of local importance. The Desford Photographic Appraisal document describes the building as: *"...an attractive property on High Street that has changed very little from its original form when first built."*
- 3.6. To the west of the application site is a car parking area associated with the Blue Bell Inn and a convenience foodstore current under construction at 1A Main Street and 37 High Street. These works are currently occurring to the western area of the car park and will result in fewer parking spaces than this land has previously accommodated.
- 3.7. To the south of the application site across High Street is the Grade II* listed Old Manor House. The Old Manor House is of red brick construction with stone entrance details and a slate roof. The list entry for the property includes the attached barn and service block, the northern wall of which is located directly opposite the application site.
- 3.8. To the north of the site is further parking associated with the Blue Bell Inn, and beyond that are residential dwellings and their associated gardens. The northern boundary between the car park and the residences contains an established line of trees that visually separate the two uses.

4. Relevant Planning History

4.1 15/00623/FUL

Proposed canopy porch to western side entrance
Planning Permission
28.07.2015

4.2 19/00162/FUL

Demolish existing garage, new timber boarding, lean-to canopy and sliding door with west elevation, extension of existing kitchen into external courtyard with replacement extraction system and 2 new patio doors to north elevation
Planning Permission
02.05.2019

4.3 23/00711/FUL

Change of use from café (Class E(b)) and residential (Class C3) to convenience foodstore (Class E(a)). Construction of single storey side extension, two-storey and single storey rear extensions (following the demolition of existing single-storey element to rear of 37 High Street/2A Main Street and store to rear of public house) with associated car parking, landscaping and other works
Planning Permission
31.07.2024

4.4 25/00098/DISCON

Application to discharge condition 3 (Materials), 4 (Construction Traffic Management Plan), 15 (Hard and Soft Landscaping), 17 (Noise Protection Scheme), 18 (Archaeology), 20 (Low Impact Lighting Strategy) attached to planning permission 23/00711/FUL
Discharged
13.06.2025

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 an advertisement was displayed in the Hinckley Times.

5.2 One representation was received from a member of the public. The points made are summarised below:

- The structure cannot be a pergola by definition due to its being fully enclosed with a part tiled and part polycarbonate roof. It is better described as a conservatory or an extension.
- The materials are inappropriate for the Conservation Area.
- The capacity of the car park has already been reduced to 37 spaces and this proposal would seek to increase trade for the public house.
- There has been no traffic management plan submitted to support the proposal. There is concern regarding traffic demand as modelled in the foodstore application and its impact on access points.

5.3 No further responses have been received.

6. Consultation

6.1 No response was received from the following consultees:

- Desford Parish Council
- Hinckley CAMRA
- Leicester CAMRA

6.2 Leicestershire County Council Minerals have no objection to the proposal.

6.3 Hinckley & Bosworth Borough Council's Conservation Officer has advised that the proposal would have an adverse impact upon the significance of the Desford Conservation Area and cause a level of harm to its significance. The comments from the Conservation Officer are detailed further below in this report.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3 Desford Neighbourhood Plan (2021):

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy F1: Retention of Existing Community Facilities
- Policy F2: New or Improved Community Facilities
- Policy T1: Traffic Management
- Policy T3: Electric Vehicles

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Desford Conservation Area Appraisal (DCAA) (2010)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character and appearance of the Conservation Area
- Impact upon residential amenity
- Impact upon highway safety and parking provision
- Planning balance

Principle of development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Policy H1 of the Desford Neighbourhood Plan states that development proposal within the settlement boundary will be supported where they respect the character of Desford.

8.5 Considering this, the development is within a sustainable location in the centre of Desford within the settlement boundaries. As such, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this report.

Design and impact upon the character and appearance of the Conservation Area

8.6 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.7 Policy DM10(c) of the SADMP states that development will be permitted where it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.8 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 affect 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.
- 8.9 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.
- 8.10 Paragraph 202 of the NPPF recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.11 Paragraph 212 of the NPPF states 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 states 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. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.12 Policy H7 of the Desford Neighbourhood Plan states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that development does not disrupt the visual amenities of the street scene or impact negatively on any significant wider landscape views.
- 8.13 Policy F2(a) of the Desford Neighbourhood Plan supports proposals that improve the quality and/or range of community facilities, provided that the development meets the design criteria stated in Policy H6 where appropriate. Policy H6(c) states that development should respect the character of a settlement in order to maintain its distinctive character and enhance it where possible.
- 8.14 The Blue Bell Inn is not identified as a designated heritage asset; however, it is identified as an unlisted building of local importance within the Desford Conservation Area Appraisal (DCAA). Within the DCAA the Blue Bell Inn is described as follows:

This timber framed structure has retained its original window openings on the street frontage although a new third gable has been added replacing the earlier eyebrow dormer. The rubble stone building has also been recently rendered and a bay window added to the south-east elevation. The car park was the site of a row of thatched cottages which were demolished in the early 20th century.

- 8.15 HBBC's Conservation Officer has noted that the Heritage Statement submitted for scheme 23/00711/FUL provided photographs of High Street including the Blue Bell public house. The photographs indicated some discrepancies with the information within the DCAA in that the building was of brick construction rather than a rubble stone building. There is potential, given the location within the historic core of the village, that it dates from the medieval period and may have originally been a number of timber-framed cottages later re-faced with brick during the 19th Century and increased in scale with steeply pitched gables, half-dormers, clay roof tile covering, tall chimney stacks and larger windows added. The roughcast render and bay window on the western elevation were added during the 20th Century.
- 8.16 Notwithstanding the alterations to the building over time, it is of local historic and architectural interest due to its strong presence in the street scene. The Conservation Officer has noted that it makes a positive contribution to the significance of the conservation area which has warranted its identification as an unlisted building of local importance within the DCAA.
- 8.17 The application site is located opposite the Grade II* Listed Building the Old Manor House. The Old Manor House is an early 17th Century farmhouse built in red brick with sandstone ashlar quoins and dressings and a slate roof. To the left of the house is a brick barn which has been converted to a dwelling and to the right, to the front of the house, is an early 18th Century service block. The barn and service block are both included in the listing description for the Old Manor House.
- 8.18 HBBC's Conservation Officer notes that the Old Manor House is a particularly important building of more than special interest. It has an imposing, traditional vernacular and denotes a high-status house within the village. Though the Conservation Officer did not consider the significance of the building directly impacted by the proposed development, it was considered the proposal has the potential to impact its significance through the change in its setting. The Conservation Officer stated that due to its local heritage interest and contribution towards defining the traditional streetscape of the historic settlement the Blue Bell Inn is considered to be a positive presence within the setting of the Old Manor House.
- 8.19 The outdoor seating area of the Blue Bell Inn is currently bound by a low-level brick wall to the site frontage and a low-level painted fence behind and along the boundary to the car park. HBBC's Conservation Officer considers the seating area to have a functional appearance serving a purpose for the operation of the public house and considers it to currently be a neutral element within the Conservation Area.
- 8.20 The proposed enclosed wooden pergola structure is to be attached to the western elevation of the building. It involves the removal of the existing bay window on this elevation and would visually dominate the existing view toward the building from the western approach. The rectangular form of the structure extends the full depth of the side elevation and would predominantly be covered by a flat polycarbonate roof, with sections of pitched roof with roof tiles intended to match the existing building.

- 8.21 Notwithstanding the Applicant's stated intent to match the proposed roof tiles to the existing building, HBBC's Conservation Officer has noted that the shallow pitch of the proposed roof forms would not allow for a natural clay tile that would match the appearance of the existing building. It is considered likely that modern synthetic tiles would need to be used.
- 8.22 It is considered that the timber pergola extension would have a wholly uncharacteristic appearance that does not reflect the traditional characteristics of the Blue Bell Inn or the wider Conservation Area. The part flat and part shallow mono-pitched roof profile is not a traditional roof form and could not accommodate roof tiles to match the existing.
- 8.23 The proposed metal partially enclosed pergola structure is located north of the wooden pergola structure and would replace the existing detached single storey garage. The finish would be a powder-coated anthracite grey.
- 8.24 The existing garage is considered to be an incongruous feature within the Conservation Area and therefore its loss would result in no harm. Notwithstanding that the replacement metal pergola has a particularly functional form, the Conservation Officer does not consider that it would have a harmful impact upon the character and appearance of the Conservation Area. The timber framed construction with glazed panels would provide a functional and low-quality appearance.
- 8.25 Considering the clear visibility of the western elevation of the Blue Bell Inn the discordant nature of the proposal would be highly visible within the street scene. The development would be clearly uncharacteristic and would sit uncomfortably against the traditional and historic appearance of the Blue Bell Inn. The harmful impact is considered to be exacerbated by the scale of the extension.
- 8.26 It is not considered that the proposal would have any material impact upon the significance of the Grade II* listed Old Manor House, however within the setting of the application site it is considered it would have an adverse impact upon the character and appearance and thus the heritage significance of the Desford Character Area.
- 8.27 It is therefore considered that the proposal would have a detrimental impact upon the character and appearance of the Desford Conservation Area and is in direct conflict with Policies DM10, DM11 and DM12 of the SADMP and Policies H7 and F2 of the Desford Neighbourhood Plan.

Impact upon Residential Amenity

- 8.28 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

- 8.29 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.30 Policy DM7 of the SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that it would not cause noise or vibrations of a level that would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.31 The proposed pergolas are located in areas of the existing public house site that have previously been allocated as beer garden space. As such, the impacts of public house patrons in these areas of the site are considered to have already been considered. The enclosure or partial enclosure of these spaces would reduce potential amenity impacts for adjacent residential uses.
- 8.32 There have been no objections received from third parties in relation to residential amenity issues by way of noise, lighting or privacy. The nearest residential uses to the application site are located across High Street or to the north of the proposed structures separated by an existing line of trees.
- 8.33 It is therefore considered that the development would not have an adverse impact upon residential amenity of nearby residents and occupiers of adjacent buildings and is in accordance with Policies DM7 and DM10 of the SADMP and Paragraph 135(f) of the NPPF.

Impact upon highway safety and parking provision

- 8.34 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety.
- 8.35 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.36 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Currently, this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.37 Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 8.38 The proposed development does not impact the access and car parking arrangements approved under 23/00711/FUL, notwithstanding that these have not

yet been implemented on site due to the related construction being only partially completed. As the resulting number of car parking spaces do not directly change through this proposal and the impacts of such have been assessed under a separate permission, it is considered that the proposal represents a neutral impact on access and parking.

- 8.39 It is therefore considered that the proposal would not have an unacceptable impact on highway safety or the road network and is in accordance with Policies DM17 and DM18 of the SADMP and the general policies of the LHDG.

Planning balance

- 8.40 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.41 Paragraph 213 of the NPPF states 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.
- 8.42 Paragraph 220 of the NPPF clarifies that not all elements of a Conservation Area necessarily contribute to its significance. The loss of buildings or elements that make positive contributions should be treated as either substantial harm or less than substantial harm as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.
- 8.43 Paragraph 214 of the NPPF states that authorities should refuse consent where a proposed development would lead to substantial harm or total loss of significance of a designated heritage asset. It also sets out exceptions where the benefits of substantial harm may be demonstrated to outweigh the harm. Paragraph 215 of the NPPF addresses less than substantial harm and states that less than substantial harm should be weighed against the public benefits of a proposal including, where appropriate, securing its optimum viable use.
- 8.44 The Planning Practice Guidance (PPG) states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 8). Public benefits may include heritage benefits, such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.45 It is considered that the development represents less than substantial harm to the Desford Conservation Area. The level of less than substantial harm is considered to

be in the middle spectrum of this category given the highly visible nature of the proposal within the Conservation Area street scene.

- 8.46 The development is not considered to demonstrate any heritage benefits. It does not sustain or enhance the significance of a heritage asset or its contribution to its setting. There are no reasons to consider the proposal to reduce or remove any risks to a heritage asset.
- 8.47 It is considered that the Blue Bell Inn is already in optimal viable use as a public house. There is no suggestion nor evidence submitted that there is any threat to the long-term viability of the public house and thus the long-term conservation of the application site in its historic use.
- 8.48 The potential for minor economic benefits arising from the proposal through increase to trading are not considered likely to be significant. It is noted that this area of the application site is already identified under 23/00711/FUL for outdoor seating and thus the proposal does not particularly increase patron capacity. The potential benefit to business from all-weather seating in this area has not been quantified within the submitted documentation.
- 8.49 It is therefore considered that no heritage benefits and no other quantifiable public benefits arise from the proposal. It is considered that the greater weight in the planning balance should be given to the conservation of the Desford Conservation Area and the relevant policies of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the SADMP and the Desford Neighbourhood Plan.
- 8.50 As such, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the potential benefits of the scheme. In accordance with Paragraph 11(d)(ii) and Section 16 of the NPPF, the proposal should therefore be refused.

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.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be refused.

11. Recommendation

11.1 **Refuse planning permission** for:

- Planning reasons outlined at the end of this report

11.2 Reasons

1. The proposal is considered to cause significant adverse impacts and a moderate level of less than substantial harm to the Desford Conservation Area through its incongruous design and materials, and its visual prominence when viewed from the western approach along High Street. The proposal is therefore in conflict with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies H7 and F2 of the Desford Neighbourhood Plan.

Notes to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 16.04.2025)
 - Planning Statement (submitted 16.04.2025)
 - Design and Access Statement (submitted 16.04.2025)
 - Site Location Plan, Existing Site Plan and Site Plan Approved under 23/00711/FUL 1268-(P)-01A (submitted: 06.05.2025)
 - Proposed Parking and Landscaping Plan, Drg No. 1268-(P)-07 (submitted: 16.04.2025)
 - Proposed Site Block Plan, Details, Drg No. 1268-(P)-05 (submitted: 16.04.2025)
 - Proposed Layout Plan, Drg No. 2168-(P)-03 (submitted: 16.04.2025)
 - Proposed Pergola Details, Drg No. 1268-(P)-06 (submitted: 16.04.2025)

- Proposed Elevations, Drg No. 1268-(P)-04 (submitted: 16.04.2025)
- Proposed Elevations 1268-(P)-08 (submitted: 22.04.2025)