



TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING, DESIGN AND ACCESS STATEMENT
(INCLUDING CHARACTER ANALYSIS AND APPRAISAL)**

**TO ACCOMPANY A FULL PLANNING APPLICATION SEEKING PLANNING PERMISSION FOR THE
ERECTION OF ONE DETACHED DWELLING, FORMATION OF ACCESS OFF PIPE LANE AND
ASSOCIATED WORKS**

ON LAND TO THE NORTH OF PIPE LANE, ORTON-ON-THE-HILL

FOR MRS PAULINE ROSA TAYLOR

JUNE 2026

OUR REF: PF/10954

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1.0 INTRODUCTION

- 1.1 This planning, design and access statement is submitted on behalf of the Applicant and site owner, Mrs Pauline Rosa Taylor, in support of a planning application for full planning permission for:

‘The erection of one detached dwelling, formation of access from Pipe Lane and associated works.’

On land to the north of Pipe Lane, Orton-on-the-Hill.

- 1.2 This Statement describes and comments upon the proposals and discusses the key planning issues relating to the scheme. It assesses the Site within its local context and reviews the relevant planning history relating to the Site. The Statement considers the merits of the proposals firstly in the context of the development plan, and thereafter national policies.
- 1.3 This application is supported by the plans and documents listed below. As such, the plans and documents should be reviewed in conjunction with this Planning, Design and Access Statement.

Plans

- Site Location and Block Plan (Dwg. 1800-0202-01)
- Proposed Site Plan and Parking Plan (Dwg. 1800-0510-02)
- Proposed Plans and Elevations (Dwg. 1800-0509-02)

Reports

- Arboricultural Impact Assessment and Tree Protection Plan
- Archaeological Impact Assessment
- Archaeological Written Scheme of Investigation
- Biodiversity Net Gain Feasibility Study and DEFRA BNG Metric
- Preliminary Ecological Appraisal
- Heritage Impact Assessment

2.0 THE SITE AND SURROUNDING CONTEXT

- 2.1 The Site is located in the village of Orton-on-the-Hill to the north of the Pipe Lane. It is surrounded by residential dwellings to the north, east and west. There are further dwellings located to the south of the site on the opposite side of Pipe Lane.
- 2.2 The site extends to 0.1 ha (0.25 acres) and comprises a grassed area with timber post and rail fencing along its boundaries. It also contains a large horse chestnut tree in the northern part of the site which is proposed to be retained.
- 2.3 The site does not include any Locally Listed or Statutorily Listed Buildings. The site is located within the Orton-on-the-Hill Conservation Area. There are three listed buildings within the Conservation Area, as follows:
- The Church of St Edith (Grade I)
 - Church Farmhouse, 8 The Green (Grade II)
 - Lower Farm, 9 Pipe Lane (Grade II)
- 2.4 Lower Farm is the closest listed building to the application site. The setting of the listed building extends throughout Pipe Lane, and includes the application site, but the application site does not appear to contribute to the significance of the listed building. The application site is spatially distinct from the Church of St Edith and Church Farmhouse.
- 2.5 The Site is located in Flood Zone 1 and thus is situated in an area with very low risk of flooding.

Local Character Analysis

- 2.6 The village is divided into two distinct areas, each with its own character. The site is located in the older part of the village, which includes the medieval church of St Edith, and the area around The Green and Pipe Lane. This is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges.
- 2.7 Buildings in the conservation area have steeply pitched continuous gabled roofs of plain clay tiles. Windows at first floor level are tucked under the eaves and are smaller than those at ground floor which normally have projecting brick sills.
- 2.8 Boundary treatments are generally low hedges or occasional wooden picket fences which reinforce the village's rural appearance.

3.0 PLANNING HISTORY

3.1 Of particular relevance to the determination of this application is a previous planning application for the site which was submitted in March 2024 (Ref. 24/00270/FUL) for *'the erection of one detached dwelling, formation of access from Pipe Lane and associated works.'*

3.2 The Council refused planning permission for the following reasons:

1) *"By reason of the proposals siting, scale, layout, degree of excavation and contrived design, the proposed dwelling results in an incongruous development that has permanent and significant adverse impacts to the rural character of the application site, to the character of the street scene of Pipe Lane, and to the character and significance of the Orton on the Hill Conservation Area. This harm significantly and demonstrably outweighs the potential benefits associated with the provision of one dwelling in these site-specific circumstances. Therefore, the development is contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), and Sections 12 and 16 and the overarching ambitions of the National Planning Policy Framework (December 2023).*

2) *The proposal fails to provide a high level of amenity for the future occupants of the scheme and therefore causes harm to the residential amenity of the future occupants of the scheme, which is contrary to, and in conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (December 2023), and the Good Design Guide (2020)."*

3.3 The Applicant submitted an appeal against the refusal of planning permission by Hinckley & Bosworth Borough Council (Appeal Ref. APP/K2420/W/25/3364849). A copy of the appeal decision is included at **Appendix 1**.

3.4 Attention is drawn to the decision-taking of the Planning Inspector with regard to the first reason for refusal, which relates to perceived harm to the character of the street scene and to the character and significance of the Orton on the Hill Conservation Area. The Planning Inspector concludes:

*'10. Policy 13 of the Core Strategy (CS) requires development in rural hamlets to respect the character and appearance of Conservation Areas by incorporating locally distinctive features into the scheme. **The simple design of the proposed dwelling, together with its size and the choice of external materials, would complement the character of other properties within the Conservation Area and the surrounding area. The proposed dwelling would not itself be an incongruous form of development and the vehicular access would reflect the entrances to other residential properties along Pipe Lane and elsewhere within the Conservation Area.***

11. To enable the erection of the proposed dwelling and associated parking area there would need to be some excavation of the slope to create suitable platforms. Associated with the excavation works would be a retaining structure comprising sleepers alongside the drive and a retaining wall around the dwelling. **Although such retaining structures were not observed elsewhere within the Conservation Area during the site visit, their proposed siting away from the road would not make them so conspicuous so as to be a reason for this appeal to fail.**

12. Accordingly, although there would be excavations, because of its siting, architectural style, the location and extent of the amenity space, the retention of a view towards the protected tree and the choice of external materials, **the proposed development would have a neutral effect on the character and appearance of the Conservation Area rather than be an incongruous form of development as claimed by the council. For the same reasons, there would be no harm caused to the heritage significance of this designated asset.**

13. **On this issue it is concluded that the proposed development would preserve the character and appearance of the Orton-on-the-Hill Conservation Area and, as such, it would not conflict with DPD Policies DM10, DM11 and DM12 and CS Policy 13. In addition to heritage considerations, these policies refer to developments complementing the character of the surrounding area with regards to matters such as design and materials.'** [Emphasis added]

3.5 It is hence concluded that the Council's first reason for refusal of planning permission was unfounded. The proposed siting, scale, layout, degree of excavation and design of the proposed dwelling was not considered to result in an incongruous development as claimed by the Council.

3.6 With regard to the second reason for refusal, the Planning Inspector concluded that:

'...the proposed development would not provide satisfactory living conditions for the future occupiers by reason of outlook [as the main living space to the rear overlooked a retaining wall adjacent to the dwelling] and, as such, it would conflict with the Framework which refers to developments creating a high standard of amenity for existing and future users. DMD Policy DM10 refers to the context for a scheme rather than the living standards for future occupiers associated with the design of a proposal.'

3.7 Overall, it was concluded that the proposed development would not provide satisfactory living conditions for the future occupiers. This represented an adverse impact which would significantly and demonstrably outweigh the limited benefit associated with the provision of a single dwelling. Accordingly, paragraph 11(d)(ii) did not apply and the presumption in favour of sustainable development was not engaged. The appeal was dismissed.

- 3.8 In our submission, the restricted outlook from the openings within the main living space to the rear of the dwelling is a design matter that can be adequately addressed with an amended proposal.
- 3.9 The following section of this statement provides a description of the proposed development. The single storey accommodation previously proposed to the rear of the dwelling has been removed to provide a larger garden and reasonable outlook from the living areas, ensuring a high standard of amenity for occupiers. The scheme amendments are focused on the design of the rear of the house and garden. The proposals retain the siting, scale and appearance of the dwelling and associated driveway at its frontage with Pipe Lane, as this design was considered by the Planning Inspector to preserve the character and appearance of the Orton-on-the-Hill Conservation Area.

4.0 THE DEVELOPMENT PROPOSAL

- 4.1 The proposal seeks the erection of a 3-bedroom detached dwelling extending to 123.4 sqm. The dwelling is proposed to have an appearance of a traditional 2 storey dwelling.
- 4.2 The development proposal includes the formation of a vehicular access off Pipe Lane to serve the dwelling. The proposed private drive will provide sufficient parking for two vehicles and space to enable cars to manoeuvre and exit the site in forward gear.
- 4.3 To enable the erection of the proposed dwelling and associated parking area there is a requirement for some excavation of the slope to create suitable platforms. Associated with the excavation works would be a retaining structure comprising sleepers alongside the drive and a retaining wall around the dwelling.
- 4.4 The Proposed Site Plan (Dwg. 1800-0510-02) accompanying this planning application demonstrates how the site can accommodate a dwelling, a driveway, two car parking spaces and a large garden to the rear.
- 4.5 The dwelling will be sited along the frontage to Pipe Lane to reflect the historic pattern of built form on the road and wider village, whilst respecting the outlook and amenity of the neighbouring residential properties.
- 4.6 The dwelling will have a pitched continuous gabled roof to reflect the local character. The windows at first floor level are smaller than those at ground floor, which have brick sills.
- 4.7 The primary material is a red facing brick with a clay tile roof. The windows and doors will be painted timber casement windows.
- 4.8 Existing mature trees and boundary hedges are proposed to be retained, where possible. The boundary treatments will comprise low hedges and a wooden fence to reinforce the village's rural appearance.

5.0 RELEVANT PLANNING POLICY CONSIDERATIONS

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be taken in accordance with the adopted development plan for the area unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration.

5.2 The current Development Plan covering Hinckley and Bosworth is made up of the following documents:

- Core Strategy (2009)
- Hickley Town Centre Area Action Plan (2011)
- Earl Shilton and Barwell Area Action Plan (2014) and
- Site Allocations and Development Management Policies (2016)

5.3 Only the policies contained in the Core Strategy (2009) and Site Allocations and Development Management Policies (2016) are of relevance to this planning application and are reviewed below.

Core Strategy (adopted December 2009)

5.4 Orton-on-the-Hill is categorised as a Rural Hamlet within the Core Strategy.

5.5 Policy 13 states that in the Rural Hamlets, the Council will:

‘Support housing development within settlement boundaries that provides for a mix of housing types and tenures.’

5.6 In addition, all new development is required to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Site Allocations and Development Management Policies DPD (adopted July 2016)

5.7 The settlement inset plan for Orton-on-the-Hill confirms that the site is located within the Settlement Boundary. A copy of the inset plan is included at **Appendix 2**.

5.8 The following Development Management policies are considered to be relevant to the proposals:

- DM10 Development and Design
- DM11 Protecting and Enhancing the Historic Environment
- DM12 Heritage Assets

Material Considerations

- National Planning Policy Framework (NPPF) (December 2024)
- Planning Practice Guidance

Emerging Local Planning Policy

Local Plan Review 2024 to 2045

- 5.9 Hinckley & Bosworth Borough Council is proposing to publish the Regulation 19 (Pre-submission) Local Plan for public consultation later this summer, subject to approval by Council to undertake consultation. The programmed date for adoption is currently late 2027. Accordingly, this emerging Plan will be afforded very limited weight in the decision-making process, until it has advanced substantially towards adoption.

6.0 PLANNING ASSESSMENT

6.1 In considering the principle of development, Policy 13 Rural Hamlets of the adopted Core Strategy is considered to be the dominant or most important policy for the determination of this application.

6.2 The pre-amble to the policy (Paragraph 4.46) states that development in rural hamlets will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses. Policy 13 sets out eleven criteria in which development will be supported in the Rural Hamlets.

6.3 The following analysis considers the site in the context of the criteria under Policy 13.

- **Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16**

6.4 The policies map (inset plan for Orton-on-the-Hill) of the Site Allocations and Development Management Policies DPD confirms that the site is located within the Settlement Boundary of Orton-on-the-Hill.

6.5 Policy 15 Affordable Housing requires sites on rural area to provide affordable dwellings where 4 dwellings or more are proposed, or the site areas is 0.13ha or more. This proposal is for one dwelling on a site extending to 0.1 ha (0.25 acres). Therefore, Policy 15 is not engaged.

6.6 Policy 16 Housing Density, Mix and Design states that the Council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. Therefore, Policy 16 is not engaged by this proposal.

6.7 The proposal is therefore in compliance with this criterion.

- **Support development that complies with the Policy 17: Local Needs**

6.8 This proposal does not comprise a local needs scheme. Therefore, Policy 17 is not engaged.

- **Support development enabling home working and other small scale employment uses within settlement boundaries**

6.9 The proposal is for a residential development.

- **Resist the loss of local shops and facilities in rural hamlets unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported**

6.10 The development proposal does not involve the loss of local shops and facilities.

- **Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Shackerstone, Gopsall Park Multifunctional Route, River Sence Corridor Management and the Shackerstone to Ibstock Multifunctional Corridor will be implemented**

6.11 The proposals do not compromise the delivery of the Green Infrastructure Network.

- **Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21**

6.12 In Hickley & Bosworth, the National Forest covers a small proportion of the north eastern corner of the borough and encompasses the Key Rural Centres of Markfield, Bagworth, Thornton and parts of Groby and Ratby. Hence, Policy 21 is not engaged by these proposals.

- **Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22**

6.13 The site is not located within Charnwood Forest.

- **Require transport improvements in line with Policy 14**

6.14 The preamble to Policy 14 'Rural Areas: Transport' states:

'The Rural Hamlets have very limited, if any services and are therefore not considered sustainable locations for anything but local needs development. Development will therefore be limited to local choice schemes and infill development.'

6.15 The development proposal comprises an infill development within a Rural Hamlet. The provision of one detached dwelling might reasonably result in 1-2 two way movements in the peak hour on the local highway network. This level of additional traffic movement is of no material consequence.

- **Support the development of the tourism industry in line with Policy 23**

6.16 The proposal is not for tourism development.

- **Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development**

6.17 As set out in Section 2 of the Statement and the Orton-on-the-Hill Conservation Area Appraisal, the village is divided into two distinct areas, each with its own character. The site is located in the older part of the village, which includes the medieval church of St Edith, and the area around The

Green and Pipe Lane. This is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges.

- 6.18 Buildings in the conservation area have steeply pitched continuous gabled roofs of plain clay tiles. Windows at first floor level are tucked under the eaves and are smaller than those at ground floor which normally have projecting brick sills.
- 6.19 Boundary treatments are generally low hedges or occasional wooden picket fences which reinforce the village's rural appearance.
- 6.20 The development proposals have been designed to incorporate these locally distinctive features. The dwelling is proposed to have an appearance of a traditional 2 storey dwelling.
- 6.21 The dwelling will be sited along the frontage to Pipe Lane to reflect the historic pattern of built form on the road and wider village, whilst respecting the outlook and amenity of the neighbouring residential properties.
- 6.22 The dwelling will have a pitched continuous gabled roof to reflect the local character. The windows at first floor level are smaller than those at ground floor, which have brick sills.
- 6.23 The primary material is a red facing brick with a clay tile roof. The windows and doors will be painted timber casement windows.
- 6.24 Existing mature trees and boundary hedges are proposed to be retained, where possible. The boundary treatments will comprise low hedges and a wooden fence to reinforce the village's rural appearance.
- 6.25 The proposal complements the character of the surrounding area with regard to scale, layout, design, materials and architectural features. It is hence concluded that the proposals are in accordance with this criterion.

- **Require development to be of the highest environmental standards in line with Policy 24**

- 6.26 The proposed dwelling will be of a modern construction and will be designed to current building regulations – which have a high environmental standard. This includes ensuring solar gain and overheating is managed appropriately. New building regulations FLOS have come into force (June 2022) which are a step change towards Future Homes Standard. A high level of insulation will be incorporated into the construction.
- 6.27 It is hence concluded that the proposal is in accordance with Policy 13. The proposal is therefore compliant with the dominant policies in the Core Strategy and in so doing is in accordance with the development plan.

6.28 It is of course recognised that there are other Development Plan policies which may touch upon these proposals. However, the issues raised by these policies are embraced by the criteria attached to the policy. Compliance with Policy 13 means compliance with these individual topic-based policies.

6.29 Furthermore, the application is accompanied by environmental and technical reports which establish that there are no significant adverse impact in terms of the effect:

- On heritage
- On ecology and biodiversity

6.30 The proposal is therefore considered to be in accordance with the Development Management policies contained within the Part 2 Local Plan.

Heritage

6.31 Policy DM11 'Protecting and Enhancing the Historic Environment' states that all development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:

- a) An understanding of the significance of the heritage asset and its setting; and
- b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
- c) How the benefits of the proposal will outweigh any harm caused; and
- d) Any impact on archaeology in line with Policy DM13.

6.32 Accordingly, a Heritage Impact Assessment accompanies the submission of this planning application and considers the impact of the development on the significance of the heritage assets identified, including the contribution made by their setting.

6.33 The site does not include any Locally Listed or Statutorily Listed Buildings. The site is located within the Orton-on-the-Hill Conservation Area. There are three listed buildings within the Conservation Area, as follows:

- The Church of St Edith (Grade I)
- Church Farmhouse, 8 The Green (Grade II)
- Lower Farm, 9 Pipe Lane (Grade II)

6.34 Lower Farm is the closest listed building to the application site. The setting of the listed building extends throughout Pipe Lane, and includes the application site, but the application site does not appear to contribute to the significant of the listed building. The application site is spatially distinct from the Church of St Edith and Church Farmhouse.

- 6.35 The settings of the three listed buildings are relatively contained, visually, by extensive tree cover and thick hedges, and for all practical purposes they are not strongly grouped or connected with each other. The church is on a hill, and is a landmark, but it is not a commanding feature within much of the conservation area because of thick vegetation.
- 6.36 The Heritage Impact Assessment considers that there will only be a small change within the settings of the listed buildings, resulting in a neutral impact to their significance. There will be no harm to the significance of the listed buildings.
- 6.37 In terms of views and vistas within the conservation area, the proposal will have very little effect on views in Pipe Lane. Insofar as there will be an effect, it will be to position a new dwelling along the frontage in a manner that is traditional in situations such as this.
- 6.38 There will be little change within the surroundings of the unlisted important historic building nearest the application site (i.e. the Former Schoolmaster's House).
- 6.39 There will be no loss of key space within the conservation area, as the site has been identified in the Council's Conservation Area Appraisal as a 'Potential Development Area'. There will be no harm to the character or appearance of the conservation area. Indeed, most of the land within the application site will be used as garden, similar to the key space that prevails throughout the conservation area.
- 6.40 The Heritage Impact Assessment concludes that there will be no harm to the significance of any heritage assets. Paragraph 215 of the Framework will not be engaged, and the effect will fall of the bottom of the scale of harm. There will be no conflict with local heritage policy. There will be preservation for the purposes of the Council's duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.41 The conclusions of the Planning Inspector in determining appeal ref. APP/K2420/W/25/3364849 for a previous proposal at the site are explicit, to the effect that the proposal will not harm the significance of any heritage assets. The amended development proposals focus on changes to the rear of the dwelling and as such, do not alter the appearance of the dwelling and driveway fronting Pipe Lane from the previous proposal which was considered by the Planning Inspectorate in determining that appeal.

Ecology and Biodiversity

- 6.42 The submitted Preliminary Ecological Appraisal confirms that the site has no statutory or non-statutory designations for nature conservation within its boundary nor adjacent to the site. When considering the likely scale and extent of the proposed works, no such designations are expected to be adversely impacted either directly or indirectly.
- 6.43 The full extent of grassland on site will be lost to enable the development, with the single residential plot provided with a significant area of vegetated garden. The loss of this grassland habitat will result in a minor adverse effect significant within a local scale.

- 6.44 It has been demonstrated that the development would not prejudice any protected species in accordance with the guidance contained within Paragraph 193 of the Framework. The site is assessed as having low suitability for roosting and foraging bats, and negligible ecological value for reptiles, amphibians (including great crested newt). No significant impacts on badger or hedgehog are anticipated.

7.0 CONCLUSION

- 7.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the need to achieve the economic, social and environmental objectives in mutually supportive ways as set out in paragraph 11 of the NPPF.
- 7.2 Core Strategy Policy 13 Rural Hamlets is most relevant to the proposed development. This policy supports housing development within the settlement boundaries of Rural Hamlets (i.e. infill housing schemes). It has been demonstrated that the proposals are in compliance with the other criteria under Policy 13. The proposal is therefore compliant with the dominant policies in the Core Strategy and in so doing is in accordance with the development plan.
- 7.3 It is of course recognised that there are other Development Plan policies which may touch upon these proposals. However, the issues raised by these policies are embraced by the criteria attached to the policy. Compliance with Policy 13 means compliance with these individual topic-based policies.
- 7.4 The proposed dwelling has been designed to respect the character and appearance of the Orton-on-the-Hill Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 7.5 The accompanying technical assessments demonstrate that the development will not give rise to any significant adverse impacts by way of heritage, ecology, biodiversity or residential amenity.
- 7.6 For the reasons set out above, and taking into account the proposals and supporting plans, it is respectfully requested that planning permission is granted.

Appendix 1 – Appeal Decision APP/K2420/W/25/3364849



Appeal Decision

Site visit made on 15 July 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/K2420/W/25/3364849

Land North of Pipe Lane, Orton-on-the-Hill, Leicestershire

- 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 Mrs Pauline Taylor against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref is 24/00270/FUL.
 - The development proposed is the erection of one detached dwelling, formation of access from Pipe Lane and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are whether (a) the proposed development would preserve or enhance the character or appearance of the Orton-on-the-Hill Conservation Area and (b) the future occupiers would have satisfactory living standards by reason of outlook.

Reasons

Character and Appearance

3. The appeal site comprises a grass paddock situated within the settlement of Orton-on-the-Hill and the Orton-on-the-Hill Conservation Area. There is a statutory duty to pay special attention to preserving or enhancing the character or appearance of Conservation Areas. Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (DPD). However, these policies are not fully consistent with the National Planning Policy Framework (the Framework) concerning the assessment of any harm to the heritage significance of the Conservation Area and how such harm should be balanced against public benefits. The approach identified in the Framework is adopted in the determination of this appeal.
4. The *Orton-on-the-Hill Conservation Area Appraisal* identifies the area's heritage significance as primarily deriving from its growth associated with the former Orton Hall and its setting on a ridge surrounded by open countryside. Its character is associated with 2 distinct areas within the settlement including the older part encompassing the church of St Edith, the area around The Green and Pipe Lane.

This sub-area characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges. The general appearance along Pipe Lane and around the village green reflects the dispersed nature of the farms which previously existed.

5. The *Appraisal* identifies that retaining large green spaces between the groups of buildings is important to the character of the Conservation Area. These green spaces predominantly comprise the curtilages of the residential properties and are recorded as Key Spaces on the *Appraisal's* map. This map does not identify the site as a Key Space but as part of a larger Potential Development Area. The map also identifies views to be protected, including east to west along Pipe Lane in-front of the site and from the road across the middle of the site which has a slope rising from the south to north. Along the boundary with the road, the *Appraisal's* map identifies the western part being an Important Hedgerow and the eastern part for Boundary Improvements.
6. Within the northern part of the Potential Development Area 2 detached dwellings have been erected at the top of the slope. The erection of these dwellings has altered what would have been the more open view which was identified to be protected at the time the *Appraisal* was undertaken. This view does include a horse chestnut tree which is the subject of a Tree Preservation Order (TPO). The protected view along Pipe Lane remains but it appears that the area indicated to be an Important Hedgerow has been replanted at some point because it is no longer a substantial feature in the streetscene.
7. Unlike the Key Spaces to the south of Pipe Lane, the site is substantially enclosed by built development rather than being related the open and verdant countryside which surrounds the settlement. Accordingly, there is a distinct difference in the character of the site when compared to these other Key Spaces.
8. The proposed development includes the erection of a detached 2-storey dwelling which would be sited within the eastern part of the site and adjacent to the boundary with the road. Access to the proposed dwelling and the parking spaces would be at the western end of the site where the hedgerow is not substantial. From the road, the protected view within the site would primarily be across the amenity space and proposed access towards the protected tree rather than be obstructed by the siting of the dwelling.
9. The submitted drawings and illustrative material indicate that there would be the removal of 2 trees located along the site's frontage which would have an effect on the streetscene and their loss would increase the visibility of the proposed dwelling. However, the siting of the proposed dwelling would reflect the relationship of other dwellings to the road, including the properties on the opposite side of Pipe Lane. Within the context of the existing properties sited either side of the road, the view along Pipe Lane would not be materially altered by the proposed development. If the appeal succeeds then a suitable landscaping condition could be imposed to reinforce the vegetation along the site's southern boundary.
10. Policy 13 of the Core Strategy (CS) requires development in rural hamlets to respect the character and appearance of Conservation Areas by incorporating locally distinctive features into the scheme. The simple design of the proposed dwelling, together with its size and the choice of external materials, would complement the character of other properties within the Conservation Area and the

surrounding area. The proposed dwelling would not itself be an incongruous form of development and the vehicular access would reflect the entrances to other residential properties along Pipe Lane and elsewhere within the Conservation Area.

11. To enable the erection of the proposed dwelling and associated parking area there would need to be some excavation of the slope to create suitable platforms. Associated with the excavation works would be a retaining structure comprising sleepers alongside the drive and a retaining wall around the dwelling. Although such retaining structures were not observed elsewhere within the Conservation Area during the site visit, their proposed siting away from the road would not make them so conspicuous so as to be a reason for this appeal to fail.
12. Accordingly, although there would be excavations, because of its siting, architectural style, the location and extent of the amenity space, the retention of a view towards the protected tree and the choice of external materials, the proposed development would have a neutral effect on the character and appearance of the Conservation Area rather than be an incongruous form of development as claimed by the council. For the same reasons, there would be no harm caused to the heritage significance of this designated asset.
13. On this issue it is concluded that the proposed development would preserve the character and appearance of the Orton-on-the-Hill Conservation Area and, as such, it would not conflict with DPD Policies DM10, DM11 and DM12 and CS Policy 13. In addition to heritage considerations, these policies refer to developments complementing the character of the surrounding area with regards to matters such as design and materials.

Living Standards

14. As identified, the proposed development includes the erection of a retaining wall adjacent to the dwelling. This retaining wall would be set back from the dwelling to create a small patio area accessed via doors from the kitchen/living/dining area. This room would be the main living space for the future occupiers. As claimed by the council, there should be an expectation that future occupiers would have a reasonable outlook from the openings within the main living space. Rooflights would not provide such an outlook because of their height above the floor level.
15. Although there would be an angled view along the access and above the retaining wall towards the protected tree, the primary outlook from the door would be towards the wall. Similarly, the outlook from the main living space's rear window would be towards this wall. The outlook from the proposed side window within this main living space would, by reason of siting, be dominated by the vegetation defining the shared boundary with 4 Pipe Lane. A small window is proposed within the front elevation which would serve the main living space but because of its size it would have a restricted outlook and possess the character of a secondary opening.
16. For these reasons, it is concluded that the proposed development would not provide satisfactory living conditions for the future occupiers by reason of outlook and, as such, it would conflict with the Framework which refers to developments creating a high standard of amenity for existing and future users. DMD Policy DM10 refers to the context for a scheme rather than the living standards for future occupiers associated with the design of a proposal.

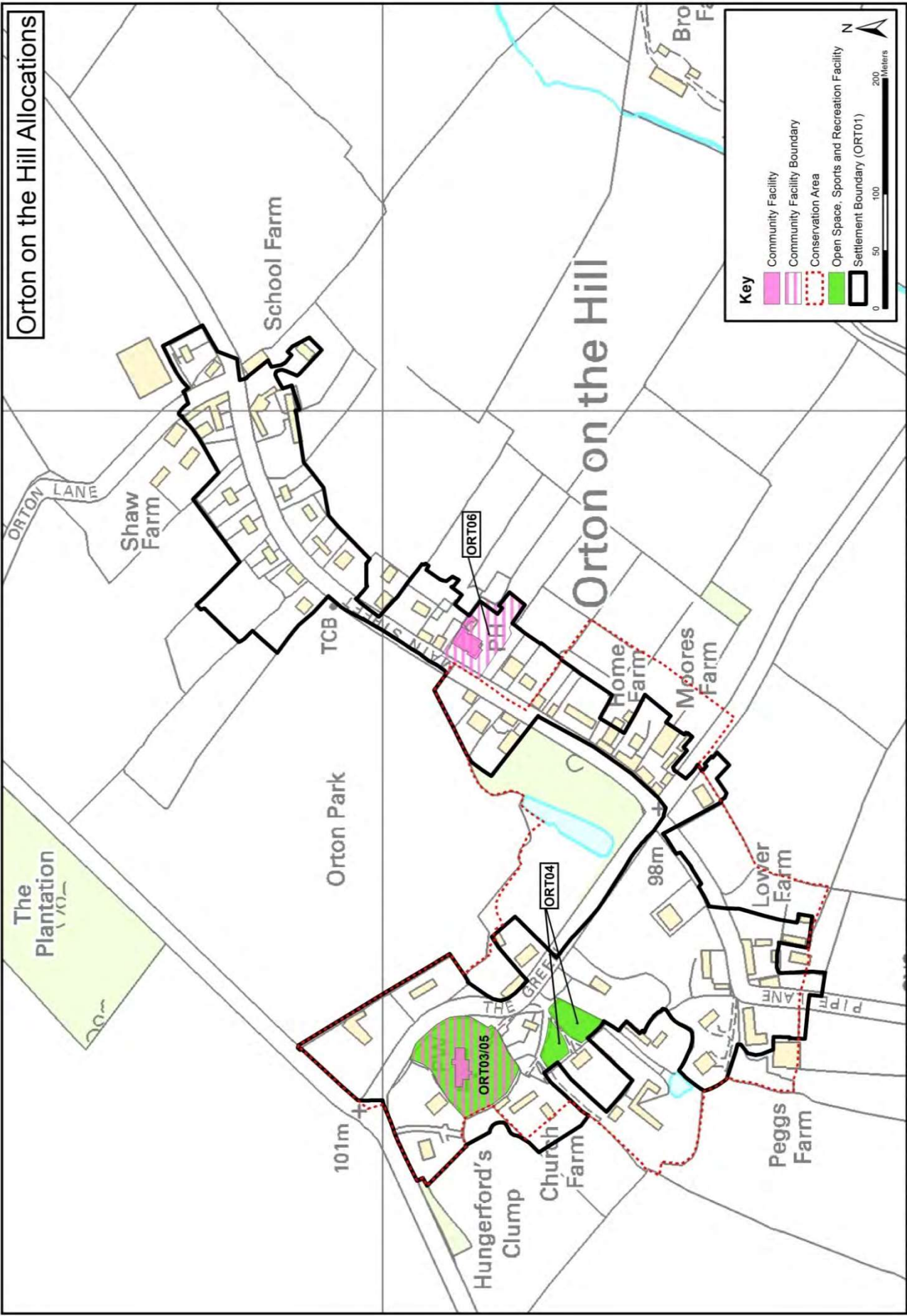
Other Matters

17. The council has identified that it cannot demonstrate a 5-year supply of deliverable housing sites and, as such, the presumption in favour of sustainable development set out at paragraph 11(d) of the Framework applies unless criteria (i) and (ii) are engaged. It has been assessed the proposed development would not cause harm to the heritage significance of the Conservation Area and, accordingly, paragraph 11(d)(i) of the Framework does not apply.
18. However, the Framework also requires developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In this case, it has been assessed that the proposed development would not provide satisfactory living conditions for the future occupiers. This represents an adverse impact which would significantly and demonstrably outweigh the limited benefit associated with the provision of a single dwelling. Accordingly, paragraph 11(d)(ii) does apply and the presumption in favour of sustainable development is not engaged.
19. The comments of local residents concerning the impact of the proposed development, including any drainage proposals, on the tree the subject of the TPO have been noted. However, the council did not raise a specific objection based upon its own professional arboricultural advice and there are no cogent reasons to disagree with the council's assessment. Whether there would be the ability to access the proposed greenspace for amenity purposes has been noted but this matter does not alter the main issues which have been identified.
20. Although the proposed development would preserve the character and appearance of the Orton-on-the-Hill Conservation Area, this issue is demonstrably and significantly outweighed by the failure of the appeal scheme to provide satisfactory living conditions for the future occupiers. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR

Appendix 2 - Settlement inset plan for Orton-on-the-Hill



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