



Appeal Decision

Site visit made on 22 April 2025

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/K2420/D/25/3360892

6 St Mary's Gardens, Barwell, Leicestershire, LE9 8NP

- 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 Mr Ryan Coventry against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/01000/HOU.
 - The development proposed is the erection of raised decking to rear garden, storage unit and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of raised decking to rear garden, storage unit and associated works at 6 St Mary's Gardens, Barwell, LE9 8NP in accordance with the terms of the application Ref 24/01000/HOU, subject to the following condition:
 - 1) The development hereby permitted relates to the plans that were determined by the Council when it made its decision.

Procedural Matter

2. The development that is the subject of this appeal has already been carried out. Therefore, I have considered the proposal as one to retain what has been built.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is modern detached dwelling, the rear garden of which backs onto open countryside. The proposal is to retain terraced decking, with associated steps, and a timber clad, single-storey storage building. The development has been erected partly on land beyond the original rear garden fence line of the property, although the land is owned by the appellant. The lower section also projects beyond the rear fences of the neighbouring dwellings. The dwelling and its garden sit at a higher level than the adjoining land and part of the decking, including the part that contains the building, is supported on stilts.
5. The Council considers that the proposal is visually prominent and an uncharacteristic and incongruous form of development, which is visible from the public realm. It states that it fails to respect, complement or enhance the rural

appearance of the area. As such, the Council states that it conflicts with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016 (DPD).

6. The policies referred to by the Council seek (amongst other things) to safeguard the countryside and to ensure that developments complement or enhance the character of the surrounding area. These policies accord with the provisions of the National Planning Policy Framework 2024 (paragraph 135).
7. The appeal documentation contains references to the position of the rear garden fences and questions whether the developer implemented the original planning permission and landscaping scheme in accordance with the approved plans. The status of the land on which the decking and building have been constructed is also questioned. That is not a matter for this appeal and I have assessed the proposal solely on its effect on the character and appearance of the area. I also note that the Council officer's report states that the appeal development is within the appellant's garden.
8. The area in which the proposal has been constructed is unremarkable in terms of its landscape quality and the contribution that it makes to the rural character of the area. It is an area of rough vegetation, somewhat separated from the open fields beyond by a dense group of small trees and other vegetation.
9. During my site visit, I walked along the public footpath in the field on the southern side of the appeal property. Whilst the appeal development could be seen through gaps in the vegetation, it was generally well screened and did not appear unduly prominent or harmful to the visual amenity of the area. The fact that it was viewed against the backdrop of the appellant's dwelling and the neighbouring properties also reduces its visual impact.
10. Accordingly, for the above reasons, I conclude that the proposal does not have an unacceptably harmful effect on the character and appearance of the area. Therefore, it does not conflict with the relevant policies of the DPD, as referred to above.

Conditions

11. The Council has not suggested any conditions in the event of the appeal being allowed. As the development has already been carried the standard condition relating to the period for commencing the development is not necessary.
12. For clarity, I would normally impose a condition specifying the approved plans. The plans that have been submitted are not numbered or titled. Consequently, I have worded the condition which specifies the approved plans as being those that were considered by the Council when it made its decision.

Conclusion

13. For the reasons give above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR