

Minesh Patel Architects Ltd

Appeal Statement

Appeal against the refusal to grant full planning permission
(24/00716/FUL) for the erection of one new dwelling with associated
landscaping and access formation at the land opposite 49 Moore Road,
Barwell, Leicestershire, LE9 8AG

21st April 2025

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1.0 INTRODUCTION

This planning statement has been prepared by Minesh Patel Architects Limited, on behalf of Common Land Dev Limited in support of an application for the erection of one new dwelling with associated landscaping and access formation at the land opposite 49 Moore Road, Barwell, Leicestershire

2.0 THE APPEAL SITE AND CONTEXT

Please refer to Appendix 3 - Planning Application Submission Documents

3.0 THE PROPOSED DEVELOPMENT

Please refer to Appendix 3 - Planning Application Submission Documents

4.0 PLANNING POLICY CONTEXT

Please refer to Appendix 3 - Planning Application Submission Documents

5.0 THE CASE FOR THE APPELANT

Refusal Reason 1

1. The overall design and siting of the proposed erection of a single dwelling in this location, is considered to cause detrimental impacts to the prevailing character of the area and as such is considered to not be in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 2015, Policy 22 of the Earl Shilton and Barwell Area Action Plan and paragraph 135 of the National Planning Policy Framework (2023).

Responses to Reason for Refusal 1

1. There is a lack of consistency in character and appearance in the area

The extract below is taken from the design and access statement submitted as part of the original application (Appendix 3 - Planning Application Submission Documents, Design and Access Statement). It clearly shows a lack of consistency in the character and appearance of housing in the area. As such the proposed dwelling would result in limited harm. (Please refer to Appendix 3 for further details supporting this argument)

The Site - Varied pattern of development

The pattern of development in the surrounding area is varied with a variety of styles and design of dwellings.



7 - 4 Houses - Ref: 16/00305/FUL



1 - Apartments - Ref:16/00204/OUT



2 - Two storey semi-detached houses



3 - Bungalows



4 - Two-storey flats



5 - Single-storey garages



6 - Two-storey terraced houses



2. Currently, the vacant and neglected site has caused harm for a number of years

The site has been vacant and neglected for a number of years (prior to the applicant's ownership also) causing harm to the local area. As such the proposal will clearly enhance the character and appearance of the area for many years to come. (Please refer to Appendix 3 – Design and Access Statement and Planning Statement, for further details supporting this argument.)

3. Use of locally distinctive features and materials will enhance the character of the area

It could be argued that recently approved developments in the area (refer to Appendix 3 – Page 22) have diluted the character of the area. The proposed dwellings use of locally distinctive features and materials will reinforce and enhance the character of the area. It also has a simple and low key design.

4. The reduced height, the set-back and alignment with the adjacent garages lessens the impact of the proposed dwelling on the area

Refer to Appendix 3, Design and Access Statement for further details supporting this argument.

5. Making effective use of land – NPPF Para 124 – 125

The NPPF promotes an effective use of land in meeting the need for homes and other uses and supports the development of under-utilised land and buildings. Furthermore it could be argued that the site is brownfield land because I believe there was a building on the site previously which has since been demolished. It was on the OS map that was downloaded for the site plan - see Appendix 3 Page 1.

6. Planning condition to ensure the incorporation high quality landscaping

Landscaping can soften the appearance of the dwelling and help it blend into the surrounding area, addressing concerns about harming local character. This could include:

- Planting native species along the boundary to screen the development.
- The use of soft and hard landscaping to break up the built form visually.
- The use of similar front garden treatments to nearby houses to create a sense of continuity.

The appellant is willing to accept a condition requiring the submission of a high-quality landscaping scheme. This would ensure that the development integrates sensitively with its surroundings and enhances visual amenity.

7. The impact on the character of the area is subjective

The primary reason for refusal involves a degree of subjectivity, and it is likely that reasonable professionals could reach different conclusions based on the same evidence.

Refusal Reason 2

The proposal is considered to provide a lack of sufficient private garden amenity space for future occupiers, which is considered to be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 2015, the Good Design Guide (2022) and paragraph 135 of the National Planning Policy Framework (2023).

Responses to Reason for Refusal 2

1. Flexibility in the Good Design Guide

The refusal (Appendix 4) cites an alleged lack of sufficient garden amenity space and references non-compliance with the Good Design Guide. The delegated report (Appendix 4) refers to a minimum garden length of 7m as stated in the Good Design Guide (Appendix 5). However, the Good Design Guide itself acknowledges that these standards “could vary dependent on design so as not to preclude innovation.” Therefore, a degree of flexibility is built into the guidance, allowing alternative layouts or approaches—where appropriately designed—to still be considered acceptable.

2. No minimum garden space requirement for a one-bedroom house

In the pre-application advice provided by the Council (Appendix 2), it was noted that the proposed garden did not meet the recommended minimum size of 60sqm for a two-bedroom dwelling. In response to this feedback, the proposal was revised to a one-bedroom property. The Good Design Guide does not specify a minimum garden size requirement for one-bedroom houses.

3. Overlooking concerns were resolved

The overlooking concerns raised again in the delegated report were resolved – please see Appendix 3, Design and Access Statement and Planning Statement.

4. Planning condition to ensure the incorporation high quality landscaping

There is no reason why a small, allegedly enclosed garden cannot provide high quality amenity to occupiers. Please see Appendix 6 - Garden Precedents, for examples of small enclosed UK gardens. Again, the appellant is willing to accept a condition requiring the submission of a high-quality landscaping scheme for the garden.

In light of the above, we would respectfully request that the Inspector allows this appeal.