



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

**AGAINST THE REFUSAL OF HINCKLEY & BOSWORTH BOROUGH COUNCIL TO GRANT
PLANNING PERMISSION FOR**

**OUTLINE PLANNING APPLICATION SEEKING PLANNING PERMISSION FOR ONE SELF
BUILD/CUSTOM BUILD DWELLING**

**ON LAND AT
THE CORNER OF THE GREEN AND PIPE LANE, ORTON-ON-THE-HILL**

**ON BEHALF OF
MRS PAULINE ROSA TAYLOR**

COUNCIL REF: 24/00284/OUT

OUR REF: WW/JB/10954

APPELLANT'S STATEMENT OF CASE

FEBRUARY 2025

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(DM10,DM11,DM12)

1.0 INTRODUCTION

- 1.1 Framptons have been instructed by Ms Pauline Rosa Taylor (“The Appellant”) to act on their behalf in respect of an appeal against the refusal of a planning application ref. 24/00284/OUT by Hinckley & Bosworth Borough Council.
- 1.2 A planning application for outline planning permission was validated on 25th March 2024. The description of development as set out on the decision notice is as follows:

‘Outline planning application for the erection of one self-build/custom build dwelling (all matters reserved except for access)’

- 1.3 The planning application comprised the following drawings and reports:

Plans

- Site Location and Block Plan (Dwg. 1800-0202-02)
- Indicative Proposed Site Plan (Dwg. 1800-0502-03)

Reports

- Design and Access Statement, including Design Code
- Heritage Impact Assessment
- Preliminary Ecological Appraisal & Biodiversity Feasibility Study
- Arboricultural Survey
- Topographical Survey

- 1.4 The determination of the application is based on the following drawings:
- Site Location and Block Plan (Dwg. 1800-0202-02)
- 1.5 All matters of detail other than access (which comprises an existing private drive which does not require any alteration) are reserved for the subsequent approval of Reserved Matters.
- 1.6 The site boundary is edged in red and blue on the attached ‘Site Location Plan and Block Plan’ at **Appendix 1**. A Schedule of Documents and Plans submitted as part of this Appeal is attached at **Appendix 2**.
- 1.7 The Decision Notice is attached at **Appendix 3**, and the Delegated Report is at **Appendix 4**.
- 1.8 The LPA refused planning permission for the following reason:

“The proposal results in adverse impacts to the character and appearance, and thus significance of the Orton on the Hill Conservation Area and the surrounding area due to the spatial and visual erosion of the verdant and open nature of a designated key space within the Conservation Area. This harm is considered to have a further detrimental effect on the integrity of a key view within the Conservation Area, which diminishes the view's important contribution to the appreciation of the character and appearance, and thus significance, of the Grade I Listed Church of St, Edith. These effects are contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Ultimately, these adverse impacts significantly and demonstrably outweigh the public benefits of the development.”

- 1.9 The Appellant’s response to the position of the Local Planning Authority is set out in Section 5 of this Section.
- 1.10 A signed S106 Agreement (Unilateral Undertaking) accompanies the submission of this appeal with a planning obligation to secure the provision of self-build/custom build housing within the definition under the Self-Build and Custom House Building Act 2015.
- 1.11 The remainder of this Statement adopts the following structure:
- Section 2 – Description of the Site and Surroundings
 - Section 3 – The Application Subject of this Appeal
 - Section 4 – Development Plan and other Material Considerations
 - Section 5 – The Appellant’s submission in response to the position of the LPA
 - Section 6 – Conclusions

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located in a central position in the village of Orton-on-the-Hill at the corner of The Green and Pipe Lane. There are existing dwellings located to the east, south and west of the site.
- 2.2 The site extends to 0.35 ha (0.86 acres) and comprises a grassed area with an established hedgerow along its eastern and southern boundaries. The boundary vegetation restricts views into (or out of) the site from the surrounding area.
- 2.3 Vehicular access to the site is gained via a shared private drive, which presently serves Nos 28 and 30 The Green to the west. The Appellant has access rights over the private drive to The Green.
- 2.4 The site does not include any Locally Listed or Statutorily Listed Buildings. However, 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)
- 2.5 The Site is located in Flood Zone 1 and thus is situated in an area with very low risk of flooding.
- 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.

Planning History

- 2.7 There are no planning applications that have been submitted at the appeal site that are of relevance to the determination of this appeal.

3.0 DEVELOPMENT PROPOSALS AND THE APPLICATION SUBJECT OF THIS APPEAL

- 3.1 The anticipated urban form is set out in Indicative Proposed Site Plan (Dwg. 1800-0502-03). The appearance and layout would be part of any reserved matters submission. The only matter that is not reserved is access, which is to be taken from the existing access from The Green which presently serves two dwellings (Nos 28 and 30, The Green) to the west. The Appellant has access rights onto The Green.
- 3.2 The application site is considered to be a superlative opportunity for the provision of one high quality self-build/custom build dwelling set in an extensive plot boundary in a discreet setting - and is well related to the surrounding pattern of development.
- 3.3 The dwelling would be up to 2-storeys in height, which would be congruous to the surrounding built form of the area.
- 3.4 In order to ensure that the self-build/custom build plots will be of a high-quality design, the proposed parameters for the plot are established in a Design Code that accompanied the application submission (and is included at **Appendix 5**, with the Design and Access Statement). The Design Code provides general parameters for plot purchasers, including for the appearance of the dwelling – which should be sympathetic to the characteristics of the area. A palette of materials is included which have been selected from examples within the local area.
- 3.5 Although site layout and parking details are to be determined at Reserved Matters stage, it is clear that the generous plot size will enable a sufficient amount of on-plot car parking. The Site also allows for the provision of cycle storage as necessary.

4.0 PLANNING POLICY AND LEGISLATION CONTEXT

4.1 The starting point for the determination of this appeal is, as always, Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Plan for the purposes of Section 38(6) that is relevant to this development comprises the following documents:

- Core Strategy (2009)
- Site Allocations and Development Management Policies (2016)

4.2 The relevant planning policies and supporting text relating to this appeal are:

Core Strategy (adopted December 2009)

- Policy 13 Rural Hamlets

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

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

4.3 The relevant policies from the Council's Local Plan that the Council relies upon to support its reason for refusal for this Appeal are listed below and are attached at **Appendix 9**.

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

Material Considerations

4.4 Material considerations are:

- i. The National Planning Policy Framework (NPPF) December 2024 – to which, substantial weight is to be given
- ii. National Planning Practice Guidance (NPPG) – substantial weight
- iii. The Self-Build and Custom House Building Act 2015 – substantial weight

4.5 It is in the context of this policy matrix that the planning merits are considered in the next section.

5.0 PLANNING CONSIDERATIONS

- 5.1 The proposal is for self-build housing – a specific type of housing. The development plan is absent of any policy relating to the provision of self-build and custom build housing as a matter of fact.
- 5.2 Self-build or custom build housing helps to diversify the housing market and increase consumer choice. Paragraph 61 of the NPPF makes clear that:

*‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount **and variety of land can come forward where it is needed**, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community..’ [Emphasis added]*

- 5.3 The needs of groups with specific housing requirements includes ‘people wishing to commission or build their own homes’. This policy objective is underpinned by a specific statutory duty under Section 1 of the ‘Self-Build and Custom House Building Act’ 2015 namely:

‘Local authorities are required to keep a Register of those seeking to acquire serviced plots in the area for their own self-build and custom house building’.

- 5.4 The purpose of the Register is then given statutory force within the planning system through Sections 2 and 2A of the Act, requiring LPAs to have regard to the Register and **to make available enough suitable development permissions to meet the identified demand**. [Emphasis added]
- 5.5 The latest self-build and custom housebuilding monitoring position is published on the Council’s website (a copy is included at **Appendix 7**). This confirms that the Council needed to grant 19 suitable cumulative custom and self-build housing plots by 30 October 2024. However, the cumulative permissions granted was 14, resulting in a shortfall of 5 plots at the end of Base Period 10. It is clear that there is a shortfall in the provision of self-build dwellings in the Borough. This shortfall is a material consideration of great weight that weighs in favour of the proposal.
- 5.6 The provision of a self-build/custom build dwelling would help reduce the borough-wide shortfall in the supply of self-build housing which the Council has a duty to supply. This would comply with the Framework’s aim of providing housing for the needs of different groups in the community and supporting small sites for self-build housing, as well as boosting the supply of housing in general.
- 5.7 The Appellant’s position is that pursuant to the:
- I. Deficit in the statutory requirement for the provision of self-build dwellings in the District.
 - II. The importance given to self-build dwellings through National Planning Policy.
 - III. The omission of any development plan policy to encourage the provision of self-build housing.

- 5.8 That substantial weight in the planning balance should be given to the proposed form of development.
- 5.9 In the Council's Delegated Report, the Planning Officer concludes that the principle of development for the erection of a dwellinghouse within the settlement boundary of Orton-on-the-Hill is acceptable in accordance with Policy 13 of the adopted Core Strategy. The Council's reason for refusal of planning permission is formed on the basis that there would be 'less than substantial' harm to the significance of the Grade I Listed Church of St Edith as well as to the character and appearance of the Orton on the Hill Conservation Area. The great weight that is to be given to the assets' conservation is not considered by the Council to be outweighed by the public benefits of the proposal.
- 5.10 It is considered that the Council's balancing exercise was formed on the basis that the Council concluded that Hinckley & Bosworth Borough Council does not have a shortfall of self-build and custom housebuilding plots. However, as has been established in the preceding paragraphs, a shortfall of 5 plots persists. Substantial weight in the planning balance should therefore be given to the proposed form of development.
- 5.11 The following paragraphs now turn to the considerations of the Council as set out in the reason for refusal of planning permission.

RfR1

- 5.12 The Council's reason for refusal of planning permission is formed on the basis that there would be 'less than substantial' harm to the significance of the Grade I Listed Church of St Edith as well as to the character and appearance of the Orton on the Hill Conservation Area. 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 (paragraph 215 of the Framework). The Council is of the opinion that the public benefits of the development are not sufficient to outweigh this harm.
- 5.13 A Heritage Impact Assessment (included at **Appendix 6**) accompanied the submission of the planning application. This report considers whether the implementation of this development would erode the significance of the special qualities of the Orton on the Hill Conservation Area, and the significance of nearby listed buildings. At Paragraph 3.2, it states:

'The application site is a nearly rectangular piece of waste ground on the corner of Pipe Lane and the road known as The Green which was formerly a small part of the grounds of the Vicarage. As the former grounds of the Vicarage have been gradually redeveloped with detached houses in large garden plots in the 20th and 21st centuries, this piece of redundant waste has been left behind. There is now no visual, spatial, qualitative or contextual connection between the application site and the former Vicarage.'

*Reference in the Heritage Impact Assessment to "waste ground" means land which no longer has any physical connections or linkages to the former grounds of the Vicarage.

5.14 The assessment of effect on the settings of listed buildings is set out at paragraph 4.3 and 4.4, as follows:

‘4.3. The effect of the proposal on the settings of the three listed buildings has been analysed in the GPA3 exercise in Appendix 2. The key points to note are:

- *No key views of the listed buildings will be affected. Key views of the church are illustrated in Figures 4 and 5.*
- *The silhouettes and skylines of the listed buildings will be unaffected. The landmark status of the church spire will be unchanged.*
- *The vast majority of the key space within the application site will be preserved, thereby retaining the openness that is characteristic of the surroundings of the settings of nearby listed buildings.*

4.4 In summary, there will only be a small change within the settings of the listed buildings, resulting in a neutral impact on their significance. There will be no harm to the significance of the listed buildings.’

5.15 Clearly, the conclusions of the Heritage Consultant are different to those of the Local Planning Authority. Dr Edis is clear in his expert opinion – that this proposal will not cause harm to the significance of any designated heritage assets. However, the Conservation Officer in their consultation response dated 21st June 2024 (**Appendix 8**) is of the opinion that the built form within the site would be visible when positioned around the edges of the site, including the view looking north-west along The Green towards The Church of St Edith, where currently the only built form evidence in the view is the southern elevation of the church. The Officer concludes:

‘The introduction of modern built form on the site within this view would have a detracting effect upon the experience of the observer, diminishing the appreciation of the significance of the church which can currently be appreciated inhibited by development from its wider rural setting and context.’

5.16 In our submission, all development brings about some degree of change – particular to the site itself. Conservation is the management of change – not the fossilisation of the existing situation. Change in itself does not equate with harm.

5.17 There may be very slight changes in views in The Green, but these will partly depend on future hedge management on the roadside boundary. There is no particular reason to suppose that there will be any material impact on views, since the hedges would provide privacy for occupiers of the proposed dwelling. Indeed, the mature boundary hedgerows along Pipe Lane and The Green are proposed to be retained as part of the development proposals and are hence not included within the application site boundary.

5.18 It is considered that the Council overstates the contribution of the wider rural setting and context to the significance of the heritage assets. The listed buildings are primarily of significance in their

own right, rather than as a result of what is around them. It is an exaggeration to suggest that the proposed development would have a detracting effect upon the experience of the observer, diminishing the appreciation of the significance of the church. The silhouettes and skylines of the listed building will be unaffected. The landmark status of the church spire will be unchanged.

5.19 It is hence concluded that there will only be a small change within the setting of the listed Church of St Edith, resulting in a neutral impact on its significance. There will be no harm to the significance of the listed building.

5.20 Turning to the effect on the Orton-on-the-Hill Conservation Area, the Heritage Statement concludes at paragraphs 4.5 – 4.7:

‘4.5 In terms of views and vistas within the conservation area, the proposal will have no effect on the southward vista towards The Gables, formerly The Old Rectory (Figure 8). There may be very slight changes in views in Pipe Lane and in the road known as The Green (Figures 6 and 9), but these will partly depend on future hedge management on the two roadside boundaries. There is no particular reason to suppose that there will be any material impact on views, since the hedges provide privacy.

4.6 There will be no material impact on the unlisted important historic buildings nearest the application site (i.e. the Gables, formerly The Old Rectory, and the Former Schoolmaster’s House – see 5 and 6 on Figures 2 and 3).

4.7 Insofar as the application proposal will change a piece of waste land into a residential garden, it will have a positive effect on the key spaces within the conservation area, making it more consistent with the prevailing character. In other respects, the contribution of the built form will be neutral. There will be no harm to the character or appearance of the conservation area.’

5.21 Again, the conclusions of the Local Planning Authority contrast completely to those of Dr Edis. The Conservation Officer states in their consultation response (**Appendix 8**) that:

‘The erection of a dwelling within the application site would result in the domestication and development of a verdant, open and largely rural open space within the conservation area. The development of the site would be spatially inconsistent and contrary to the existing arrangement of built form and open spaces within the settlement, introducing an infill of built form into the corner of Pipe Lane and The Green and continuing the detrimental effect upon the character of the area of other such other infill developments. Therefore, irrespective of any design concept, scale and appearance of the proposed dwelling, any development within the application site will have an adverse impact upon the character and appearance of the conservation area.’

5.22 In our submission, the appeal site cannot reasonably be described as a ‘largely rural open space.’ The site is located centrally within the village and is surrounded by dwellings to the south and west. Most of the land within the application site will be used as garden, similar to the key space

that prevails throughout the conservation area. It is hence considered that the contribution of the built form can reasonably be described as neutral.

- 5.23 The main issue for determination is whether the consequence of development (i.e. the change) amounts to harm to the significance of the Conservation Area. The consideration is whether one's appreciation of the Orton-on-the-Hill Conservation Area is eroded by this proposal.
- 5.24 It is acknowledged that the development brings about some degree of change, particularly to the localised context of the proposal. However, it is the view of the Heritage Consultant that no key views, vistas, silhouettes, skylines or landmarks will be affected. A piece of land will be transformed into a garden, closer in character to the vast majority of the open space within the Conservation Area.

Conclusion on the Council's reason for refusal

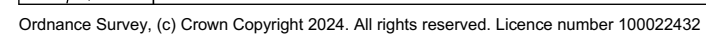
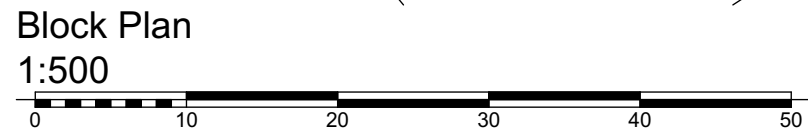
- 5.25 All development brings about some degree of change – particular to the site itself. Conservation is the management of change – not the fossilisation of the existing situation. Change in itself does not equate with harm.
- 5.26 It is concluded that there will be no harm to the significance of the designated heritage assets (The Church of St Edith and Shottery Conservation Area), and paragraph 215 of the NPPF will not be engaged. There will be no conflict with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD.

6.0 CONCLUSION

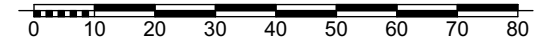
- 6.1 One reason of refusal is raised in the decision notice in relation to the development proposed. It has been demonstrated that the proposed development will contribute to sustainable development. In the planning balance, there are no adverse impacts that would significantly and demonstrably outweigh the benefits.
- 6.2 The Appellant has properly addressed the impact of the development, having regard to a range of planning considerations.
- 6.3 In light of the above, and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is concluded that the proposal constitutes sustainable development and the Appellant respectfully requests that the Appeal is allowed.

Appendices

Appendix 1. Site Location and Block Plan



Location Plan 1:1250



Disclaimer:

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Checked by:

EW

Revisions:

Change Name	Transmittal Set Date
	04/03/2024
Amendment to boundary lines	22/03/2024

RevID	Transmittal Set Name	Transmitted By
01	Planning 02	MarkBranch
02	Planning 05	MarkBranch

ArchiCAD

Project:

New Dwellings
Land to the rear of 4 Pipe
Lane

Orton-on-the-Hill

Client:

Framptons

Drawing Title:

Site Location and Block Plan - Parcel A

Date:

22/03/2024

Purpose of Issue:

Survey

Drawn by: **MLB** Scale: **1:500, 1:1250** Size: **A3**

Drawing No:

1800-0201-02

**ATARCHITECTS**

Appendix 2. Schedule of Documents

Against the Refusal of Hinckley & Bosworth Borough Council to grant Planning Permission for an Outline Planning Application for One Self Build/Custom Build Dwelling on land at the corner of The Green and Pipe Lane, Orton-On-The-Hill.

Schedule of Information
Documents Submitted with the Planning Application
Application Form
Arboricultural Assessment
Design and Access Statement and Design Code
Heritage Impact Assessment
Planning Statement
Preliminary Ecological Appraisal and Biodiversity Feasibility Study
Topographical Survey
Plans
Site Location and Block Plan – Dwg No. 1800-0201-02
Indicative Proposed Site Plan Dwg No. 1800-0502-03
Documents Submitted During the Planning Application Process
Archaeology WSI
Archaeological Impact Assessment
Self and Custom Build Evidence Form [Signed]
Appeal Documents
Appeal Form
Statement of Case
Appendix 1 – Site Location and Block Plan
Appendix 2 - Schedule of Documents and Plans submitted as part of the Appeal
Appendix 3 - 24/00284/OUT Decision Notice
Appendix 4 - 24/00284/OUT Delegated Report
Appendix 5 - 24/00284/OUT Design and Access Statement and Design Code
Appendix 6 – 24/00284/OUT Heritage Impact Assessment
Appendix 7 – Hinckley & Bosworth Borough Council Latest Self-Build and Custom Housebuilding Monitoring Position Oct 2025
Appendix 8 – 24/00284/OUT Conservation Consultation Response
Appendix 9 - Self-Build and Custom Housebuilding Position Statement for the period to 30th April 2024 (published in July 2024)
Appendix 10 – Extracts from Site Allocations and Development Management Policies DPD 2016 (DM10,DM11,DM12)

Appendix 3. 24/00284/OUT Decision Notice

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Refusal of Planning Permission

Name and Address of Applicant

Mrs Pauline Rosa Taylor
C/o agent

Name and Address of Agent (if any)

Mr Will Whitelock
Frampton Town Planning Ltd
Oriol House
42 North Bar
Banbury
OX16 0TH

Part I - Particulars of Application

Date of Application

25 March 2024

Application No.

24/00284/OUT

Particulars and location of development:

Outline planning application for the erection of one self-build/custom build dwelling (all matters reserved except for access)

Land Corner Of The Green And Pipe Lane Orton On The Hill Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s):-

1. The proposal results in adverse impacts to the character and appearance, and thus significance of the Orton on the Hill Conservation Area and the surrounding area due to the spatial and visual erosion of the verdant and open nature of a designated key space within the Conservation Area. This harm is considered to have a further detrimental effect on the integrity of a key view within the Conservation Area, which diminishes the view's important contribution to the appreciation of the character and appearance, and thus significance, of the Grade I Listed Church of St, Edith. These effects are contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Ultimately, these adverse impacts significantly and demonstrably outweigh the public benefits of the development.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

NOTES

1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review
3. If you are aggrieved by the decision of the Local Planning Authority to refuse permission you may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. If your appeal is against a Minor Commercial Development, we would advise you to view the guidance on the Planning Portal website under Procedure Guidance, to confirm the time frame for appealing. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within six months of the date of this notice. If you intend to submit an appeal that you would like examined by inquiry then you must notify your Local Planning Authority (planning@hinckley-bosworth.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found on GOV.UK.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice/>.
5. If permission to develop land is refused whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

RNOTES (02/07/2014)

Appendix 4. 24/00284/OUT Delegated Report

Delegated Report

Planning Ref: 24/00284/OUT

Applicant: Mrs Pauline Rosa Taylor

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land Corner Of The Green And Pipe Lane Orton On The Hill

Proposal: Outline planning application for the erection of one self-build/custom build dwelling (all matters reserved except for access)

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 outline planning permission for the provision of a self-build/custom build dwelling and associated detached garage at land on the corner of The Green and Pipe Lane, Orton on the Hill.

2.2. Only details of access to the site are sought for approval within this outline application and all other matters are reserved. Therefore, the appearance of the scheme is reserved for later approval; therefore, the extent of the application is described and assessed via the following indicative documents:

- Indicative Proposed Site Plan 0502
- Site Location and Block Plan 0201
- Site Plan and Landscaping 1800-0502-03
- Topographical Survey
- Tree Constraints Plan

2.3. Indicatively, the dwelling is sited centrally within the paddock and is oriented southwest to north-east on a similar building line to the adjacent bungalow at 4 Pipe Lane. A hard surfaced forecourt with a double garage is also indicatively proposed to the front of the dwelling. The design concept of the proposed dwelling is indicatively of two ranges of converted farm buildings.

3. Description of the Site and the Surrounding Area

3.1. The 0.35ha application site is located within the centre of the identified settlement boundary of Orton on the Hill, to the west of, and adjacent to, the crossroads junction of Pipe Lane/Main Street with The Green/Sheepy Lane. The adopted Core Strategy (2009) classifies Orton on the Hill as a Rural Hamlet. The application site is located within the Orton on the Hill Conservation Area (OHCA).

- 3.2. Within the OHCA Appraisal, Orton on the Hill is described as being divided into two distinct character areas, one of which is the area around The Green and Pipe Lane. This area is characterised by relatively unplanned organic pattern of buildings, which are separated from each other by distance, green spaces, and continuous hedges. The OHCA confirms that the large green spaces between the groups of buildings along Pipe Lane and around the village green are important to the character of the Conservation Area and should be retained.
- 3.3. The application site comprises paddock land and one Category B Tree. The topography of the site slopes gently down from the north-western corner of the site towards the south-eastern corner. Within the OHCA Map, the paddock is identified as a Key Space that features important hedgerows along its northern and south-eastern boundaries that are adjacent to The Green and Pipe Lane.
- 3.4. Views north along The Green and views west along Pipe Lane in both directions adjacent to the application site are identified within the OHCA Map as protected views. These views emphasise the village's rural character and allow for an appreciation of the significance of the Grade I Listed Church of St Edith from its wider setting and context.
- 3.5. The Orton on the Hill Conservation Area Management Plan (OHCAMP) (2009) describes the application site as:
- "The large paddock that fronts The Green is important in visual terms. The vista along The Green looking towards the Parish Church emphasises the village's rural character, [which is] reinforced by its grass verges and continuous hedgerows. Any new development fronting the road will have [a] detrimental impact [by] being visually prominent. The opening at the field gate to the paddock would also need to be considerably widened to accommodate road access."*
- 3.6. To the north of the site, beyond The Green, are further Key Spaces within the Conservation Area alongside a spinney and a pond. To the northwest and west of the site are further residential properties within Orton on the Hill. Immediately adjacent to the western boundary of the site is 4 Pipe Lane, which is identified as a potential development area within the OHCA Map.

4. Relevant Planning History

- 4.1 N/A.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.3 In total, 14 responses were received from members of the public from 12 separate addresses all of which objected to the development for the following reasons:

- Ecological concerns.
- Highway safety concerns.
- Ground levels of the site exacerbate the visual prominence and harm of the scheme.
- Significant harm to the character of the area.
- Significant harm to the designated Key Space within the Orton on the Hill Conservation Area.
- Significant harm to important views of the Grade I Listed Church.
- Significant harm to the setting of the Grade I Listed Church.
- Significant harm to the Orton on the Hill Conservation Area.
- Significant harm to the Important Hedgerows within the Orton on the Hill Conservation Area.
- Significant harm to Protected Views within the Orton on the Hill Conservation Area Appraisal.
- Significant harm to, and potential loss of, Protected Trees.

5.4 Members of the public have also raised concerns that the development is accessed from a private drive. Several members of the public have also expressed their concerns regarding the credibility of the self-build and custom housebuilding classification of the scheme.

5.5 No further responses have been received.

6. Consultation

6.1 The County Council's Tree Officer, the Council's Greenspaces Officer, Severn Trent Water, nor Twycross Parish Council responded to the planning application.

6.2 The Conservation Officer identified that the development proposal was likely to have an adverse impact upon the character and appearance of the area, and on the appreciation of the special interest of the Grade I listed Building, the Church of St. Edith. Therefore, the Conservation Officer advised that the decision taker needs to apply the relevant tests within Local and National Planning Policy when determining the planning application.

6.3 There have no objections to the application from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)
- LCC's Ecology Unit (subject to conditions)
- National Gas Transmission

Archaeology:

- 6.4 Leicestershire County Council (LCC)'s Archaeology Department requested that the determination of the application was deferred until the Applicant provided an Archaeological Impact Assessment (AIA) of the proposals including a field evaluation. The Applicant submitted their AIA on 15 August 2024, which identified that the set lies in an area of significant archaeological potential.
- 6.5 As a result, on 28 August 2024, the Archaeology Department confirmed that, to ensure that any archaeological remains present are dealt with appropriately, the Applicant should provide an appropriate level of archaeological investigation and recording, including an archaeological soil strip of the development area followed by appropriate investigation and recording of any exposed archaeological remains. The County Council advised that these works should be detailed within a Written Scheme of Investigation (WSI) prior to the commencement of the development and secured via a planning condition.

Drainage:

- 6.6 In light of the number of concerns raised by members of the public, the Case Officer requested further clarification on the assessment of drainage to accommodate the development by the Council's Drainage Officer. On 07 May 2024, the Drainage Officer confirmed that, given the scale and nature of the proposed development, it would be unreasonable to apply a drainage condition to any planning consent. The Drainage Officer also highlighted that planning permission does not allow the Applicant to discharge surface water, which would be subject to a separate application to the relevant authority such as Severn Trent Water in the case of discharge to a public sewer.

Ecology:

- 6.7 The County Council's Ecology Department have confirmed that the Applicant's Preliminary Ecological Appraisal (PRA) is acceptable, and therefore no further surveys are required. However, in order to demonstrate net gain in biodiversity, the Ecology Department requested a Biodiversity Enhancement Scheme to be secured via planning condition. This Enhancement Scheme should include a native planting scheme, at least one bat box, and at least one bird box. The Applicant agreed to the planning condition on 29 April 2024.

Waste:

- 6.8 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers.
- 6.9 The Local Highway Authority have referred to standing advice. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 14: Rural Areas: Transport

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Orton on the Hill Conservation Area Appraisal (OHCA) (2009)

8. Appraisal

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

- Principle of development
- Housing land supply
- Self-build and custom housebuilding development
- Design and impact upon the character and significance of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- 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 (SADMP) Development Plan Document. In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 Policy 13 of the adopted Core Strategy states that the Council shall, amongst other things, support housing development within the settlement boundary of rural hamlets.
- 8.5 Given the above, it is considered that the proposal of a new residential dwelling in the identified settlement boundary of Orton on the Hill is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.6 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024. However, due to the age of relevant housing policies within the adopted Core Strategy, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.7 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.
- 8.8 In light of the above, the provision of one dwelling to the Borough’s supply of land for housing is considered to attract little weight within the planning balance.

Custom and Self-Build Housing (CSB)

- 8.9 Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.
- 8.10 The Applicant claims that the proposed development is classified as a self-build and custom-build development within the definition provided within the Self-Build and

Custom Housebuilding Act 2015, for a future plot purchaser, which is a material consideration within this planning application.

- 8.11 A pre-commencement planning condition can be utilised to ensure that the scheme is brought forward as a self-build and custom house-build development.
- 8.12 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.
- 8.13 Section 6 of Section 2A of the Self-Build and Custom Housebuilding Act confirms that the demand for self-build and custom housebuilding in an authority's area in respect of a base period is an aggregate of:
- (i) The demand for self-build and custom housebuilding arising in the authority's area in the base period; and
 - (ii) Any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which:
 - (a) The time allowed for complying with the duty in Subsection (2) expired during the base period in question, and
 - (b) The duty in Subsection (2) has not been met.
- 8.14 The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.15 Notwithstanding this, to date, Hinckley and Bosworth Borough Council does not have a shortfall of self-build and custom housebuilding.
- 8.16 Whilst the Council require 19 suitable cumulative permissions to be granted by 30 October 2024, it must be noted that, as of 01 May 2024, the Council has currently granted 12 permissions for custom and self-build housing in this period so only 7 further permissions need to be granted before 30 October 2024. In addition, the Council will only be considered to have a shortfall if a sufficient number of suitable permissions have not been achieved after this date.
- 8.17 As the Council have supplied more suitable permissions than demand required at the end of Base Period 8 (31 October 2022 to 30 October 2023), it is considered that no weight can be given to the benefits of contributing to the supply of self-build and custom build dwellings at this moment in time.

Design and Impact upon the Character and Significance of the Area and the Historic Environment

- 8.18 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 Act places a general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.19 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.
- 8.20 Section 16 of the National Planning Policy Framework provides the National Policy on conserving and enhancing the historic environment. 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.
- 8.21 Paragraphs 205 to 208 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.
- 8.22 Nevertheless, Paragraph 212 of the NPPF confirms that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.23 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.24 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.25 Policy 13 of the adopted Core Strategy states that the Council will 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.

- 8.26 Ultimately, the OHCA states that new development should contribute positively to the character or appearance of the Conservation Area in terms of siting, scale, design, and materials. To maintain the distinctive character and appearance of the OHCA, the OHCA Appraisal recommends resisting development proposals within identified Key Areas. Furthermore, the OHCA requires development to ensure important views of the Grade I Listed Church and views out into the countryside are protected.
- 8.27 The application site is identified as a key space within the OHCA, is bounded by important hedgerows along The Green and Pipe Lane and features an important protected mature tree. It is considered that the features of the application site make a positive contribution to the character and appearance, and thus significance, of the Conservation Area, and the site is considered to play an essential role in preserving the verdant open and rural character of the village and supporting key views within the area.
- 8.28 The provision of a dwelling within the application site is considered to result in the domestication and development of an important, verdant, and largely rural, open space within the Conservation Area. The development of the site therefore is considered to be spatially inconsistent with the settlement and introduces an infill of built form into a key space within the Conservation Area that is likely to continue the detrimental effect upon the character of the area such as other infill developments in the Conservation Area. As a result, irrespective of any design concept, scale or appearance of the dwelling, any development within the application site is considered to have an adverse impact upon the character and appearance, and thus significance, of the Orton on the Hill Conservation Area.
- 8.29 Whilst the important mature hedgerow boundary hedgerows along Pipe Lane and the Green and retained, due to the sloping site levels and seasonal screening effect of this vegetation, it is most likely that the built form within the application site would be visible when positioned around the edges of the site. This would include the important view looking north-west along The Green towards the Listed Church, where currently the only built form that is evident within this view is the southern elevation of the Church. Therefore, the introduction of modern built form on the site within this view would have a detracting and therefore detrimental effect upon an observer's visual experience of this view and their appreciation of the significance of the Church, which can currently be appreciated uninhibited by development from its wider rural setting and context.
- 8.30 The proposal's indicative converted farm building design concept for the proposed dwelling loosely results in the appearance of a simple vernacular building, which is one of the general categories of building style identified within the OHCA Appraisal. The scale of the northern range is two storeys in height, similar to a converted threshing barn or similar, with the southern range being single storey.
- 8.31 The indicative 'double pile' arrangement of the two linear structures is considered to represent a convoluted and wholly uncharacteristic arrangement, with no precedent

or similar arrangement of built form of any existing or former farms within the settlement. This is likely to result in a considerable mass of development, which is exacerbated by the width of each range along the southwest to northeast alignment. The resulting appearance of the indicative development is considered to represent a modern dwelling rather than the conversion of traditional vernacular farm buildings. Due to the two-storey range being set within the northern section of the site, where the site levels are highest, the visibility of the uncharacteristic arrangement and mass of the proposed dwelling is considered to be exacerbated.

- 8.32 In summary, the proposal is considered to give rise to a similar effect as the inappropriate historical infill developments elsewhere in the Orton on the Hill Conservation Area, which results in both a spatial and visual erosion of the verdant and open nature of a designated key space within the Conservation Area. This impact would also have associated implications for the integrity of a key view within the Conservation Area and diminishing the contribution of this view would also have a detrimental impact on an observer's ability to appreciate the character of the area and the significance of the Church of St Edith.
- 8.33 By virtue of these factors, the proposal is considered to result in an adverse impact upon the character and appearance of the Orton on the Hill Conservation Area as well as the appreciation of the special interest of the Grade I Listed Church of St. Edith. This is considered to be contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the SADMP as well as the requirements of the NPPF.
- 8.34 The level of harm to both heritage assets is considered to be less than substantial in terms of the NPPF. Given the quantum of detrimental effects, the adverse impact upon the Conservation Area is considered to be between the middle and higher end of this spectrum of harm. As the proposal results in an adverse change to the setting of the Church rather than a direct impact, it is considered that the adverse impact upon the Church is at the lower end of less than substantial harm.

Impact upon Residential Amenity

- 8.35 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.
- 8.36 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.37 No details have been submitted in relation to the precise appearance, siting, scale, layout, or landscaping of the development.

- 8.38 Nevertheless, there are no residential properties to the north, east, or south immediately adjacent to the site. The closest residential dwelling is 4 Pipe Lane to the west of the site.
- 8.39 Indicatively, the side elevation of the development is 10.2m from the shared western boundary of the site with 4 Pipe Lane. Given the siting and the location of the proposal, it is considered that a scheme could be designed to ensure that adequately protects the neighbouring residential amenity as well as the amenity of the future occupants of the scheme.
- 8.40 As a result of these considerations, and subject to further information, it is considered that the detailed design of a forthcoming scheme is able to prevent any significant adverse impacts on the residential amenity of neighbouring properties or the future occupants of the scheme. Therefore, the application is in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.41 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.42 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)).
- 8.43 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.44 The development utilises an existing field access onto an existing private drive, which currently serves two properties, that has an existing access onto The Green. The scheme makes no amendments to field access, the private drive, or the access onto The Green.
- 8.45 As the development is for one dwellinghouse, the Local Planning Authority are unable to demonstrate that the proposal is likely to lead to a significant intensification to the use of the access onto the private drive, nor the access onto The Green to the extent that it may result in a highway safety issue.
- 8.46 The indicative plans demonstrate that suitable off-street parking can be accommodated within the application site within any forthcoming detailed design of the scheme.
- 8.47 In light of the above, the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

Planning Balance

- 8.48 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.
- 8.49 Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset. Grade I listed buildings are recognised in the NPPF as being assets of the highest significance.
- 8.50 The proposal is considered to result in less than substantial harm (in terms of the NPPF) to the Orton on the Hill Conservation Area and the Grade I Listed Church of St. Edith, which is contrary to, and in conflict with Policies DM10, DM11, and DM12 of the SADMP. This is considered to attract significant weight in the planning balance.
- 8.51 Paragraph 206 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. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.52 No justification has been provided by the Applicant for the harm caused by the proposal as the submitted Heritage Statement reaches a differing conclusion on the impacts of the proposal upon affected heritage assets.
- 8.53 Nevertheless, where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, Paragraph 208 of the NPPF and Policies DM11 and DM12 of the SADMP require this harm to be weighed against the public benefits of the proposal.
- 8.54 Public benefits may follow from many developments and could be anything that delivers economic, social, or environmental progress as described in Paragraph 8 of the NPPF. Public benefits may also include heritage benefits as specified in Paragraph 20 of the Planning Practice Guidance (Conserving and Enhancing the Historic Environment), 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.
- 8.55 It is not considered that the development can demonstrate any heritage benefits, and the indicative layout, scale, and appearance of the proposed dwelling are not

considered to sustain or enhance the significance of the Orton on the Hill Conservation Area or the Grade I Listed Church of St. Edith.

- 8.56 However, the Applicant has referred to several non-heritage benefits including the provision of a dwelling to the housing land supply of the Borough, the provision of an additional property to the supply of self-build and custom housebuilding within the Borough, the sustainable location of the application site, and the economic benefits of the construction of the scheme.
- 8.57 The Council can demonstrate a five-year supply of land for housing and therefore the benefit of one dwelling contributing to this supply is considered to attract little weight in the planning balance. In addition, the Council does not have a shortfall of self-build and custom housebuilding and therefore no weight is given to the benefit of contributing to this supply.
- 8.58 The further benefits associated with one dwelling are considered to be modest and are not considered to maintain or enhance the local community. There are also no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.59 Whilst the application site is within the identified settlement boundary of Orton on the Hill, this rural hamlet only benefits from a church and a public house and does not feature any bus routes or pedestrian footpaths out of the hamlet. Therefore, the future occupiers of the scheme would be reliant on private motorised travel to meet their day-to-day needs, which is likely to result in environmental harm in principle that is contrary to the overarching environmental aim of sustainable development as defined within the NPPF.
- 8.60 In light of the above, the adverse impacts to the character and appearance, and thus significance, of the Orton on the Hill Conservation Area, and therefore the character of the surrounding area, and the appreciation of the special interest of the Grade I Listed Church of St. Edith are considered to significantly and demonstrably outweigh the benefits associated with the provision of one dwelling in these site-specific circumstances.

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 to be refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

11.2 Reasons

1. The proposal results in adverse impacts to the character and appearance, and thus significance of the Orton on the Hill Conservation Area and the surrounding area due to the spatial and visual erosion of the verdant and open nature of a designated key space within the Conservation Area. This harm is considered to have a further detrimental effect on the integrity of a key view within the Conservation Area, which diminishes the view's important contribution to the appreciation of the character and appearance, and thus significance, of the Grade I Listed Church of St, Edith. These effects are contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 16 of the National Planning Policy Framework (Dec 2023) and the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Ultimately, these adverse impacts significantly and demonstrably outweigh the public benefits of the development.

C. Brown.

Date : 30 August 2024

Christopher Brown MRTPI
Head of Planning

Appendix 5. 24/00284/OUT Design and Access Statement and Design Code



TOWN AND COUNTRY PLANNING ACT 1990

DESIGN AND ACCESS STATEMENT & DESIGN CODE

**TO ACCOMPANY AN OUTLINE PLANNING APPLICATION SEEKING PLANNING PERMISSION
FOR ONE SELF BUILD/CUSTOM BUILD DWELLING**

ON LAND AT THE CORNER OF THE GREEN AND PIPE LANE, ORTON-ON-THE-HILL

FOR MRS PAULINE ROSA TAYLOR

MARCH 2024

OUR REF: PF/10954

1.0 INTRODUCTION

- 1.1 This DAS has been prepared to accompany a planning application seeking outline planning permission for one self-build/custom build dwelling.
- 1.2 Self-build or custom build housing helps to diversify the housing market and increase consumer choice. Paragraph 60 of the NPPF makes clear that:

‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.’

- 1.3 The needs of groups with specific housing requirements includes ‘people wishing to commission or build their own homes.’ This policy objective is underpinned by a specific statutory duty under Section 1 of the ‘Self-Build and Custom House Building Act’ 2015, namely:

‘Local authorities are required to keep a Register of those seeking to acquire serviced plots in the area for their own self-build and custom house building.’

- 1.4 The purpose of the Register is then given statutory force within the planning system through Sections 2 and 2A of the Act, requiring LPAs to have regard to the Register and make available enough suitable development permissions to meet the identified demand.
- 1.5 The application site is considered to be a superlative opportunity for the provision of one high quality self-build/custom build dwelling set in an extensive plot boundary – and be well related to the surrounding pattern of development.

2.0 SITE APPRAISAL

Context

- 2.1 The site is located in a central position in the village of Orton-on-the-Hill at the corner of The Green and Pipe Lane. There are existing dwellings located to the west of the site.
- 2.2 The site extends to 0.35 ha (0.86 acres) and comprises a grassed area with an established hedgerow along its eastern and southern boundaries.
- 2.3 The site does not include any Locally Listed or Statutorily Listed Buildings. However, the site is located within the Orton-on-the-Hill Conservation Area.
- 2.4 The Site is located in Flood Zone 1 and thus is situated in an area with very low risk of flooding.

Local Character Analysis

- 2.5 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.
- 2.6 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.
- 2.7 Boundary treatments are generally low hedges or occasional wooden picket fences which reinforce the village's rural appearance.
- 2.8 The Council's appraisal of the Conservation Area identifies key spaces, which take up the majority of the conservation area, including the application site. The vast majority of this key space is made up of private garden land associated with domestic dwellings, including The Gables, formerly the Old Rectory. Notable exceptions are The Green and the churchyard, which are more public spaces.
- 2.9 Insofar as the application proposal will change a piece of waste land into a residential garden, it will have a positive effect on the key spaces within the conservation area, making it more consistent with the prevailing character. In other respects, the contribution of the built form will be neutral. There will be no harm to the character or appearance of the conservation area.

Local Transport Links

- 2.10 The site has good accessibility to the strategic road network, with the A444 located approximately 2 miles to the north of the site, accessed from Orton Lane. The A444 provides a direct connection to junction 11 of the M42.
- 2.11 The nearest bus stop to the site is located in the village of Warton, approximately 2.5km (1.6 miles) to the west of Orton-on-the-Hill. Services from this bus stop connect the site to Tamworth Town Centre and Polesworth (bus 786) every two hours.
- 2.12 The nearest train station to the site is located at Polesworth, approximately 5.3km (3.3 miles) to the west of the site. The station receives one train per day, the 07.23 service between Northampton and Crewe, provided by London Northwestern Railway.

3.0 DESIGN CODE

- 3.1 This design code, along with the application plans, sets out the parameters for the proposed self-build/custom build plot which have been carefully developed in response to specific site

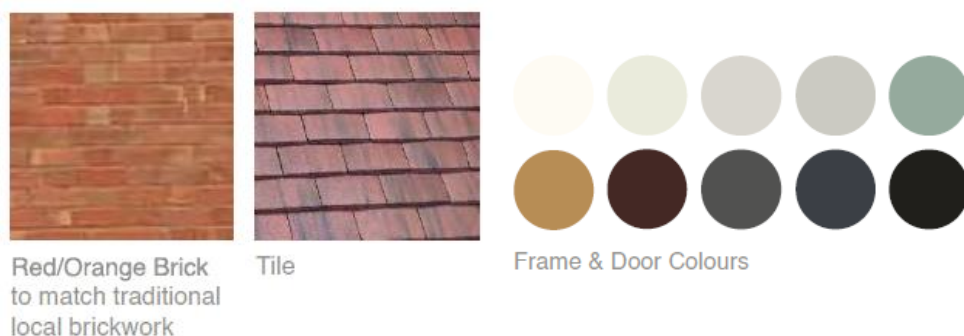
constraints, the relationship to neighbouring properties, the village context and the character of the wider area.

General Parameters for Plot Purchaser

- 3.2 Prior to the commencement of development, Reserved Matters planning approval must be applied for to the Local Planning Authority to approve matters relating to appearance, layout, scale and landscaping.
- 3.3 The merging or subdivision of plots is not permitted.
- 3.4 Prior to development, a Principal Designer must be appointed by the Plot Purchaser, as required under the 2015 Construction Design and Management regulations.
- 3.5 Storage for 3 no. 240 litre wheelie bins (recycling, garden and general waste) should be provided within each plot.
- 3.6 The number of parking spaces indicated must be provided on plot and be a minimum of 2.5m x 5.0m in size. The position of the parking space/garage is to be agreed with the Local Planning Authority as part of the Reserved Matters application. The minimum size for a single garage should be no less than 3m x 6m internally, and a double garage should be no less than 6m x 6m.

Appearance

- 3.7 The appearance of the dwelling should be sympathetic to the characteristics of the conservation area by adhering to the local vernacular design principle of a converted working building. Indicative visuals are included at Appendix 1 to show a possible design approach.
- 3.8 The palette of materials shown have all been selected from examples within the local area and also includes architectural details that, although varying in style, proportion and material, are frequently seen throughout Orton-on-the-Hill.
- 3.9 Red brick and painted brick are the most commonly found materials in the village. Slate and clay tiles are the most frequently used roofing materials, both in contemporary and traditional properties.
- 3.10 The use of dormer windows is not a traditional feature of Orton-on-the-Hill and should be avoided. Timber casement windows are more commonly found than any other window styles.



Layout

- 3.11 The Existing Block Plan Dwg 1800-0201 shows the existing overall site layout and Dwg No. 1800-0502 shows the proposed site layout. The building line of the plot should reflect that of No 4 Pipe Lane adjacent to the west of the application site to avoid any impact on neighbouring residential amenity.

Landscaping

- 3.12 The existing boundary hedgerow along the eastern and southern site boundaries should be retained to minimise any changes in views in Pipe Lane and in the road known as The Green – which are listed as key views and vistas within the Council’s appraisal of the conservation area.

Access

- 3.13 The application does not involve any alteration to the existing access from The Green. This access presently serves two dwellings (Nos 28 and 30, The Green). The Applicant has access rights onto The Green.

Scale

- 3.14 The dwelling will be 2 storeys to reflect the scale and proportions of existing dwellings in the area.

Appendix 1 – Indicative Visuals



New Dwelling
Land to the corner of The Green and Pipe Lane, Orton-on-the-Hill, Leicestershire

AT Architects, Kingsley House, 63 Holly Walk, Leamington, Warwickshire, CV32 4JG
01926 452 333 | admin@atarchitects.co.uk | www.atarchitects.co.uk

1800-0505-02

MLB | 14/03/2024



ATARCHITECTS



New Dwelling
Land to the corner of The Green and Pipe Lane, Orton-on-the-Hill, Leicestershire

AT Architects, Kingsley House, 63 Holly Walk, Leamington, Warwickshire, CV32 4JG
01926 452 333 | admin@atarchitects.co.uk | www.atarchitects.co.uk

1800-0506-02

MLB | 14/03/2024



Appendix 6. 24/00284/OUT Heritage Impact Assessment



Heritage Impact Assessment

Land at the corner of
The Green and Pipe
Lane, Orton-on-the-
Hill, Leicestershire

March 2024 | Project Ref 9443



Project Number: 9443

File Origin: [https://heritagecollectiveuk.sharepoint.com/sites/9001-9500/Shared Documents/9401-9500/09443 - Land at Orton-on-the-Hill, Atherstone/HER/Reports/2024.03.14 - Orton Hill HIA - A.docx](https://heritagecollectiveuk.sharepoint.com/sites/9001-9500/Shared%20Documents/9401-9500/09443%20-%20Land%20at%20Orton-on-the-Hill,%20Atherstone/HER/Reports/2024.03.14%20-%20Orton%20Hill%20HIA%20-%20A.docx)

No text or imagery within this report has been generated by Artificial Intelligence (AI).

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- Fig. 5 The church seen from The Green**
- Fig. 6 Looking towards the church from the road called The Green**
- Fig. 7 Looking towards the church from the south-west**
- Fig. 8 Looking southward towards The Gables from the Green**
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- Fig. 10 Looking south-east across the application site**
- Fig. 11 Looking north-west from the application site**

Fig. 12 Two computer generated images of the proposed development

1. Introduction

- 1.1** This Heritage Impact Assessment has been prepared by Dr Jonathan Edis, Director of HCUK Group, on behalf of Mr R. Taylor. It relates to the proposed construction of a new dwelling and detached garage on land at the corner of The Green and Pipe Lane, Orton-on-the-Hill, Leicestershire, within Orton-on-the-Hill Conservation Area (Figures 2 and 12). The conservation area contains three listed buildings.
- 1.2** The author of this assessment has more than forty years of continuous employment in the heritage sector, including ten years as a conservation officer advising local planning authorities on applications affecting heritage assets. A large number of those cases have involved development within conservation areas.
- 1.3** A site visit was undertaken on 4 September 2023.

2. Relevant Planning Policy Framework

- 2.1** The council is required by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The council must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.¹
- 2.2** There is a broadly similar duty arising from section 72(1) of the Act in respect of planning decisions relating to development within conservation areas.
- 2.3** For the purposes of this assessment, preservation equates to an absence of harm.² Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.³
- 2.4** The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.
- 2.5** The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as follows:
- "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*
- 2.6** Historic England has published guidance on development affecting the setting of heritage assets in *The Setting of Heritage Assets* (second edition, December 2017), better known as GPA3. The guidance proposes a stepped approach to assessment

¹ Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137.

² South Lakeland v SSE [1992] 2 AC 141.

³ Conservation Principles, 2008, paragraph 84.

in which Step 1 involves the identification of the relevant heritage assets, Step 2 establishes their significance, and Step 3 describes how the change within the setting of the assets might affect their significance. In cases where there is a resultant loss in significance, amounting to harm, Step 4 is engaged, requiring the discussion of mitigation.

2.7 The NPPF requires the impact on the significance of a designated heritage asset⁴ to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 207 and 208 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁵ The Scale of Harm is tabulated at Appendix 1.

2.8 Paragraphs 207 and 208 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit. Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 207 or 208 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”

2.9 Paragraph 205 of the NPPF states that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

2.10 Local heritage policy has been taken into account in the preparation of this assessment.

⁴ The seven categories of designated heritage assets are World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefields and Conservation Areas, designated under the relevant legislation.

⁵ Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

3. Statement of Significance

Introduction

3.1 This chapter of the assessment establishes the significance of the relevant heritage assets in the terms set out in the NPPF, and it comments on the contribution of setting to significance. The identification of the heritage assets equates in part to Step 1 of GPA3, and the assessment of significance equates to Step 2 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 4 (Heritage Impact Assessment) and with the tabular methodology at Appendix 2.

The application site

3.2 The application site is a nearly rectangular piece of waste ground on the corner of Pipe Lane and the road known as The Green (Figure 10) which was formerly a small part of the grounds of the Vicarage⁶ (Figure 1). As the former grounds of the Vicarage have been gradually redeveloped with detached houses in large garden plots in the 20th and 21st centuries, this piece of redundant waste has been left behind. There is now no visual, spatial, qualitative or contextual connection between the application site and the former Vicarage (Figure 11).

Orton-on-the-Hill Conservation Area

3.3 The council's appraisal of Orton-on-the-Hill Conservation Area (Figures 2 and 3) draws attention to the listed buildings, which have been described above, and to important historic buildings. For present purposes, the closest important historic building to the application site is number 4 on Figures 2 and 3, which is The Gables, formerly The Old Rectory. This is an old gabled building set within private hedged grounds, primarily seen (from the public perspective) looking southward from The Green (Figure 8). It was not readily apparent from the application site during the site visit (Figure 11).

⁶ Now The Gables, formerly The Old Rectory.

3.4 The council's appraisal of the conservation area also identifies key spaces, which take up the majority of the conservation area, including the application site (Figures 2 and 3). It should be noted that the vast majority of this key space is made up of private garden land associated with domestic dwellings, including The Gables, formerly the Old Rectory. Notable exceptions are The Green and the churchyard, which are more public spaces (Figures 4 and 5).

3.5 Protected views and vistas are also noted in the council's appraisal of the conservation area (Figures 2 and 3). For present purposes the three most relevant considerations are (1) the "vista" southward from the Green to The Gables, seen in Figure 8, (2) the view north-westward along the road known as The Green, from the Pipe Lane crossroads, seen in Figure 6, and (3) the view north-eastward in Pipe Lane towards the crossroads, seen in Figure 9.

3.6 It is axiomatic that Orton-on-the-Hill Conservation Area is a place of special architectural and historic interest containing a number of important listed buildings, notably the Church of St Edith. Most of the residential gardens have been identified as key space, and a number of important vistas and views contribute to the significance of the area.

Listed buildings

3.7 There are three listed buildings within Orton-on-the-Hill Conservation Area, as follows:

- The Church of St Edith, dating from the 14th century and listed grade I on 7 November 1966 (Figures 4 and 5).
- Church Farmhouse, 8 The Green, dating from the 15th century and listed grade II on 10 August 1989.
- Lower Farm, 9 Pipe Lane, dating from the 17th century and listed grade II on 10 August 1989.

3.8 The locations of the listed buildings can be seen in Figures 2 and 3. The official list descriptions are set out in Appendix 3.

- 3.9** All three listed buildings are self-evidently of special architectural, archaeological and historic interest. The two former farmhouses are examples of vernacular buildings that provide us with a physical connection to people who lived in the village in a remote time in the past. The church, which is also of special artistic interest (notably the fittings) is of considerable significance as a focal point in the community over at least 700 years, and probably much longer than that.
- 3.10** Visually, the settings of the three listed buildings are relatively contained by extensive tree cover and thick hedges. Even the church, which is on relatively high ground, is not particularly visible throughout the conservation area (Figure 7). It is likely that winter views are more extensive than at the time of the site visit on 4 September, but the visual envelopes of the buildings are nevertheless compact.
- 3.11** All the listed buildings interact with their surroundings in an abstract or historical sense. There is no visual or physical limit to this connection, but for all practical purposes they are not strongly grouped or connected with each other.
- 3.12** All three listed buildings derive the majority of their heritage significance from their physical form and fabric. Although the two former farmhouses have a relationship with the historic road pattern, they were not set in surroundings that were landscaped, optimised or otherwise set out with particular connections with their surroundings. The church is obviously on a hill, and is a landmark, but it has already been noted that it is not a commanding feature within much of the conservation area because of thick vegetation.
- 3.13** None of the listed buildings derives its significance from the application site.

Summary of significance

- 3.14** Orton-on-the-Hill Conservation Area is a place of special architectural and historic interest containing a number of important listed buildings, notably the Church of St Edith. Most of the residential gardens have been identified as key space, and a number of important vistas and views contribute to the significance of the area.
- 3.15** The three listed buildings (Church of St Edith, Church Farmhouse and Lower Farm) are of special architectural, archaeological and historic interest. The two former farmhouses are examples of vernacular buildings that provide us with a physical

connection to people who lived in the village in a remote time in the past, and the church is of special artistic interest. It is a focal point for the community.

3.16 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.

4. Heritage Impact Assessment

Introduction

- 4.1** This chapter of the assessment describes how the proposed development will affect the setting and significance of the heritage assets identified in the preceding chapter. It equates in part to Step 3 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 3 (Statement of Significance) and with the tabular methodology at Appendix 2.

The proposed development

- 4.2** The proposal involves the construction of a new dwelling and a detached garage on land at the corner of The Green and Pipe Lane, as illustrated in Figure 12.

Effect on the settings of listed buildings

- 4.3** The effect of the proposal on the settings of the three listed buildings has been analysed in the GPA3 exercise in Appendix 2. The key points to note are:
- No key views of the listed buildings will be affected. Key views of the church are illustrated in Figures 4 and 5.
 - The silhouettes and skylines of the listed buildings will be unaffected. The landmark status of the church spire will be unchanged.
 - The vast majority of the key space within the application site will be preserved, thereby retaining the openness that is characteristic of the surroundings of the settings of nearby listed buildings.
- 4.4** In summary, there will only be a small change within the settings of the listed buildings, resulting in a neutral impact on their significance.⁷ There will be no harm to the significance of the listed buildings.

⁷ The effect of the proposed development could be said to be almost entirely abstract, and *de minimis*, rather than taking effect in a visual sense, but a precautionary approach has been taken in this assessment.

Effect on Orton-on-the-Hill Conservation Area

- 4.5** In terms of views and vistas within the conservation area, the proposal will have no effect on the southward vista towards The Gables, formerly The Old Rectory (Figure 8). There may be very slight changes in views in Pipe Lane and in the road known as The Green (Figures 6 and 9), but these will partly depend on future hedge management on the two roadside boundaries. There is no particular reason to suppose that there will be any material impact on views, since the hedges provide privacy.
- 4.6** There will be no material impact on the unlisted important historic buildings nearest the application site (i.e. the Gables, formerly The Old Rectory, and the Former Schoolmaster's House – see 5 and 6 on Figures 2 and 3).
- 4.7** Insofar as the application proposal will change a piece of waste land into a residential garden, it will have a positive effect on the key spaces within the conservation area, making it more consistent with the prevailing character. In other respects, the contribution of the built form will be neutral. There will be no harm to the character or appearance of the conservation area.

Summary of effects

- 4.8** The proposed development will bring about a small change within the settings of the three listed buildings within Orton-on-the-Hill Conservation Area and a small change within the conservation area itself. No key views, vistas, silhouettes, skylines or landmarks will be affected. A piece of waste land will be transformed into a garden, closer in character to the vast majority of the open space within the conservation area. There will be no harm to the significance of any heritage assets. Paragraphs 207 and 208 of the NPPF will not be engaged, and the effect will fall off the bottom of the scale in Appendix 1. 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 Act.

5. Conclusions

- 5.1** Orton-on-the-Hill Conservation Area is a place of special architectural and historic interest containing a number of important listed buildings, notably the Church of St Edith. Most of the residential gardens have been identified as key space, and a number of important vistas and views contribute to the significance of the area.
- 5.2** The three listed buildings (Church of St Edith, Church Farmhouse and Lower Farm) are of special architectural, archaeological and historic interest. The two former farmhouses are examples of vernacular buildings that provide us with a physical connection to people who lived in the village in a remote time in the past, and the church is of special artistic interest. It is a focal point for the community.
- 5.3** 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.
- 5.4** The proposal involves the construction of a new dwelling and a detached garage on land at the corner of The Green and Pipe Lane.
- 5.5** The proposed development will bring about a small change within the settings of the three listed buildings within Orton-on-the-Hill Conservation Area and a small change within the conservation area itself. No key views, vistas, silhouettes, skylines or landmarks will be affected. A piece of waste land will be transformed into a garden, closer in character to the vast majority of the open space within the conservation area. There will be no harm to the significance of any heritage assets.

Appendix 1

Scale of Harm

Scale of Harm	
Total Loss	Total removal of the significance of the designated heritage asset.
Substantial Harm	Serious harm that would drain away or vitiate the significance of the designated heritage asset
Less than Substantial Harm	High level harm that could be serious, but not so serious as to vitiate or drain away the significance of the designated heritage asset.
	Medium level harm, not necessarily serious to the significance of the designated heritage asset, but enough to be described as significant, noticeable, or material.
	Low level harm that does not seriously affect the significance of the designated heritage asset.

HCUK, 2019

Appendix 2

GPA3 Assessment

In assessing the effect of the proposed development on the setting and significance of listed buildings it is relevant to consider how the following factors may or may not take effect, with particular reference to the considerations in Steps 2 and 3 of GPA3. The following analysis seeks to highlight the main relevant considerations.

Relevant Considerations

<i>Proximity of the development to the asset</i>	The proposed development is separated from the Church of St Edith and Church Farmhouse by the grounds of The Gables, formerly The Old Rectory. It is separated from Lower Farm by Pipe Lane and by the Former Schoolmaster's House (identified as an important historic building Figure 2).
<i>Proximity in relation to topography and watercourses</i>	There are no significant watercourses to consider, and the topography rises towards the church in the northern part of the conservation area.
<i>Position of development in relation to key views</i>	No key views of any of the listed buildings will be affected by the proposed development.
<i>Orientation of the development</i>	The proposed dwelling is arranged with its long axis parallel to Pipe Lane (i.e. with its gabled end facing towards the road known as The Green).
<i>Prominence, dominance and conspicuousness</i>	The proposed development will not be prominent, dominant or conspicuous in relation to any heritage asset.
<i>Competition with or distraction from the asset</i>	The proposed development will not compete with or distract from any heritage assets.
<i>Dimensions, scale, massing, proportions</i>	The dimensions, scale, massing and proportions of the proposed development have been designed so as to minimise the effect on heritage assets.
<i>Visual permeability</i>	The proposed development will not be visually permeable, but it will retain the vast majority of the key open space within the application site.

<i>Materials and design</i>	Materials and design are for later consideration, but a low-key traditional approach has been adopted.
<i>Diurnal or seasonal change</i>	No issues are anticipated in respect of diurnal or seasonal change.
<i>Change to built surroundings and spaces</i>	The built surroundings and spaces around the listed buildings will not be appreciably changed.
<i>Change to skyline, silhouette</i>	There will be no changes to important skylines or silhouettes.
<i>Change to general character</i>	There will be no change to the general character of the surroundings of the listed buildings.

Appendix 3

List descriptions

Church of St Edith

Parish church. Early C14 with later alterations and additions. Ashlar, with lead covered roofs of low pitch. West tower, 4-bay nave with south aisle and porch, 2-bay chancel. 3 stage west tower with diagonal buttresses and crenellated with moulded coping stones to merlons and embrasures. Recessed spire rebuilt in 1797 and partly taken down in 1950: Octagonal with 2 tiers of lucarnes. Square-headed west door and lancet window above with trefoiled head; the second stage has a square-headed loop to each side and the belfry openings have Y-tracery with trefoil-headed lights. The south aisle has buttresses at the bay divisions and angle buttresses to each end, a plain parapet with moulded coping and string course and a C19 gabled porch with pointed arch opening. Inside the porch is a C14 doorway with 2 orders of colonettes and much weathered foliated capitals; the inner roll moulding of the arch is keeled and the outer filleted, and there is an ogee-shaped hood mould terminating in heads (c.f. north door of Church of All Saints, Ratcliffe Culey, Witherley C.P.). The westernmost of the windows is of 2 lights and has reticulated tracery beneath a square head, and a wave-moulded surround. In the north wall is a similar but taller window with truncated tracery. The other two south windows are pointed, each having 2 cinquefoil-headed lights with Decorated tracery, wave-moulded surrounds and returned hood moulds. In the east wall of the aisle is a tall C16 window with 3 trefoil-headed lights beneath a segmental pointed arch with returned hood. A clerestorey was raised in the C15; it has square-headed windows of 2 trefoiled, ogee-headed lights on the north side, and simple 2-light mullioned windows on the south side. The north aisle, except for the east bay, was demolished in the mid-C18 and this side of the nave refaced and windows inserted with segmental pointed heads and Y-tracery. The east bay was rendered and given round-headed windows to the east and west; a window in the north wall of 2 pointed lights was blocked. To the west of this window, at roof level, is a figure carved drainage spout. Chancel: C15/C16 east window with 3 tiers of 4 cinquefoil-headed lights and nominal Perpendicular tracery beneath a depressed 4-centred arch and concave quarter-round moulded surround. The side windows are mainly C14, the eastern ones each having 2 trefoiled ogee-headed lights and a single reticulation beneath a 2-centred arch. Both western

windows have square heads; the northern one is C14, the southern one C15/C16. Interior: 4-bay south arcade with double chamfered pointed arches and continuous hood mould on octagonal columns with moulded capitals. Similar north arcade, now blocked, except the easternmost bay which contains the tomb of the Perkins family, the former occupants of Orton Hall (demolished). Pointed and double chamfered tower arch springing directly from the side walls. Wide and lofty double chamfered chancel arch on engaged semi-octagonal columns with moulded capitals. C15/C16 nave roof on undecorated cambered tie beams; the steeply pitched C14 roof line is visible high up on the west wall; immediately below it is a pair of moulded corbels which supported some part of the former roof structure. The aisle has a ceiling carried on chamfered tie beams. C19 low pitched chancel roof with braced tie beams, the braces springing from corbels. Fixtures and fittings: Full set of C18 box pews in the nave incorporating a pulpit with a canopy; there is a second C18 pulpit at the east end of the nave. In the south aisle is a baluster-font inscribed 'S.S. PERKINS ESQ. 1764' and along the south wall is a stone bench, formed partly of a coffin lid carved with a cross and chalice. On the south side of the south arcade wall paintings have been revealed by the removal of some of the limewash; scrolls and chevron patterns. Towards the east end of the aisle is a tomb recess with segmental pointed arch and roll and fillet-moulded surround, and next to it a trefoiled ogee-headed piscina indicating that there was a chapel here, probably a chantry. Between this chapel and the chancel there is a squint, and in the chancel itself an ogee-headed piscina. Monuments: Plain tombstone in the south aisle with a carving at the head end of a man on a horse, and on the foot end of a cross. Next to it is an early C16 incised slab depicting a man and a woman with children below. The eastern bay of the north aisle contains the C14 recumbant effigy of a Cistercian Abbot beneath a crocketed ogee canopy. Tablets around the walls include one to Samuel Steele, died 1731, the inscription flanked by curtains and surmounted at the corners by urns spouting flame and in the centre by a trumpeting angel and a representation of the Holy Spirit. B.O.E. p.342.

Church Farmhouse, 8 The Green

Farmhouse, now house. C15/C16, the outer walls rebuilt in the C18/C19. Timber framed core of cruck construction with outer walls of red brick; thatched roof and brick ridge stack. 2-bay baffle-entry plan extended to each end. One storey and attic. 3 window front; segment-headed ground floor casements, and attic casements with

eaves line of thatch arched over them. C19 half-glazed door to the right with a C20 thatched porch and a fire window to the left of it. C19 single-bay brick extension to the left with plain tile roof, and C20 single-bay extension to the right with thatched roof. Interior: 3 full cruck trusses defining two bays of the house. Spine beams with wide chamfers and large open fireplaces with similar mantel beams.

Lower Farm, 9 Pipe Lane

Farmhouse, now house. C17 with later alterations and additions. Timber framed on stone plinth with painted brick infill panels and painted brick additions; plain tile roof and painted brick ridge stacks in centre and to right. Original building to the left; 2-bay end entry plan. 2 storeys now but the roof was raised in the C19: 2 tiers of rectangular panels and one surviving brace. Irregular fenestration; casements; one to first floor left and one to ground floor left and right of centre. Door to right. C19 extension to the right with 2 ground floor casements to left and centre and first floor casement to right. C20 door to right. Interior: Cross-frames survive including roof trusses; more exposed framing in rear wall.

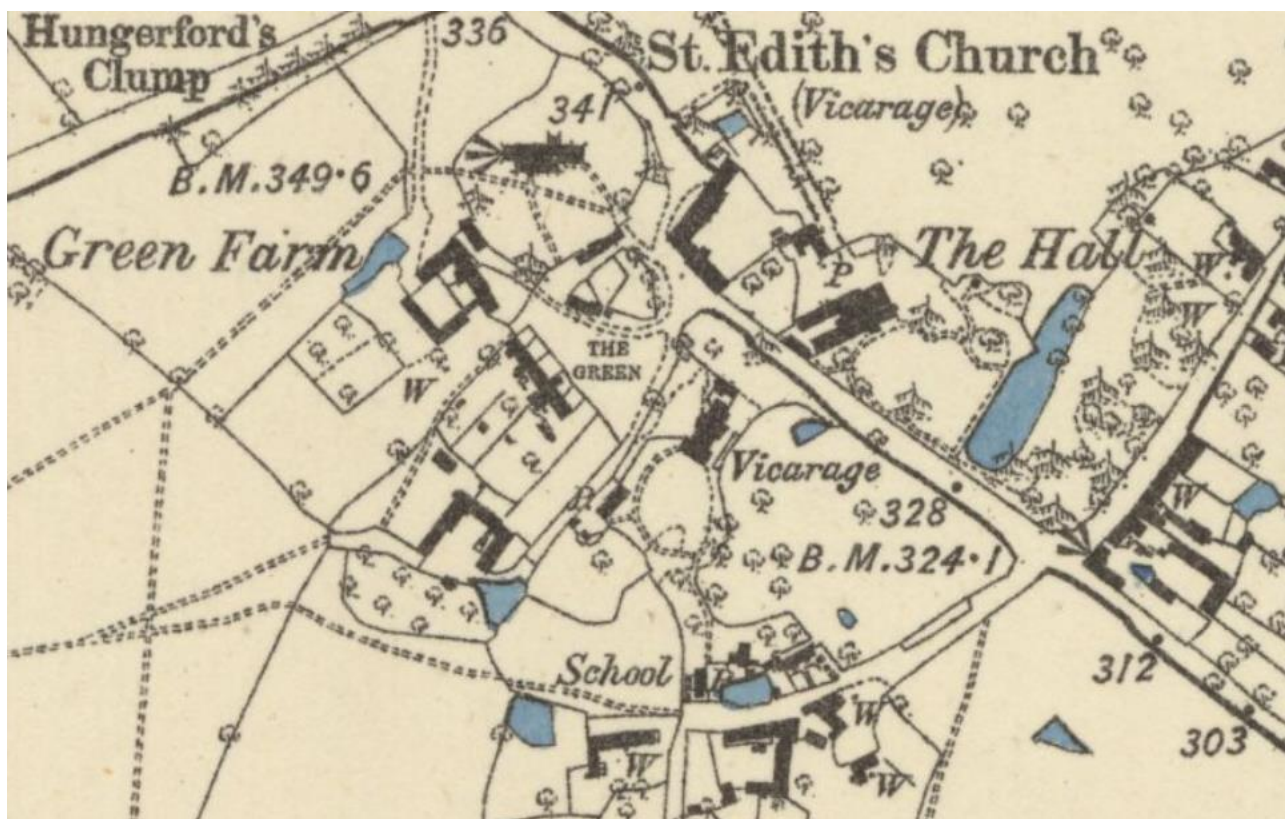


Figure 1 - Extract from the O.S. map of 1885, surveyed 1884 to 1885.



Figure 2 – The council's appraisal of Orton on the Hill Conservation Area, with keys below.

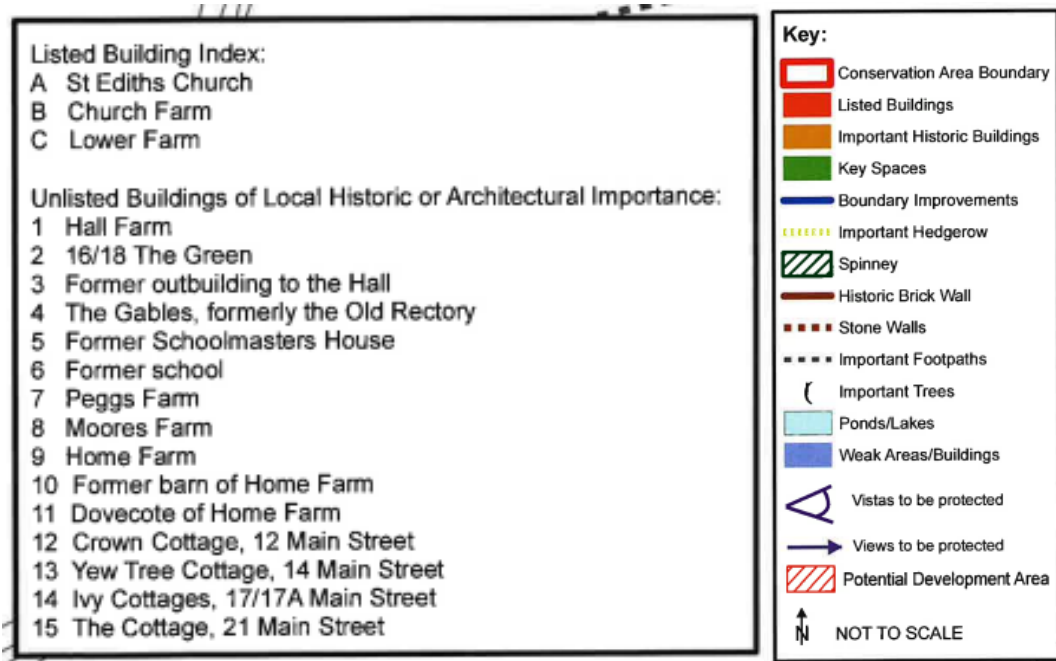




Figure 3 – Enlargement of the council's conservation area appraisal.



Figure 4 – The Church of St Edith from the south-west.



Figure 5 – The Church of St Edith from The Green. The houses in the foreground are numbers 4 and 6 The Green.



Figure 6 - Looking towards the Church of St Edith (which cannot be seen because of the foliage) from The Green.



Figure 7 – Looking towards the Church of St Edith from the south-west. This view is taken from the public footpath that extends westwards from Pipe Lane, near the edge of the conservation area. The tip of the spire is just visible.



Figure 8 - The Gables, formerly The Old Rectory, seen looking south from The Green.



Figure 9 – Looking north-east in Pipe Lane, towards the crossroads.



Figure 10 - Looking south-east across the application site.



Figure 11 – Looking north-west from the application site, towards the grounds of The Gables, formerly The Old Rectory, which are beyond the hedge.



Figure 12 – Two computer generated images of the proposed development.



Appendix 7. Hinckley & Bosworth Borough Council Latest Self-Build and Custom Housebuilding
Monitoring Position Oct 2025

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The Self-build and Custom Housebuilding Act 2015

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In this section

- 1 [Overview of the Self-Build and Custom Housebuilding Register](#)
- 2 [Headline register demand data](#)
- 3 [Applications for the carrying out of self-build and custom housebuilding](#)
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Latest self-build and custom housebuilding monitoring position

The council aim to update this monitoring summary on a quarterly basis.

Any rows with reference to self-build and custom housebuilding permissions will remain as 'not applicable' until monitoring is completed after the end of each base period.

There are currently ten base periods since the register began:

1. April 2016 - 30 Oct 2016

- Individuals on the Register: zero
- Groups on the Register: zero
- Number to permit by end of base period: not applicable
- Cumulative need by end of each base period: not applicable
- Self/custom builds granted: zero
- Cumulative permissions granted: zero

2. 31 Oct 2016 - 30 Oct 2017

- Individuals on the Register: one
- Groups on the Register: zero
- Number to permit by end of base period: not applicable
- Cumulative need by end of each base period: not applicable
- Self/custom builds granted: zero
- Cumulative permissions granted: zero

3. 31 Oct 2017 - 30 Oct 2018

- Individuals on the Register: zero
- Groups on the Register: zero
- Number to permit by end of base period: not applicable
- Cumulative need by end of each base period: not applicable
- Self/custom builds granted: zero

- Cumulative permissions granted: zero

4. 31 Oct 2018 - 30 Oct 2019

- Individuals on the Register: one
- Groups on the Register: zero
- Number to permit by end of base period: zero
- Cumulative need by end of each base period: zero
- Self/custom builds granted: five (19/00657/REM, 18/00903/FUL, 18/01168/OUT, 18/00974/FUL and 18/01273/FUL)
- Cumulative permissions granted: five
- Cumulative permissions granted minus need at the end of base period: surplus of five

5. 31 Oct 2019 - 30 Oct 2020

- Individuals on the Register: one
- Groups on the Register: zero
- Number to permit by end of base period: one
- Cumulative need by end of each base period: one
- Self/custom builds granted: one (19/01359/FUL)
- Cumulative permissions granted: six
- Cumulative permissions granted minus need at the end of base period: surplus of five

6. 31 Oct 2020 - 30 Oct 2021

- Individuals on the Register: 16
- Groups on the Register: zero

- Number to permit by end of base period: zero
- Cumulative need by end of each base period: one
- Self/custom builds granted: zero
- Cumulative permissions granted: six
- Cumulative permissions granted minus need at the end of base period: surplus of five

7. 31 Oct 2021 - 30 Oct 2022

- Individuals on the Register: 15
- Groups on the Register: zero
- Number to permit by end of base period: one
- Cumulative need by end of each base period: two
- Self/custom builds granted: three (21/00887/FUL and 21/00661/FUL)
- Cumulative permissions granted: nine
- Cumulative permissions granted minus need at the end of base period: surplus of seven

8. 31 Oct 2022 - 30 Oct 2023

- Individuals on the Register: 10
- Groups on the Register: zero
- Number to permit by end of base period: one
- Cumulative need by end of each base period: three
- Self/custom builds granted: three (22/01102/FUL, 23/00327/FUL and 23/00630/OUT)
- Cumulative permissions granted: 12

- Cumulative permissions granted minus need at the end of base period: surplus of nine

9. 31 Oct 2023 - 30 Oct 2024

- Individuals on the Register: six
- Groups on the Register: zero
- Number to permit by the end of base period: 16
- Cumulative need by end of each base period: 19
- Self/custom builds granted: two (23/01065/FUL and 24/00454/OUT)
- Cumulative permissions granted: 14
- Cumulative permissions granted minus need at the end of base period: shortfall of five

10. 31 Oct 2024 - 30 Oct 2025 (ongoing)

- Individuals on the Register: one
- Groups on the Register: zero
- Number to permit by the end of base period: 15
- Cumulative need by the end of each base period: 34
- Self/custom builds granted: not applicable yet
- Cumulative permissions granted: not applicable yet
- Cumulative permissions granted minus need at the end of base period: not applicable yet

Last updated: 14/02/2025 11:20

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Previous

Applications for the carrying out of self-build
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Appendix 8. 24/00284/OUT Conservation Consultation Response

Conservation Officer (Mr Paul Grundy) comments for: 24/00284/OUT

**Proposal: Outline planning application for the erection of one self build/
custom build dwelling (some matters reserved except for access)**

Address: Land on Corner of Pipe Lane and The Green, Orton on the Hill

Date Submitted: 21/06/2024

Site context and significance

The application site consists of a nearly rectangular shaped grass paddock on the corner of Pipe Lane and The Green. It is defined by mature hedgerows along the north-eastern and south-eastern boundaries to Pipe Lane and The Green, domestic style fencing and hedgerows along the south-western boundary to the adjacent property 4 Pipe Lane, and a recently constructed driveway (to access two new build dwellings to the west of 4 Pipe Lane) bound with low level hedging and a field gate along the north-western boundary. The topography of the site slopes gently down from the north-western corner of the site towards the south-eastern corner.

The application site historically formed part of the wider grounds of the Vicarage, which is located to the north-west along The Green and close to the cluster of properties around the village green and the grade I listed building The Church of St Edith. The application site is located within the Orton on the Hill Conservation Area, which is an area of special historic and architectural interest, the character and appearance of which it is desirable to preserve and enhance. The Orton on the Hill Conservation Area Appraisal (OHCAA) (2009) and associated documents identify the characteristics of the area which contribute to its special interest, and extracts from the OHCAA relevant to this development proposal are identified below.

The village is divided into two distinct areas, each with its own character. The older part of the village 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. The application site is one such green space between buildings and is bound by such mature hedges.

To the south-east of the church, in an arc with the former Hall as its focus, are the principal village farms. These included Home Farm, Lower Farm, Peggs Farm, Shaw Farm and Church Farm. In recent times, following the loss of the Hall, the spaces between farms, particularly along Main Street, have been infilled with new dwellings to the detriment of the traditional character of the settlement. Generally along Pipe Lane and around the village green, the dispersed nature of the farms has been retained, and the photographic record that accompanies the OHCAA identifies that in the vicinity the Green, buildings tend to be dispersed being sited in large gardens or adjacent large tracts of open land. Recognising the erosion of the conservation area's significance that has arisen as a result of this inappropriate historical infill development (which includes 4 Pipe Lane, this also being a building of poor visual quality), the OHCAA seeks to avoid a similar fate elsewhere in the village by identifying that it is important to the character of the conservation area that the large green spaces between these groups of buildings are retained. The OHCAA photographic record recognises that the large paddock that fronts The Green (this being the application site) is important in visual terms.

The OHCAA map and accompanying Management Plan identifies an important view looking (north-west) along The Green (and along the boundary of the application site) towards the parish church where its southern elevation is visible. This view emphasises the village's rural character and allows for an appreciation of the significance of the church from its wider rural setting and context. The Management Plan recognises the potential negative impact of new development fronting the road in this part of the conservation area, with it potentially being visually prominent and creating gaps in the hedgerow.

Taking into account the above characteristics the OCHAA map identifies the application site as a key space, bound by important hedgerows along The Green and Pipe Lane, and with an important mature tree (due to its amenity value) within its north-western corner. It is considered that these components of the site make a positive contribution to the character and appearance and thus significance of the conservation area, and the site plays an essential role in preserving the verdant, open and rural character of the village.

Relevant Acts, National and Local Policies and Guidance

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 Act places a general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 16 of the National Planning Policy Framework (NPPF) (2023) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 203 of the NPPF and:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 205-208 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.

Paragraph 212 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough

Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. 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
- d) Any impact on archaeology in line with Policy DM13

All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that development proposals should ensure the significance of a conservation area is preserved and enhanced, and that 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.

The Orton on the Hill Conservation Area Appraisal provides guidance on maintaining the distinctive character and appearance of the conservation area, stating that it will be necessary to (extracts relevant to the proposal listed only):

- Ensure new development contributes positively to the character or appearance of the conservation area in terms of siting, scale, design and materials used.
- Resist development proposals in key areas, which have been identified on the map
- Ensure important views of the church and out into the countryside are protected.

The proposal

The proposal is for the erection of a detached dwelling within the application site. The only matter sought for determination is access. However, details on the reserved matters of appearance, landscaping, layout and scale have been provided upon an indicative proposed site plan and within the applicant's design and access statement (including visuals), so my assessment on these matters is based on such details.

Access to the site would be from a field gate upon the existing and recently constructed driveway off The Green which runs along the north-western boundary of the site.

The indicative site plan suggests the dwelling would be sited centrally within the paddock. It would be orientated south-west to north-east on a similar building line to the adjacent bungalow at 4 Pipe Lane. A hard surfaced forecourt with double garage would front the proposed dwelling. The visual impressions contained within the design and access statement indicate the dwelling would consist of two long linear ranges, both slightly offset from each other, with the northern range being two storeys in scale and the southern range being single storey. The design concept is one of two ranges of converted farm buildings, constructed of locally prevalent materials such as red brick and clay tile.

The indicative site plan demonstrates that the important tree within the north-western corner of the site would be unaffected and the mature boundary hedgerows along Pipe Lane and The Green retained.

The impact of the proposal

The erection of a dwelling within the application site would result in the domestication and development of a verdant, open and largely rural open space within the conservation area. The development of the site would be spatially inconsistent and contrary to the existing arrangement of built form and open spaces within the settlement, introducing an infill of built form into the corner of Pipe Lane and The Green and continuing the detrimental effect upon the character of the area of other such other infill developments. Therefore, irrespective of any design concept, scale and appearance of the proposed dwelling, any development within the application site will have an adverse impact upon the character and appearance of the conservation area.

Whilst the important mature boundary hedgerows along Pipe Lane and The Green would be retained (although this matter may be out of the applicant's control given that they appear to be outside of the defined red edge of the site), due the sloping site levels and seasonal screening effect of any such vegetation, it is most likely that built form within the application site would be visible when positioned around the edges of the site. This would include the important view looking north-west along The Green towards The Church of St Edith, where currently the only built form evident in the view is the southern elevation of the church. The introduction of modern built form on the site within this view would have a detracting effect upon the experience of the observer, diminishing the appreciation of the significance of the church which can currently be appreciated inhibited by development from its wider rural setting and context.

The indicative converted farm building design concept for the proposed dwelling loosely results in the appearance of a simple vernacular building, this being one of the general categories of building style identified within the OHCAA. The scale of the northern range is two storeys in height, similar to a converted threshing barn or similar, with the southern range being single storey. The 'double pile' arrangement of two linear ranges is a convoluted and wholly uncharacteristic arrangement, with no precedent or similar arrangement of built form on any existing or former farms within the settlement. This would result in a considerable mass of development, exacerbated by the width of each range along the south-west to north-east alignment. The resulting appearance of the development would be clearly of a modern dwelling rather than the conversion of traditional vernacular farm buildings. Due to the two storey range being set within the northern section of the site, where site levels are highest, the visibility of the uncharacteristic arrangement and mass of the proposed dwelling would be exacerbated.

In summary the proposal would give rise to a similar effect as inappropriate historical infill developments elsewhere in the Orton on the Hill Conservation Area, resulting in both a spatial and visual erosion of the verdant and open nature of a designated key space within the conservation area, with associated implications for the integrity of a key view within the conservation area, diminishing the contribution this view makes in allowing for the observer to appreciate the character of the area and the significance of the Church of St Edith. The proposal would therefore have an adverse impact upon the character and appearance of the Orton on the Hill Conservation Area and an appreciation of the special interest of the grade I listed building the Church of St Edith, causing harm to both of these designated heritage assets. The level of harm to

both is considered to be less than substantial (in terms of the NPPF). Given the quantum of detrimental effects the adverse impact upon the conservation area is considered to be between the middle and higher end of this spectrum of harm. Given that the effect of the proposal results in an adverse change to the setting of the church, rather than a direct impact, it is considered that the adverse impact upon the church is at the lower end of less than substantial harm.

Harm vs benefits assessment and summary

As currently proposed the harm caused to the Orton on the Hill Conservation Area and grade I listed building The Church of St Edith must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP DPD and paragraphs 205, 206 and 208 of the National Planning Policy Framework.

Paragraph 205 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset. Grade I listed buildings are recognised in the NPPF as being assets of the highest significance.

Paragraph 206 of the NPPF states that any harm to the significance of any designated heritage asset should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP DPD. No justification has been provided by the applicant for the harm caused by the proposal as the applicant's heritage statement reaches a differing conclusion on the impacts of the proposal upon affected heritage assets.

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 as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), 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

In my opinion the proposal can demonstrate no heritage benefits, with as per the impact assessment above, the indicative layout, scale and appearance of the proposed dwelling neither sustaining or enhancing the significance of the Orton on the Hill Conservation Area or the grade I listed building The Church of St Edith. Non-heritage benefits demonstrated by the proposed development would include the provision of a single additional dwelling towards the future housing supply of the borough, some short-term employment offered by the construction of the dwelling and the potential use of local services by future occupants of the dwelling. This list is not necessarily exhaustive and further social, economic and environment benefits may also be identified. The weight afforded to the level of non-heritage public benefits arising from the proposal should be determined by the decision-taker.

If the level of public benefits is insufficient to outweigh the harm caused to the conservation area and the grade I listed building The Church of St Edith the proposal would fail to comply with paragraph 208 of the NPPF and Policy DM11 of the SADMP. In completing this balancing exercise great weight must be given to the

conservation of the heritage assets as required by paragraph 205 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The ultimate conclusion of the balancing exercise, however, lies within the decision-taker.

In addition should the application of paragraph 11d of the NPPF be relevant for decision taking then it should be recognised that the conservation area and listed building are designated heritage assets of particular importance (as referenced in footnote 7).

Appendix 9. Site Allocations and Development Management Policies DPD 2016
(DM10,DM11,DM12)

DM10 Development and Design

Developments will be permitted providing that the following requirements are met:

- a) 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, air quality (including odour), noise, vibration and visual intrusion;
- b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
- c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
- d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;
- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;
- i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

In exceptional circumstances where outstanding, innovative design is demonstrated (particularly where high levels of sustainability are an integral feature), applications will be considered favourably, even where this may result in some limited conflict with the above criteria.

DM11

Protecting and Enhancing the Historic Environment

The Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.

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.

Relevant Core Strategy Spatial Objectives

Spatial Objective 9: Identity, Distinctiveness and Quality of Design

Spatial Objective 10: Natural Environment and Cultural Assets

Spatial Objective 11: Built Environment and Townscape Character

Local Plan (2001) policies to be replaced

BE3: Demolition of a Listed Building

BE4: Alteration to a Listed Building

BE5: The Setting of a Listed Building

BE6: Change of Use of a Listed Building

BE7: Development in a Conservation Area

BE8: Demolition in a Conservation Area

BE9: Shop Fronts in Conservation Areas

BE17: Historic Battlefields

BE12: Scheduled Ancient Monuments

DM12 Heritage Assets

All development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.

All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11: Protecting and Enhancing the Historic Environment and will require justification as set out in this policy.

All development proposals will need to accord with Policy DM10: Development and Design.

Listed Buildings

Proposals for the change of use, extensions and alterations of listed buildings and 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.

Conservation Areas

Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in the Conservation Area Appraisal and Management Plan) including, but not limited to the following:

- a) Appropriate boundary treatments which reflect the local style and materials which are characteristic of the conservation area;
- b) The preservation and enhancement of key views and/or vistas in and out of the Conservation Area;
- c) The replacement of dead or dying important trees and hedgerows with those of the same or similar species;
- d) Reinforce or mirror the historic street pattern and plan form where feasible;
- e) The use of sensitively styled street furniture;
- f) The use of natural building materials, preferably locally sourced; and,
- g) The retention of key spaces within the conservation area.

DM12 (Continued) Heritage Assets

Proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which also lead to the overall enhancement of the conservation area, will be supported and encouraged.

All applications which include the demolition of buildings and means of enclosure within a Conservation Area must propose an adequate replacement which enhances the character and appearance of the conservation area. Conditions will be imposed to ensure demolition does not occur until immediately prior to the redevelopment or remediation.

Historic Landscapes

Proposals affecting historic landscapes, their features or setting should have regard to their significance and be justified in line with Policy DM11.

Development proposals within or adjacent to the historic landscape of Bosworth Battlefield should seek to better reveal the historic significance of the area.

Proposals which adversely affect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied by clear and convincing justification. Such proposals will be assessed against their public benefits.

Particular regard will be had to maintaining topographical features, archaeological remains or to the potential expansion of the Battlefield.

Proposals which seek to enhance the educational or tourism provision associated with the Bosworth Battlefield will be encouraged where they comply with other policies in the Local Plan.

Scheduled Monuments

Proposals which adversely affect a scheduled monument or its setting should be wholly exceptional and accompanied by clear and convincing justification.

Locally Important Heritage Assets

Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11.