



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

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

**THE ERECTION OF ONE DETACHED DWELLING, FORMATION OF ACCESS OFF PIPE LANE
AND ASSOCIATED WORKS**

ON LAND

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

ON BEHALF OF

MRS PAULINE ROSA TAYLOR

COUNCIL REF: 24/00270/FUL

OUR REF: WW/JB/10954

APPELLANT'S STATEMENT OF CASE

APRIL 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 her behalf in respect of an appeal against the refusal of a planning application ref. 24/00270/FUL by Hinckley & Bosworth Borough Council.
- 1.2 A planning application for full planning permission was validated on 21st March 2024. The description of development as set out on the decision notice is as follows:

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

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

Plans

Original Submission (March 2024):

- Site Location and Block Plan (Dwg. 1800-0202-01)
- Proposed Site Plan and Parking Plan (Dwg. 1800-0504-03)
- Proposed Plans and Elevations (Dwg. 1800-0503-04)
- Proposed Visual – New Dwelling (Dwg. n/a)
- Proposed Aerial Visual – New Dwelling (Dwg. n/a)
- Proposed Visual – Street View 2 (Dwg. n/a)
- Tree Constraints Plan Plan (Rev A)

Amended Submission 2 (June 2024):

- Arboricultural Impact Assessment plan

Amended Submission 4 (Aug 2024):

- Proposed Site Plan and Parking Plan (Dwg. 1800-0504-07 Aug 2024)
- Proposed Plans and Elevations (Dwg. 1800-0503-07 Aug 2024)

Amended Submission 5 (Sep 2024):

- Proposed Site Plan and Parking Plan (Dwg. 1800-0504-08 Sep 2024)
- Proposed Plans and Elevations (Dwg. 1800-0503-08 Sep 2024)
- Proposed Visual – Birds Eye View (Dwg. n/a)
- Proposed Visual – Street View 1 (Dwg. n/a)
- Proposed Visual – Street View 2 (Dwg. n/a)
- Illustrative Example – Permeable Paving Grid

Amended Submission 6 (Oct 2024):

- Proposed Site Plan and Parking Plan (Dwg. 1800-0504-09 Oct 2024)
- Proposed Plans and Elevations (Dwg. 1800-0503-08 Oct 2024)
- Proposed Visual – Birds Eye View (Dwg. n/a)
- Proposed Visual – Street View 1 (Dwg. n/a)

- Proposed Visual – Street View 2 (Dwg. n/a)
- Arboricultural Impact Assessment plan (Rev.B)
- Tree Protection Plan (Rev.A)

Reports

Original Submission (March 2024):

- Arboricultural Impact Assessment
- Design and Access Statement
- Heritage Impact Assessment
- Preliminary Ecological Appraisal & Biodiversity Feasibility Study
- Protected Species Assessment Report
- Topographical Survey
- Tree Survey

Amended Submission 1 (May 2024):

- Archaeological Impact Assessment

Amended Submission 2 (June 2024)

- Arboricultural Impact Assessment

Amended Submission 3 (July 2024)

- Archaeological Impact Assessment
- Written Scheme of Investigation (Archaeology)

Amended Submission 6 (Oct 2024)

- Arboricultural Impact Assessment

- 1.4 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**.
- 1.5 The Decision Notice is attached at **Appendix 3**, and the Delegated Report is at **Appendix 4**.
- 1.6 The LPA refused planning permission for the following reasons:

1. *"By reason of the proposals siting, scale, layout, degree of excavation and contrived design, the proposed dwelling results in an incongruous development that has permanent and significant adverse impacts to the rural character of the application site, to the character of the street scene of Pipe Lane, and to the character and significance of the Orton on the Hill Conservation Area. This harm significantly and demonstrably outweighs the potential benefits associated with the provision of one dwelling in these site-specific circumstances. Therefore, the development is contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development*

Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), and Sections 12 and 16 and the overarching ambitions of the National Planning Policy Framework (December 2023).

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

1.7 The Appellant's response to the position of the Local Planning Authority is set out in Section 5 of this Section.

1.8 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 the village of Orton-on-the-Hill to the north of the Pipe Lane. It is surrounded by residential dwellings to the north, east and west. There are further dwellings located to the south of the site on the opposite side of Pipe Lane.
- 2.2 The extends to 0.1 ha (0.25 acres) and comprises a grassed area with timber post and rail fencing along its boundaries. It also contains a large horse chestnut tree in the northern part of the site which is proposed to be retained.
- 2.3 Vehicular access to the site is proposed to be via a created access on the southwest corner of the site, off Pipe Lane.
- 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 Lower Farm is the closest listed building to the appeal site. The setting of the listed building extends throughout Pipe Lane, and includes the appeal site. The appeal site is spatially distinct from the Church of St Edith and Church Farmhouse.
- 2.6 The Site is located in Flood Zone 1 and thus is situated in an area with very low risk of flooding.
- 2.7 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

- 2.8 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 proposal seeks the erection of a 3-bedroom detached dwelling extending to 131.3 sqm (1,413.3 sq ft.). The dwelling is proposed to have an appearance of a traditional 2 storey dwelling with a single storey rear wing.
- 3.2 The development proposal includes the formation of a vehicular access off Pipe Lane to serve the dwelling. The proposed private drive will provide sufficient parking for two vehicles.
- 3.3 The Proposed Site Plan and Parking Plan (Dwg. 1800-0504-09) accompanying this appeal demonstrates how the site can accommodate a dwelling, a driveway, two car parking spaces and a large garden to the rear.
- 3.4 The dwelling will be sited along the frontage to Pipe Lane to reflect the historic pattern of built form on the road and wider village, whilst respecting the outlook and amenity of the neighbouring residential properties.
- 3.5 The dwelling will have a pitched continuous gabled roof to reflect the local character. The windows at first floor level are smaller than those at ground floor, which have brick sills.
- 3.6 The primary material is a red facing brick with a clay tile roof. The windows and doors will be painted timber casement windows.
- 3.7 Existing mature trees and boundary hedges are proposed to be retained, where possible. The boundary treatments will comprise low hedges, a timber fence and brick wall to reinforce the village's rural appearance.
- 3.8 In addition, it can be confirmed that this proposal is not for a self-build/custom build dwelling. The Council, at paragraphs 8.12-8.22 in their Delegated Report, assess the proposal against the definition of a self-build and custom-build development provided within the Self-Build and Custom Housebuilding Act 2015. This is an incorrect assertion of the proposal, therefore this section of the Council's analysis should not be taken into consideration.

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 10**.

- 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

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

The following section sets out the Appellant's case in respect of the Council's reasons for refusal.

RfR1

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

- 5.1 The first part of RfR1 refers to many aspects of the design of the proposed development (i.e. siting, scale, layout, degree of excavation and contrived design), concluding that the proposals result in an incongruous development. The second part of RfR1 refers to the perceived impact of the scheme on the significance of the Orton on the Hill Conservation Area.
- 5.2 When reading the Delegated Report (**Appendix 4**), it is clear that the Planning Officer's assessment is focused on heritage matters, including sub-headings on 'Impact upon the setting of Listed Buildings' and 'Impact upon the Orton on the Hill Conservation Area.' The exception being the sub-heading entitled 'Impact upon the Protected Tree.' However, the Officer concludes that the development will not result in any significant harm to the Horse Chestnut tree.
- 5.3 The Planning Officer in RfR1 is conflating the consideration of the principles of the scheme design with the impact of the development on the character and appearance of the Conservation Area. Indeed, the Conservation Officer in their consultation response dated 06/09/2024 (included at Appendix 8) concludes that the proposed dwelling is considered to be of an appropriate appearance and its proposed materials and detailing are considered to follow traditional characteristics – to such an extent that the Conservation Officer considers the development will result in a minor heritage benefit due to the appearance of the proposed dwelling sustaining the significance of the Conservation Area.
- 5.4 As to the proposed scale, height and excavation, the Conservation Officer similarly concludes:

'Rather than the proposed dwelling sitting at the same height as the highway verge, as there has been amendments proposing the excavation and lowering of the ground floor level, it is now considered that the proposed dwelling would no longer have an overbearing impact upon the street scene or diminish the presence of Lower Farmhouse as the predominant historic building within this section of the conservation area, and thus it would be a neutral presence within the setting of the listed building.'

- 5.5 A “neutral presence” means no harm will be caused on the setting of the Grade II Listed Lower Farm.
- 5.6 The matter for determination under RfR1 is therefore whether or not the proposed development would have an adverse impact upon the character and appearance of the Orton on the Hill Conservation Area and the degree of harm that may be caused.
- 5.7 In the opinion of the Conservation Officer, the development would be a visible presence, introducing a domestic feature along the site frontage that would erode the rural character of the site and conservation area street scene.
- 5.8 Clearly, the conclusions of the Appellant’s Heritage Consultant are different to those of the Planning Authority. Dr Edis is clear in his expert opinion – that this proposal will not cause harm to the significance of the Conservation Area. A copy of the Heritage Impact Assessment that accompanied the application submission is included at **Appendix 7**. The Heritage Consultant’s conclusions on the effect of the proposals on the Orton-on-the-Hill Conservation Area are copied below.

4.5 ‘In terms of views and vistas within the conservation area, the proposal will have very little effect on views in Pipe Lane (Figures 7 and 8). Insofar as there will be an effect, it will be to position a new dwelling along the frontage in a manner that is traditional in situations such as this.

4.6 There will be little change within the surroundings of the unlisted important historic building nearest the application site (i.e. the Former Schoolmaster’s House – see 5 on Figures 2 and 3).

4.7 There will be no loss of key space within the conservation area, as it has been identified in the council’s appraisal (Figures 2 and 3). There will be no harm to the character or appearance of the conservation area.’

- 5.9 It must be acknowledged that the site has been identified in the Council’s Conservation Area Appraisal Map (**Appendix 5**) as a ‘Potential Development Area’. The reasons why the appeal site and its adjoining land, which has since been developed for two houses, are identified in the Appraisal as a ‘Potential Development Area’ are not abundantly clear. However, the Heritage Impact Assessment includes an extract from the O.S. map of 1885 which identifies that, historically, there may have been a dwelling and a number of outbuildings positioned centrally within the appeal site.
- 5.10 In any event, in identifying the appeal site as a ‘Potential Development Area’, the Council has to accept that the character of this part of the Conservation Area and Pipe Lane will change over time as development proposals come forward.

- 5.11 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.
- 5.12 Fundamentally, the proposed development, which is to be sited within the village confines on land surrounded by dwellinghouses on all sides and that has been identified for development the in the Council’s appraisal of the Conservation Area, would reinforce and harmonise with the established character of the locality. The character is defined in the Conservation Area as:

“This [side of the village] is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges.”

- 5.13 The presence of a dwelling on this site, which is to be sensitively designed using architectural detailing and materials that are appropriate to the area, would not be disturbing or otherwise visually discordant.

Conclusion on the Council’s first reason for refusal

- 5.14 It is concluded that there will be no harm to the significance of the designated heritage assets (both to listed buildings and the Orton on the Hill 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.

RfR2

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

- 5.15 The Council’s second reason for refusal of planning permission is formed on the basis that the proposal does not provide a high level of amenity for future occupants of the dwelling, based on the level of visual amenity and light provision in the northern ‘kitchen’ area of the dwelling and the visual amenity for the southeast ‘living area’ of the dwelling.
- 5.16 It is accepted by the Council that all other matters of amenity are sufficiently addressed. All internal rooms meet national space standards; separation distances from neighbouring properties are acceptable; and no significant adverse impacts to neighbouring properties are anticipated as a result of this development.
- 5.17 The contention is the fact that a principal window (patio doors) from the kitchen area faces onto a 4.5m deep patio area that is bordered by a 2.2m high retaining wall. This is not considered by the Planning Officer to provide a high level of visual amenity, nor a sufficient level of light.

- 5.18 The test is whether a development proposal gives rise to any ‘unacceptable adverse impact’ in terms of visual amenity, rather than providing a ‘high level of visual amenity, as per SADM policy DM10.’ In this instance, the “kitchen area” comprises one large kitchen-living-dining room which has windows on three elevations, in addition to patio doors which open out onto a generous patio area.
- 5.19 The Proposed Site Plan (Dwg. 1800-0504-09) includes dimensions which indicate the retaining wall would be c. 4.5 metres away from the patio doors. In our submission, it would be entirely possible for occupants to be able to see over the top of the retaining wall from inside the house, by reason of this separation distance. This is demonstrated by the Proposed West Elevation on Dwg 1800-0503-08 (**Appendix 1**).
- 5.20 In any event, whilst a retaining wall is proposed opposite the patio doors, the wall is not completely parallel with the doors. Hence, it will not be the only feature that is visible from the living areas. The wall curves away southwest from the dwelling, enabling the view from the kitchen to extend down the entire length of the access driveway, landscaping and to the public highway in the far southwest corner of the site. This is demonstrated by the visuals found at **Appendix 9**. ‘Street View 1’ clearly shows that from Pipe Lane, the patio doors on the western elevation of the kitchen are visible.
- 5.21 Therefore, as a matter of fact, the occupant’s view from the patio doors to the kitchen-living-dining room will not be limited to only a retaining wall. Furthermore, the outlook from the patio doors would overlook a large private courtyard terrace, which would add interest.
- 5.22 It is important to recognise that there are in fact three windows which serve the kitchen-living-dining room, in addition to the patio doors. Views from two of the windows overlook vegetation at the edges of the appeal site, however it is not accepted that views of vegetation equate to a poor outlook and thus would be detrimental to residential amenity.
- 5.23 With regards to light provision; not only is the kitchen served by the aforementioned patio doors and windows, but there are also three skylights which serve this single storey wing to the proposed dwelling. Combined, these design features provide more than sufficient levels of natural light.

Conclusion on the Council’s second reason for refusal

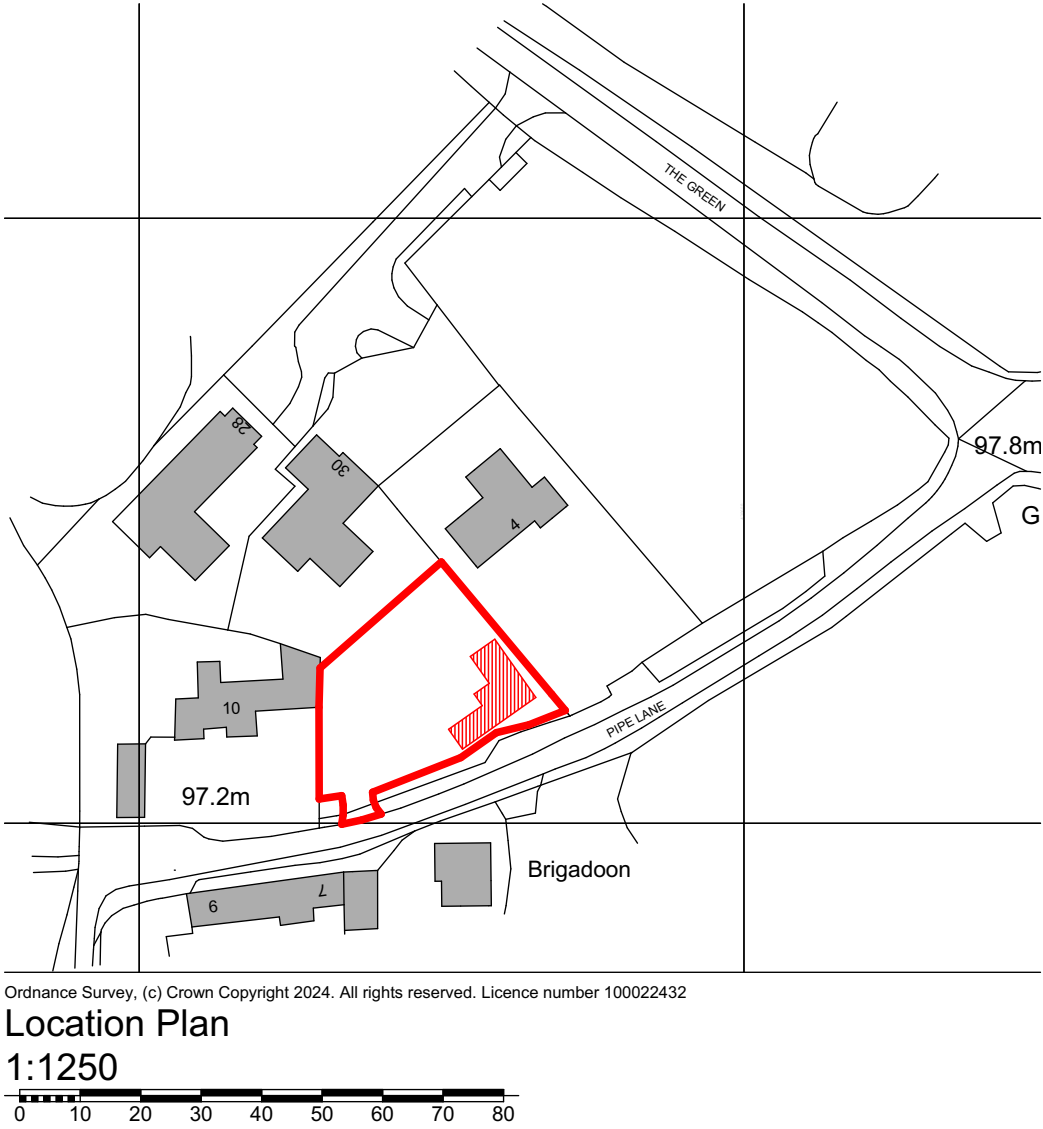
- 5.24 It is hence concluded that the windows and patio doors serving the kitchen-living-dining room afford a good level of outlook and natural light, providing satisfactory living conditions for the future occupants of the dwelling. The proposal is therefore compliant with Policy DM10 of the SADM.

6.0 CONCLUSION

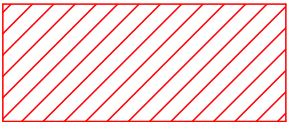
- 6.1 Two reasons for refusal are raised in the decision notice in relation to the development proposed. It has been demonstrated that the proposed development will contribute to sustainable development. In the planning balance, there are no adverse impacts that would significantly and demonstrably outweigh 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



Proposed Development



Disclaimer:

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Checked by:

EW

Revisions:

Change Name	Transmittal Set Name	Transmittal Set Date
		04/03/2024

RevID	Transmittal Set Name	Transmitted By
01	Planning 02	MarkBranch
ArchCAD		

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 B

Date:

04/03/2024

Purpose of Issue:

Survey

Drawn by: Scale: Size:

MLB 1:500, 1:1250 A3

Drawing No: Rev:

1800-0202-01



Survey

Appendix 2. Schedule of Documents

Against the Refusal of Hinckley & Bosworth Borough Council to grant Planning Permission for a Full Planning Application for the erection of one detached dwelling, formation of access off Pipe Lane and associated works, at land north of Pipe Lane, Orton-On-The-Hill.

Schedule of Information
Documents Submitted with the Planning Application
Application Form
Arboricultural Assessment
Design and Access Statement
Heritage Impact Assessment
Planning Statement
Protected Species Assessment Report
Preliminary Ecological Appraisal and Biodiversity Feasibility Study
Tree Survey
Topographical Survey
Plans
Site Location and Block Plan (Dwg. 1800-0202-01)
Proposed Site Plan and Parking Plan (Dwg. 1800-0504-03)
Proposed Plans and Elevations (Dwg. 1800-0503-04)
Proposed Visual – New Dwelling (Dwg. n/a)
Proposed Aerial Visual – New Dwelling (Dwg. n/a)
Proposed Visual – Street View 2 (Dwg. n/a)
Tree Constraints Plan Plan (Rev A)
Documents Submitted During the Planning Application Process
Amended Submission 1 (May 2024)
Archaeological Impact Assessment
Amended Submission 2 (June 2024)
Arboricultural Impact Assessment
Arboricultural Impact Assessment plan
Amended Submission 3 (July 2024)
Archaeological Impact Assessment
Written Scheme of Investigation (Archaeology)
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Proposed Visual – Street View 1 (Dwg. n/a)
Proposed Visual – Street View 2 (Dwg. n/a)
Illustrative Example – Permeable Paving Grid
Amended Submission 6 (Oct 2024)
Arboricultural Impact Assessment
Proposed Site Plan and Parking Plan (Dwg. 1800-0504-09 Oct 2024)
Proposed Plans and Elevations (Dwg. 1800-0503-08 Oct 2024)
Proposed Visual – Birds Eye View (Dwg. n/a)
Proposed Visual – Street View 1 (Dwg. n/a)
Proposed Visual – Street View 2 (Dwg. n/a)
Arboricultural Impact Assessment plan (Rev.B)

Tree Protection Plan (Rev.A)
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 - 24/00270/FUL Decision Notice
Appendix 4 - 24/00270/FUL Delegated Report
Appendix 5 - Orton on the Hill Conservation Area Map
Appendix 6 – Orton on the Hill Conservation Area Appraisal
Appendix 7 – 24/00270/FUL Heritage Impact Assessment
Appendix 8 – 24/00284/OUT Conservation Consultation Response
Appendix 9 - Site Visuals
Appendix 10. Site Allocations and Development Management Policies DPD 2016 (DM10,DM11,DM12)

Appendix 3. 24/002870/FUL 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

21 March 2024

Application No.

24/00270/FUL

Particulars and location of development:

Erection of detached dwelling, formation of access from Pipe Lane and associated works.

Land North Of 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. By reason of the proposals siting, scale, layout, degree of excavation and contrived design, the proposed dwelling results in an incongruous development that has permanent and significant adverse impacts to the rural character of the application site, to the character of the street scene of Pipe Lane, and to the character and significance of the Orton on the Hill Conservation Area. This harm significantly and demonstrably outweighs the potential benefits associated with the provision of one dwelling in these site-specific circumstances. Therefore, the development is contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), and Sections 12 and 16 and the overarching ambitions of the National Planning Policy Framework (December 2023).
2. The proposal fails to provide a high level of amenity for the future occupants of the scheme and therefore causes harm to the residential amenity of the future occupants of the scheme, which is contrary to, and in conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (December 2023), and the Good Design Guide (2020).

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

NOTES TO APPLICANT :-

1. The application has been determined in accordance with the following submitted details:

- Arboricultural Assessment (October '24) (submitted: 09.10.2024)
- Arboricultural Impact Assessment Plan (Rev B) (submitted: 09.10.2024)
- Archaeological Impact Assessment R16259 (submitted: 07.06.2024)
- Application Form (submitted: 22.03.2024)
- CIL (submitted: 22.03.2024)
- Design and Access Statement (submitted: 22.03.2024)
- Heritage Impact Assessment (submitted: 22.03.2024)
- Illustrative Example of Permeable Paving (submitted: 23.09.2024)
- Preliminary Ecological Appraisal & Biodiversity Feasibility Study (submitted: 22.03.2024)
- Proposed Plan and Elevations 0503-08 (submitted: 09.10.2024)
- Proposed Site Plan & Parking Plan 0504-09 (submitted: 09.10.2024)
- Protected Species Assessment Report (submitted: 22.03.2024)
- Signed Self and Custom Build Evidence Form (submitted: 06.06.2024)
- Site Location Plan 0202 (submitted: 22.03.2024)
- Topographical Survey (submitted: 22.03.2024)
- Tree Protection Plan (Rev A) (submitted: 09.10.2024)
- Written Scheme of Investigation (submitted: 07.06.2024)
- 3D Birds Eye Visual (submitted: 09.10.2024)
- 3D Visual Street View (submitted: 09.10.2024)
- 3D Visual Street View 2 (submitted: 09.10.2024)



Christopher Brown MRTPI
Head of Planning

Date: 01 November 2024

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. 24/00270/FUL Delegated Report

Delegated Report

Planning Ref: 24/00270/FUL
Applicant: Mrs Pauline Rosa Taylor
Ward: Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land North Of Pipe Lane Orton On The Hill

Proposal: Erection of detached dwelling, formation of access from Pipe Lane and associated works.

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a new detached, three-bedroom dwelling and associated access at land north of Pipe Lane, Orton on the Hill.
- 2.2. The scheme creates a new access on to Pipe Lane from the southwest corner of the site. To facilitate the new access and the new development, the site is excavated to a depth between 0.8m and 2.2m, which results in the removal of a section of grass verge and existing trees along Pipe Lane that are outside of the site's identified red line boundary.
- 2.3. The development is designed in an 'L' shape and is located within the south-eastern corner of the application site. The scheme is two-storey in massing along its southern element and single storey in massing as the structure extends north. The proposal externally measures 14.8m in width by 11.8m in depth, with a total footprint of 107sqm.
- 2.4. The dwelling follows the design concept of a converted agricultural building with a limited number of small, proportioned openings for windows on the street-facing southern and western elevations. The proposal is constructed with red brick facing walls, a dual pitched clay tile roof, and timber-framed casement windows set under brick arches and over brick cills.
- 2.5. The development features two main pitched roofs and a mono-pitched roof to the north of the southern aspect of the scheme. The pitched roof parallel to Pipe Lane has a ridge height of 5.8m, and an eaves height of 3.8m, whereas the pitched roof parallel to the eastern boundary of the site has a ridge height of 4.7m, and an eaves height of 2.4m.

- 2.6. Following concerns raised by the Conservation Officer, the ground levels of the development were reduced, and the height of the development was reduced by 1.5m to reduce the impact of the proposal on the character of the area and the Orton on the Hill Conservation Area. This reduces the overall height of the scheme to 4.9m from the ground level on Pipe Lane.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is within the identified settlement boundary of the rural hamlet, Orton on the Hill, and its associated Conservation Area. Pipe Lane is an adopted, but unclassified, public highway that is subject to a 30mph speed limit.
- 3.2. The Orton on the Hill Conservation Area Appraisal (OHCAA) (2009) describes Orton on the Hill as being divided into two distinct character areas, one of which is the area around The Green and Pipe Lane. There is a Protected View that faces west along Pipe Lane, including views of the site's southern boundary, from in front of 4 Pipe Lane. The Green and Pipe Lane are characterised by relatively unplanned organic pattern of buildings, which are separated from each other by distance, green spaces, and continuous hedges.
- 3.3. The application site is an irregular shaped paddock that provides an area of green space between the built forms within Orton on the Hill. The site features a Category 'A' Horse Chestnut Tree that is classified within the OHCAA as an Important Tree. The tree is located towards the northern boundary of the site and is protected by Tree Preservation Order, 99/00019/TPORD. A further Protected View is identified within the OHCAA that faces towards the application site and the Important Tree.
- 3.4. The application site is located on an elevated area of land to the north of Pipe Lane. The site is separated from the public highway by a steep and highly vegetated grass verge. The establishment of this vegetation, including sections of hedgerow and two trees, and the provision of timber post and railing fencing in this area provides a great sense of enclosure to the southern boundary of the site. This reinforces the rural character of this section of the Conservation Area, its Protected View, and the street scene of Pipe Lane.
- 3.5. At its lowest, there is a significant level difference between the Pipe Lane (97.5m AOD) and the application site (99m AOD) by approximately 1.5m. The site then rises by a further metre to 100.3m AOD at the northern boundary of the site. Currently, the site can currently only be accessed via a gated field access to the north of the site, which is via the rear garden of Lancaster House, 30 The Green, Orton on the Hill.
- 3.6. The OHCAA identifies the application site and Lancaster House within a larger Potential Development Area (PDA). The OHCAA states that the PDA:

“Would accommodate some development, if closely related to the existing group of historic buildings. The area could include the existing bungalow to the east utilising the existing vehicular access.”

- 3.7. Since the publication of the OHCAA, two dwellings (Lancaster House and York House) have been constructed to the north of the application site following planning permissions 14/00515/OUT, 15/00633/FUL, 18/00221/FUL, and 18/00680/FUL.
- 3.8. The application site is located close to a mixed group of traditional and modern development within the southern section of the Conservation Area. The western section of the former schoolmaster's house, the former school building (which are identified as Important Local Buildings within the OHCAA), and Lower Farmhouse (a subdivided Grade II Listed Building) are buildings that sit comfortably within the wider context of the application site and contribute positively to the character of the street scene of Pipe Lane.
- 3.9. The OHCAA also identifies that modern buildings are generally sited away from public spaces at the rear of their respective plots, with some exceptions, which reduces their impact on the Conservation Area.

4. Relevant Planning History

4.1 13/00135/TPO

- Removal of tree
- Refused
- 15.04.2013

This application was refused for the following reason:

1. In the opinion of the Borough Council, the removal of this protected and important tree would result in a detrimental impact on the visual amenity of the surrounding area and that sufficient justification for its removal has not been demonstrated.

4.2 12/01089/TPO

- Removal of tree
- Refused
- 11.02.2013

4.3 12/00003/PP

- Demolition of Existing Dwelling and the Erection of 6 Dwellings with Associated Access
- Appeal Dismissed
- 22.08.2012

4.4 11/00603/CON

- Demolition of Existing Dwelling and the Erection of 6 Dwellings with Associated Access
- Refused Conservation Area Consent
- 23.11.2011

4.5 11/00602/FUL

- Demolition of Existing Dwelling and the Erection of 6 Dwellings with Associated Access
- Refused
- 23.11.2011

This application was refused for the following reasons:

1. In the opinion of the Local Planning Authority, the massing of the proposed dwellings would result in a scheme which dominates the surrounding area, which is considered to be harmful to the character and appearance of the surrounding area, and to the detriment of the character and appearance of the Conservation Area.
2. In the opinion of the Local Planning Authority, the proposal results in a scheme which occupies a site which acts as a visual break between buildings, which contributes to the special character of the area.
3. In the opinion of the Local Planning Authority, the scheme fails to provide any definitive pedestrian improvements along Pipe Lane, which would lead to increased danger for pedestrians.
4. In the opinion of the Local Planning Authority, the site is located in an unsustainable location, remote from key services, and public transport, whereby journeys would be reliant upon private car journeys.
5. In the opinion of the Local Planning Authority, the Applicant has failed to demonstrate that sufficient suitable affordable housing would be provided.

5. Publicity:

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was also posted within the vicinity of the site. An additional round of public consultation was undertaken following the submission of revised plans.
- 5.2 14 representations were received from members of the public from 11 separate addresses. All have objected to the proposal and the following matters have been raised:

- Absence of foul and surface water drainage details.
 - The Arboricultural Implications Assessment Plan is based on superseded plans.
 - Concerns with the quality of the Arboricultural Impact Assessment.
 - Drainage concerns.
 - Ecological concerns.
 - Ground levels exacerbate the visual prominence of the development to the detriment of the character of the area.
 - Highway safety concerns.
 - Incongruous development.
 - Insufficient highway capacity of Pipe Lane.
 - Insufficient off-street parking.
 - Light pollution concerns.
 - On-street parking concerns.
 - Overbearing and dominating form of development.
 - Overlooking and loss of privacy to neighbouring dwellings.
 - Significant harm to the character of the area.
 - Significant harm to the character and significance of the Orton on the Hill Conservation Area.
 - Significant harm to or loss of the Protected Tree within the site.
 - Significant harm to a Protected Vista within the Orton on the Hill Conservation Area.
 - Significant harm to important views of the Grade I Listed Church.
 - Unsustainable location for development.
- 5.3 One member of the public has referred to the Committee Report for planning permission 15/00633/FUL that clarifies that the site to the north had permeability testing confirmed low levels of infiltration across the site. Consequently, 15/00633/FUL required a dedicated bio-disc sewer treatment package unit and an extensive underground soakaway system.
- 5.4 Another member of the public highlighted that Page 13 of the Applicant's own Preliminary Ecological Appraisal states that the Protected Tree, "*Would be likely to meet the requirements for classification as veteran.*"
- 5.5 A further member of the public noted that access via Pipe Lane for the development of the site was previously refused.
- The Case Officer notes that planning application 11/00602/FUL for six dwellings, which sought for an access via Pipe Lane, was only refused on highways grounds due to the lack of provision of pedestrian improvements along Pipe Lane and not for highway safety reasons regarding a safe and suitable access.*
- 5.6 A member of the public has highlighted that the Applicant cannot remove trees T4 (Norway Spruce) and T5 (Ash) that are within the grass verge because they are within the County Council's land and ownership.

5.7 No further responses have been received.

6. Consultation:

6.1 Twycross Parish Council have objected to the development for the following reasons:

- Absence of foul and surface water drainage details.
- Drainage concerns.
- Highway safety concerns.
- Significant harm to the character of the area.
- Significant harm to the character and significance of the Orton on the Hill Conservation Area.
- Significant harm to, or the loss of, the Protected Tree within the site.

6.2 The Council's Conservation Officer identified that the development was likely to have an adverse impact upon the character and appearance, and thus significance, of the Orton on the Hill Conservation Area. 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 been no objections 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 Department (subject to conditions)

Archaeology:

6.4 The Leicestershire and Rutland Historic Environment Record (HER) indicates that the site has significant archaeological interest within the medieval and post-medieval settlement core of Orton on the Hill because the site lies close to the recorded location of the medieval manor house and to earthwork platforms relating to the medieval village. Leicestershire County Council have reviewed the available historic mapping and aerial photography, which demonstrates that the site was formerly occupied by a dwelling and several outhouses. Notwithstanding this, there is limited indication that the site has seen substantial disturbance.

6.5 Given the above, there is a high potential for the presence of well-preserved archaeological remains relating to the medieval and post-medieval settlement within the site. Furthermore, as the villages of Leicestershire appear to have evolved alongside their open field systems during the later 1st millennium AD, there is a likelihood that buried archaeological remains will be affected by the development.

- 6.6 As a result, Leicestershire County Council (LCC)'s Archaeology Department requested that the determination of the application was deferred until the Applicant provides an Archaeological Impact Assessment of the proposals including a field evaluation.
- 6.7 An Archaeological Impact Assessment was submitted on 07 June 2024. However, the Applicant advised that they could not undertake pre-determination trial trenching because there is currently no formal vehicular access to the site without crossing third party land within the ownership of Lancaster House.
- 6.8 The circumstances of the site were discussed with the County Council who acknowledged it would be unreasonable to pursue pre-determination trial trenching evaluation. Therefore, the County Council confirmed that two pre-commencement planning conditions consisting of a staged programme of archaeological investigation including trial trenching, should be secured. Whilst the proposed ground excavations were unlikely to alter their recommendations, the Archaeology Department welcomed any further information of these works to support their understanding of the wider implications of the development.
- 6.9 Alongside this, the County Council emphasised that the site possessed a potential for significant archaeological buried remains and reiterated the need for further trial trenching investigation to inform an appropriate mitigation strategy.

Drainage:

- 6.10 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.
- 6.11 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:

- 6.12 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.
- 6.13 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 a planning condition on 29 April 2024.

Highways:

- 6.14 The Local Highway Authority (LHA) referred to standing advice and stated that the access geometry, gradient, and surfacing should be in accordance with Figure DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG).

Waste:

- 6.15 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers.
- 6.16 This was agreed by the Applicant on 29 April 2024.
- 6.17 Cadent Gas and Severn Trent Water did not respond to the planning application.
- 6.18 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)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)
- Self-Build and Custom Housebuilding Act (2015)
- Levelling-Up and Regeneration Act (LURA) (2023)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Orton on the Hill Conservation Area Appraisal (OHCA) (2009)
- Technical Housing Standards – Nationally Described Space Standards (2015)

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 of the area
- 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 Development Plan Document (SADMP). 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 The adopted Core Strategy states that because of the limited services in rural hamlets, development shall be confined to infill housing development, local choice schemes, and conversion of agricultural buildings to employment uses. Policy 13 of the adopted Core Strategy states that the Council shall support housing development within the settlement boundary of rural hamlets that provides a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.

8.5 The application site is within the settlement boundary of Orton on the Hill in an area that is identified by the OHCAA as having potential for development. However, the OHCA confirms that this site can only accommodate some development if it is closely related to the existing group of historic buildings.

- 8.6 Two dwellings have recently been developed in the northern section of this Potential Development Area and 4 Pipe Lane remains in situ. As the area has not been comprehensively redeveloped as a whole, any development within the application site, as a remnant of this area, is now subjected to the constraints of these dwellings as well as the existing group of historic buildings.
- 8.7 Given the above, it is considered that the proposal 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:

- 8.8 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.
- 8.9 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.
- 8.10 The development is for one residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.11 In light of the above, the benefit of providing one dwelling within this application site towards the Borough's housing land supply is considered to attract very limited weight in the planning balance.

Custom and Self-Build Housing (CSB):

- 8.12 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.
- 8.13 The Applicant has submitted a signed declaration form that states the application site is in line with the definition of a self-build and custom-build development provided within the Self-Build and Custom Housebuilding Act 2015, which is a material consideration within this planning application.
- 8.14 However, it is noted that the Applicant has attempted to achieve several housing developments within this site via 08/00569/FUL and 11/00602/FUL. None of which were identified as self-build or custom housebuilding developments.

- 8.15 Moreover, this signed declaration was also submitted by the same Applicant within refused outline planning application 24/00284/OUT. Within this declaration, the Applicant has not stated that they will occupy the premises as their sole or main residence from completion of the property.
- 8.16 In addition, there is no other reference to this proposal being a self-build or custom house building scheme within the submitted documents of this application, nor any demonstration how the design of the scheme meets the definition of a self-build and custom housebuilding development as described at Section 1 of the Self-Build and Custom Housebuilding Act 2015.
- 8.17 Ultimately, Section 4 of the Self-Build and Custom Housebuilding Regulations 2016 deals with eligibility for entry on to the self-build register that local authorities are required to keep under Section 1(1) of the Self-Build and Custom Housebuilding Act 2015. Section 4(3) lists the requirement for an individual being eligible and point (e) is that the individual is seeking to acquire a serviced plot of land for their own self-build and custom housebuilding.
- 8.18 Therefore, at very least, the development is not considered to be eligible to be a self-build and custom housebuilding development because the Applicant already owns the land and Section 4(3)(e) requires individuals to be seeking to acquire a plot of land.
- 8.19 Given the above, the Applicant has failed to demonstrate that the development within this full planning application is in line with the definition of a self-build and custom-build development provided within the Self-Build and Custom Housebuilding Act 2015.
- 8.20 Notwithstanding this, Hinckley and Bosworth Borough Council supplied more suitable permissions than demand required at the end of Base Period 8 (31 October 2022 to 30 October 2023). In this circumstance, no additional positive weight would be generally attributed to the provision of custom and self-building housing at this time.
- 8.21 However, the Council needed to grant 19 suitable cumulative custom and self-build housing developments by 30 October 2024. As of 01 May 2024, the Council granted 12 permissions and so only seven further permissions needed to be granted prior to this date. Given this deadline has passed and the Council's position on its custom and self-build supply is still being updated, the provision of a single custom and self-build dwelling should be afforded moderate weight in the planning balance.
- 8.22 Nevertheless, the Applicant has failed to demonstrate that their development is in line with the definition of a self-build and custom-build development provided within the Self-Build and Custom Housebuilding Act 2015 and therefore, the benefit of the proposal's contribution towards the Council's supply of Self-Build and Custom Housebuilding is given no weight in the planning balance.

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

- 8.23 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.
- 8.24 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.
- 8.25 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.
- 8.26 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.
- 8.27 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.28 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.29 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.

Impact upon the Setting of Listed Buildings:

- 8.30 The scheme excavates the site in order to lower the ground floor level of the development. This reduces the roof ridge and eaves levels of the development to below that of a standard two-storey dwelling, and to a level below that of the traditionally scaled Listed Building, Lower Farmhouse.

- 8.31 Consequently, it is not considered that the scheme would have an overbearing impact upon the street scene or diminish the presence of Lower Farmhouse as the predominant historic building within this section of the Conservation Area. Therefore, the scale of the development is considered to have a neutral presence within the setting of this Listed Building.

Impact upon the Protected Tree:

- 8.32 Paragraph 136 of the NPPF states that existing trees should be retained wherever possible. The OHCAA highlights that the Protected Horse Chestnut Tree within the site is an Important Tree. The submitted Arboricultural Impact Assessment (AIA) acknowledges that, *"The visual amenity of the tree is considered high,"* and is categorised as a Category A tree.
- 8.33 In accordance with Paragraph 4.6.1 of the British Standard (BS) 5837: *Trees in Relation to Design, Demolition, and Construction* (2012), the calculated Root Protection Area (RPA) for each tree should be capped to 707sqm. Paragraph 7.4.2.3 of this British Standard also confirms that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within an RPA.
- 8.34 Given the importance of the Tree, the Tree Protection Plan demonstrates a 15m RPA with an area of 707sqm, which is protected by protective fencing. The proposed dwelling is not located within the Protected Tree's RPA and therefore it is not considered to result in any significant harm to the Protected Tree. To support this, the protective fencing around the Horse Chestnut Tree as detailed within the Proposed Site Plan and the Tree Protection Plan can be secured via condition.
- 8.35 However, Paragraph 7.2.1 of BS:5837 states that intrusion into soil (other than for piling) within an RPA is generally not acceptable and Paragraph 7.4.2.1 of BS:5837 highlights that the design should not require excavation into the soil. Ultimately, Paragraph 7.6.1 of BS:5837 confirms that it is essential to avoid excavating down through rootable soil if trees are to be retained.
- 8.36 The development features excavation works for the off-street parking and turning facilities within the site that are located in the Protected Tree's RPA. This is contrary to the requirements of British Standard 5837.
- 8.37 Notwithstanding this, these excavation works intrude into the RPA by 2.7sqm. This represents an incursion into the RPA of less than 0.4%. In light of this, whilst excavation works should be avoided within RPAs, this degree of works is not considered to result in any significant adverse impacts to the Protected Tree.
- 8.38 As a result, it is not considered that the development results in any significant harm to the Protected Tree.

Impact upon the Orton on the Hill Conservation Area:

- 8.39 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.
- 8.40 Ultimately, the OHCAA states that new development should contribute positively to the character or appearance of the Conservation Area in terms of siting, scale, design, and materials.
- 8.41 The converted farm building design concept for the dwelling loosely results in the appearance of a simple vernacular building, which is one of the general categories of building style identified within the OHCAA. The scheme also features a basic level of architectural detailing including appropriate construction materials that are prevalent in the area including red brick and clay roof tiles.
- 8.42 However, to ensure good design quality that follows the local vernacular, further detailing such as brick detailing to the eaves, rise and fall rainwater goods brackets, cast iron effect rainwater goods, and a traditional brick bonding pattern to the southern and western elevations is required, which can be secured via planning condition.
- 8.43 Notwithstanding this, the OHCAA 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.
- 8.44 The application site is now one of few such green spaces between buildings and is bounded by sections of hedging, including along the site frontage and the Pipe Lane street scene. As a result, the application site shares some key spatial and visual characteristics within defined key spaces elsewhere within the Conservation Area and these characteristics, along with the rural character of the site, are considered to make a positive contribution to its significance.
- 8.45 In recent times, following the loss of the former Orton 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. An example of this is 4 Pipe Lane, to the east of the site, which is considered to be a building of poor visual quality.
- 8.46 Ultimately, the development is considered to represent the infilling of a large green space between buildings within a site that makes a positive contribution to the significance of the Conservation Area. Therefore, the provision of a dwelling within this site is considered to result in harm to the character and thus significance of the character of the Conservation Area. The proposed excavation works are considered to further the detrimental urbanising effects of the scheme.
- 8.47 The Proposed Site Plan suggests a reduction in the ground levels within the site between 0.8m and 2.2m for the property and its associated parking area, access, path, and patio areas.

- 8.48 These significant level changes, alongside the provision of high retaining walls, are considered to be wholly incongruous with the character of the area and do not relate to the group of historic buildings in close proximity to the site. Therefore, the development results in harm to the character and thus significance of the character of the Conservation Area.
- 8.49 In comparison to the existing ground levels within the wider garden and the southern boundary verge adjacent to Pipe Lane, the proposed ground levels reduce the ridge height of the property to 3.6m and the eaves height to 1.4m.
- 8.50 Consequently, the subsequent height of the development is not considered to be in keeping with the character of the area and does not relate to the group of historic buildings in close proximity to the site. This is considered to cause harm to the character and thus significance of the character of the Conservation Area.
- 8.51 It is clear that these level changes and extensive engineering works are required in order to reduce the impact of the scheme on the setting of the adjacent Listed Buildings and the prominence of the development within the street scene of Pipe Lane. However, the requirement of such extensive works to achieve an *'appropriate'* design for the scheme emphasises that development in this location is contrived and does not represent good design.
- 8.52 This is also apparent due to the constraints of the Root Protection Area of the important Protected Tree. These constraints force the location of the proposal to the back edge of the site adjacent to the verge on the southern boundary next to Pipe Lane. This is not considered to follow the building line of the adjacent properties 4 and 10 Pipe Lane.
- 8.53 Whilst the siting of traditional development within their respective plots in the Conservation Area does vary, the position of the dwelling and its associated access along the southern boundary of the site increase its visual prominence within the street scene of Pipe Lane and within the Conservation Area. This prominence is considered to exacerbate the harm that is caused by the development to the character of the street scene of Pipe Lane and the wider Conservation Area.
- 8.54 The extensive 14.8m width of the development along the southern boundary of the site is also considered to significantly reduce views of the Protected Tree. This is considered to reduce the Protected Tree's contribution to the visual amenity of the area and therefore results in an additional degree of harm to the character of the site, the street scene of Pipe Lane, and the wider Conservation Area.
- 8.55 Furthermore, to facilitate the new access, the development also results in the loss of the existing hedgerow and Category C trees along the southern boundary of the site, which currently contribute to amenity and rural character of the Conservation Area. This permanent loss to provide the new access is considered to have a detrimental impact upon the street scene of Pipe Lane by eroding its rural character.

- 8.56 Whilst details of a hard and soft landscaping scheme can be secured via planning condition, this is not considered to overcome the harmful urbanising effects of the new access upon this section of the site and the Conservation Area. In addition, hard surfacing is required for the access onto Pipe Lane in accordance with the Leicestershire Highway Design Guide, which the Council's Conservation Officer has highlighted as one of the greatest urbanising impacts of the new access.

Summary:

- 8.57 To summarise, the construction materials and detailing of the development can be secured via planning condition and the excavation works can ensure that the height of the dwelling does not result in any overbearing impacts on the character of the setting of the adjacent Listed Building, Lower Farmhouse.
- 8.58 However, by virtue of its size, scale, layout, siting, design, and significant ground level differences, the development is considered to appear contrived, and wholly incongruous with the surrounding area. Ultimately, the provision of a dwelling within this site detrimentally impacts the site's positive contributions to the rural character and visual amenity of the character and significance of the site, the street scene of Pipe Lane, and the Orton on the Hill Conservation Area.
- 8.59 This harm is heightened by the urbanising impacts caused by the provision of the new site access, the significant engineering works required to address the ground level disparities within the site, and the constraints of the site that force the development into the most visually prominent location within the site.
- 8.60 In light of all these factors, the development is considered to result in a significant adverse impact upon the character and appearance of the Orton on the Hill Conservation Area, which is a designated heritage asset. Therefore, the development is considered to be contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the SADMP, Policy 13 of the adopted Core Strategy, and the guidance within the Orton on the Hill Conservation Area Appraisal and the Good Design Guide. This harm to the designated heritage asset is considered to represent less than substantial harm in terms of the NPPF. Therefore, in accordance with Paragraph 208 of the NPPF and Policies DM11 and DM12 of the SADMP, the less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

Impact upon Residential Amenity:

- 8.61 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.62 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.
- 8.63 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.64 Based on the approved plans for Plot 1 of 20/01077/CONDIT, Lancaster House, the property to the north of the site, has three principal windows to the habitable rooms for the kitchen/ living room and the lounge/ snug on the ground floor and the Master Bedroom on the first floor that face into the application site.
- 8.65 The approved plans for York House (Plot 2 of 20/01077/CONDIT) to the northwest of the site also indicate that the principal habitable windows of the kitchen/ living space on the ground floor and the master bedroom on the first-floor face towards the application site.
- 8.66 The proposal is set down within the site and exceeds the separation distance requirements for both single storey and two-storey properties from the dwellings to the north and west of the site.
- 8.67 The scheme is separated from 4 Pipe Lane by existing mature vegetation and sited in front of the existing property.
- 8.68 As a result, given its size, scale, and location, the development is unlikely to result in any significant adverse impacts to neighbouring residential amenity.
- 8.69 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.70 The proposal meets the floor space and built-in storage requirements of the NDSS.
- 8.71 However, the principal window of the kitchen area faces onto a 4.5m deep patio area that is bordered by a 2.2m high retaining wall. This is not considered to provide a high level of visual amenity, nor a sufficient level of light for the future occupants of the scheme. The impact of these level differences is evident within the Proposed West Elevation.
- 8.72 The window on the opposite side of the development for the Living Room faces directly into existing mature vegetation, which is also not considered to provide a high level of visual amenity, nor a sufficient amount of light for the future occupants of the scheme.

- 8.73 Therefore, the development results in harm to the residential amenity of the future occupiers of the scheme, which is contrary to Policy DM10 of the SADMP and Paragraph 135 of the NPPF.
- 8.74 In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS. All bedrooms are considered to comply with the minimum single-bedroom standards of the NDSS.
- 8.75 To comply with the Good Design Guide, three-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m. The proposal complies with these requirements.
- 8.76 By virtue of these factors, the proposal does not provide a high level of amenity for the future occupants of the scheme and therefore causes harm to the residential amenity of the future occupants of the scheme, which is contrary to, and in conflict with Policy DM10 of the SADMP, Paragraph 135 of the NPPF, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety:

- 8.77 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.
- 8.78 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)).
- 8.79 The provision of new access onto Pipe Lane to serve one dwelling is not considered to result in any significant intensification of the use of the road to the extent that is detrimental to highway safety in principle.
- 8.80 Although the proposal includes vehicular visibility splays, the Proposed Site Plan does not suggest the new vehicular access accommodates the revised ground levels of the development. Nevertheless, these verges appear to be within the highway boundary and there is a good prospect that the Local Highway Authority as the third-party landowner would allow works to be undertaken to remove any obstructions to vehicular visibility above a height of 0.6m. Therefore, it is therefore reasonable and necessary in the interests of highway safety to secure these visibility splays by condition.

- 8.81 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.82 The development provides two off-street parking spaces for a three-bedroom dwelling, which accords with Paragraph 3.151 of Part 3 of the LHDG. The development also provides sufficient and appropriately dimensioned off-street vehicle parking and turning facilities in accordance with Paragraph 3.165 of Part 3 of the LHDG.
- 8.83 However, both parking spaces fail to meet the requirements of Paragraph 3.165 of Part 3 of the LHDG because they are only 5m in length and are both bounded on one side and therefore they should both be 0.5m wider. Based on the dimensions of the turning area, the angle from the northern-most parking space, and the distance from the highway, the development is also not considered to provide sufficient private drive turning facilities in accordance with Figure DG19 of Part 3 of the LHDG. As a result, the scheme is contrary to, and in conflict with Policy DM18 of the SADMP and the LHDG.
- 8.84 Given the above, the proposal provides sufficient off-street vehicle parking and turning facilities and does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance:

- 8.85 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.
- 8.86 The proposal is considered to result in significant adverse impacts to the character of the site, the street scene of Pipe Lane and the Orton on the Hill Conservation Area. This harm to the designated heritage asset is considered to represent less than substantial harm in terms of the NPPF.
- 8.87 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.
- 8.88 Paragraph 206 of the NPPF also 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.

- 8.89 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. However, the Applicant has made some amendments through the determination of the planning application to try and reduce the harmful effects of the scheme.
- 8.90 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.
- 8.91 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.
- 8.92 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.
- 8.93 The scheme in its totality is not considered to sustain, nor enhance the significance of the heritage or the contribution of its setting. Therefore, the proposal is not considered to demonstrate any heritage benefits.
- 8.94 Furthermore, the development fails to provide a high level of residential for its occupants and is therefore likely to result in significant harm to the residential amenity of the future occupants of the scheme. This is contrary to Policy DM10 of the SADMP, Paragraph 135 of the NPPF, and the Good Design Guide, and thus attracts significant weight in the planning balance.
- 8.95 In spite of this, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including people wishing to commission or build their own homes. Whilst the benefit of providing one new custom and self-build dwelling in these current circumstances might have attracted moderate weight, the Applicant has failed to demonstrate that their scheme is a self-build and custom housebuilding development in line with the definition at Section 1 of the Self-Build and Custom Housebuilding Act 2015. Therefore, as the proposal does not contribute towards the Council's supply of Self-Build and Custom Housebuilding, no weight can be afforded to this matter in the planning balance.

- 8.96 There are also economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with one dwelling are limited and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.97 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.
- 8.98 In conclusion, the adverse impacts of the development are considered to significantly and demonstrably outweigh any potential benefits of the scheme in these site-specific circumstances. Therefore, the development is contrary to, and in conflict with, Policies DM10, 11, and 12 of the SADMP, Policy 13 of the adopted Core Strategy, the Good Design Guide, as well as Sections 12, and 16 and the overarching ambitions of the NPPF.

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. By reason of the proposals siting, scale, degree of excavation and contrived design the proposed dwelling results in an incongruous development that has permanent and significant adverse impacts to the rural character of the application site, to the character of the street scene of Pipe Lane, and to the character and significance of the Orton on the Hill Conservation Area. This harm significantly and demonstrably outweighs the potential benefits associated with the provision of one dwelling in these site-specific circumstances. Therefore, the development is contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 13 of the adopted Core Strategy (2009), and Sections 12 and 16 and the overarching ambitions of the National Planning Policy Framework (December 2023).
2. The proposal fails provide a high level of amenity for the future occupants of the scheme and therefore causes harm to the residential amenity of the future occupants of the scheme, which is contrary to, and in conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (December 2023), and the Good Design Guide (2020).

a. Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Arboricultural Assessment (October '24) (submitted: 09.10.2024)
 - Arboricultural Impact Assessment Plan (Rev B) (submitted: 09.10.2024)
 - Archaeological Impact Assessment R16259 (submitted: 07.06.2024)
 - Application Form (submitted: 22.03.2024)
 - CIL (submitted: 22.03.2024)

- Design and Access Statement (submitted: 22.03.2024)
- Heritage Impact Assessment (submitted: 22.03.2024)
- Illustrative Example of Permeable Paving (submitted: 23.09.2024)
- Preliminary Ecological Appraisal & Biodiversity Feasibility Study (submitted: 22.03.2024)
- Proposed Plan and Elevations 0503-08 (submitted: 09.10.2024)
- Proposed Site Plan & Parking Plan 0504-09 (submitted: 09.10.2024)
- Protected Species Assessment Report (submitted: 22.03.2024)
- Signed Self and Custom Build Evidence Form (submitted: 06.06.2024)
- Site Location Plan 0202 (submitted: 22.03.2024)
- Topographical Survey (submitted: 22.03.2024)
- Tree Protection Plan (Rev A) (submitted: 09.10.2024)
- Written Scheme of Investigation (submitted: 07.06.2024)
- 3D Birds Eye Visual (submitted: 09.10.2024)
- 3D Visual Street View (submitted: 09.10.2024)
- 3D Visual Street View 2 (submitted: 09.10.2024)

Appendix 5. Orton on the Hill Conservation Area Map



Orton Park

Orton on the Hill

Appendix 6. Orton on the Hill Conservation Area Appraisal

Orton on the Hill

Conservation Area Appraisal

Orton on the Hill was a well established village long before it was mentioned in the Domesday Book as Wortone. The first Orton Hall is thought to have been built around 1115 and at some period is thought to have belonged to the Knights Templar. The Manor, consisting of the Hall, the church, the village and much of the surrounding land was given to Merivale Abbey in 1148. The Cistercian monks organised the land into a number of granges which included Le Grange, now Lea Grange, Pinwall, Newhouse and Moor, now Moorbarne. Today they are outlying farms encircling Orton.

Following the Dissolution of the Monasteries, Orton passed into the ownership of the Bradshaw's for about 100 years. Around 1650, the Steeles, later to become the Steele-Perkins, purchased Orton Hall and became the Lords of the Manor for the next 250 years. In 1786, the medieval Hall was demolished by Samuel Steele Perkins and rebuilt in the new fashionable Georgian style. The Hall was eventually sold by the family in 1918 and the estate was broken up. Although the hall remained a private house for 40 years, it was demolished in the late 1960's.

Setting

The village location is defined by a group of relatively isolated woodland trees set in open countryside at the top of a high ridge orientated east-west. It is approached by narrow straight roads from Sheepy to the south and Twycross and Atherstone along the ridge. This unique setting permits magnificent views all around but particularly across the Warwickshire plain to the north-west. With this exception and the large open field of Orton Park on the north east side, the field system adjoining Orton is characterised by small fields and continuous hedgerows. These features extend into the village to reinforce its rural character.

Gateways

From any distance or approach, the village conservation area appears to be set in woodland. Mature trees are grouped at the entrances to the settlement and also form a stand around the site of the former Orton Hall. Only the Conservation Area entrance along Main Street differs because of the impact of modern infill development which produces an urban feel.

Character Statement

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, a Grade I listed building, 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 second area lies along Main Street and comprises continuous frontage development of differing scales and from different periods.

Appearance

Until the demolition of The Hall, the area around The Green was the traditional centre of the village. This important space lies between the site of The Hall, the Vicarage and St Edith's church. Some distance away to the south-east, in an arc with the Hall as its focus, are the principle 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. Main Street has been particularly badly affected because of the modern unsympathetic nature of this development.

Generally along Pipe Lane and around the village green, the dispersed nature of the farms has been retained. It is important to the character of the conservation area that the large green spaces between these groups of buildings are retained. The farm clusters themselves follow the traditional pattern of attached buildings along the sides of a yard with the house being sited closest to the road.

The farmsteads

The principle building at Church Farm is a thatched medieval timber framed structure with a small brick extension from the Victorian period. The original courtyard form of the farm has been lost and only a reconstructed southern wing and the farmhouse remain. Until the turn of the last century this farm stood alone on the edge of a road linking the village green to the Warton Road junction. The land to the north west of the church has been infilled by inappropriate modern development.

Hall Farm, lies a short distance to the south and is directly accessed from the village green. This farmhouse in addition to medieval timber framing also includes eyebrow windows which are common in the wider area. The original form of the farmyard has been retained with buildings forming three sides.

Peggs Farm, at the western end of Pipe Lane is also part timber framed indicating its medieval origins. This farm is defined by the farmhouse and a return wing on its western side.

Lower Farm, which also fronts the road, to the east along Pipe Lane, has also a part timber framed building. The yard layout is similar to Peggs Farm, but the yard is more clearly defined by agricultural buildings to the east and south.

Two further farms, Moore's Farm and Home Farm, are located to the east of the junction of Main Street and Sheepy Lane. Both have retained many of their former farm buildings although several have been converted into dwellings.

Moore's Farm lies tight to the road intersection with brick buildings forming an easily identifiable yard enclosure. Access into the yard was through an opening between the farm house and a large brick barn. The farm house is a key building in the Conservation Area. It reinforces the settlements agricultural origins when approaching from the south, but it has suffered from inappropriate changes to its appearance.

Home Farm is the last of the village farms and lies adjacent to Moore's Farm but separated from it by a narrow passage. This building has retained its clay tiled roof, and flat brick frontage on a low brick plinth. Its fine traditional details include brick chimneys, simple casement windows with segmental brick arched lintels, keystones and projecting brick sills. Its outbuildings include two

fine brick barns also on the road side and defining the southern edge of the yard, a dovecote.

During the Victorian period the village school, the schoolhouse and the Rectory were added to the settlement's stock of buildings. Both the school, constructed 1834 on Pipe Lane and the nearby schoolhouse are gabled single storey brick structures with dentil eaves. The schoolhouse itself has been extended and rendered in the recent past but both retain their clay tiled roofs.

The Rectory (now called The Gables) is an impressive building standing behind fine Victorian gates in its own grounds on the south side of The Green. It is a two and a half storey building with three prominent gables, chimneys and Georgian style windows although it has been subsequently rendered. Its gardens include several fine mature trees.

Building Style, Scale and Detail

Buildings in the conservation area fall into three distinct categories.

- Simple vernacular buildings often incorporating medieval timber framing and brick extensions. These are low buildings and are comparatively shallow, often being only one room deep. They have steeply pitched continuous gabled roofs of plain clay tiles punctured by brick chimneys. Windows at first floor are tucked under the eaves and are smaller than those at ground floor which normally have projecting brick sills. Their external appearance is varied and reflects the changes which have occurred over their lifetime. These may include a mixture of brick and stone plinths of differing heights, irregular pattern of openings, different sized openings and large areas of blank walls. However the modern restoration techniques of smooth render, standard plastic windows, large rear extensions and front porches will change this appearance.
- Victorian estate buildings with red brick and mottled pink bricks and plain clay tiles give these buildings continuity throughout the conservation area. There are only a few examples of alternative external finishes which include painted brick and render (Moore's Farm and the School house). Thatch and natural slate are not characteristic roofing materials in the settlement although there are isolated examples such as

Church Farm. These Victorian buildings are two rooms deep with higher clay tiled gabled roofs again broken by ridge top chimneys. Decorative brickwork includes dentil eaves courses, segmental arched lintels with keystones and projecting brick sills. Window openings are regularly spaced and hold three full height opening casements that are deeper at ground floor.

- Post Second World War properties, principally bungalows are set in large plots. They have shallow pitched hipped roofs with concrete roof tiles, large picture windows and integral double garages set well back from the edge of the road.

Boundary Treatments

With the exception of the area around the church, boundary treatments are generally low hedges or occasional wooden picket fences which reinforce the village's rural appearance. At the centre of the conservation area, along the east side of The Green are the remains of the high brick wall of the gardens to the former Hall partly overgrown with ivy. These contrast with boundaries of the churchyard and the modern properties nearby defined by low dry stone walls reinforced with shrub and tree planting which serve to screen the properties.

Surface treatments

Traditional gravel surfaces have been retained around the village green, and elsewhere road and path surfacing, although modern, in most areas is undefined along its edges. Where modern street lights, concrete kerbs and pavements have been introduced, particularly along Main Street, they have urbanised the street scene to the detriment of the village character.

Contribution of Spaces and Natural Elements

The dispersed nature of Orton has provided many large areas of green space and opportunities for deciduous forest type trees to be retained. Wide verges and triangles of grass at road junctions also enhance its rural appearance. Only occasionally have leylandii hedges and trees had an unfortunate visual impact.

FACTORS HAVING A NEGATIVE INFLUENCE ON THE CHARACTER OF THE CONSERVATION AREA

Buildings of Poor Visual Quality

At the eastern entrance to the conservation area, a mixed group of traditional and modern development detracts from the prevailing scale, form and design of buildings in the Conservation Area. Although these buildings reflect their period of construction or have been recently improved, they display qualities and features which are out of character with traditional forms in the conservation area. Elsewhere, with some exceptions, where modern buildings have been introduced, they are generally sited away from the public space at the rear of plots which reduces their impact.

Potential development area

This area would accommodate some development if closely related to the existing group of historic buildings. The area could include the existing bungalow to the east utilising the existing vehicular access.

Enhancement

The enhancement of the character and appearance of the Conservation Area can be defined as the reinforcement of the qualities that provided the special interest and which warranted designation. It may be through the sympathetic development of sites identified in the detailed analysis of the area as opportunity or neutral sites; it may involve physical proposals or the application of sensitive, detailed development control over extensions and alterations. Areas which warrant special attention for enhancement are marked on the Conservation Area plan.

GENERAL CONSERVATION AREA GUIDANCE, PLANNING CONTROLS AND POLICIES

To maintain the distinctive character and appearance of the Orton Conservation Area it will be necessary to:

- Retain listed buildings and buildings of local interest.

- Ensure new development contributes positively to the character or appearance of the conservation area in terms of siting, scale, design and materials used.
- Ensure house extensions comply with the Borough Council's Supplementary Planning Guidance.
- Resist development proposals in key areas, which have been identified on the map.
- Ensure the consistent application of positive, sensitive and detailed development control over proposals to alter former farm buildings, yards and jittys
- Ensure important views of the church and out into the countryside are protected.

Special attention is given to the desirability of preserving or enhancing the appearance of the Conservation Area. Planning Applications in Conservation Areas are separately advertised. The principal effects of the designation of a Conservation Area are summarised as follows:

- Consent is required for the total or substantial demolition of any building exceeding 115 cu metres.
- Applications for Outline Planning permission are not normally acceptable. Full planning applications are likely to be required.

Planning permission is required for:

1. The external cladding of any building with stone, artificial stone, pebble dash, render, timber, plastic or tiles.
2. Extensions beyond a wall forming a side elevation of the original dwelling
3. Extensions of more than one storey which extend beyond the rear wall of the original dwelling.

4. The enlargement of a dwelling consisting of an addition or alteration to its roof forming the principal or side elevation of a dwelling.
5. A satellite dish on chimney, wall or roof fronting a highway.
6. Solar PV or solar thermal equipment on a wall or roof slope forming the principal or side elevation of a dwelling
7. Stand alone solar equipment
8. Installation, alteration or replacement of a chimney, flue or soil vent pipe on a wall or roof slope which fronts a highway and forms either the principal or side elevation of a dwelling.

Anyone proposing works to a tree in a Conservation Area must give six weeks prior written notice to the local planning authority.

These requirements do not cover all aspects of control in Conservation Areas and you are advised to contact the Local Planning Authority for further advice.

Appendix 7. 24/00270/FUL Heritage Impact Assessment



Heritage Impact Assessment

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

March 2024 | Project Ref 9443



Project Number: 9443

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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 to the north of 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 on the north side of Pipe Lane in an area where there has been past development on the south-western margin of the grounds of the former Vicarage (Figures 1 and 2). It is shown as an area of potential development in the council's appraisal of the conservation area.

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 5 on Figures 2 and 3, which is the Former Schoolmaster's House (Figure 9).

3.4 The council's appraisal of the conservation area also identifies key spaces, which take up the majority of the conservation area (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. Notable exceptions are The Green and the churchyard, which are more public spaces (Figures 4 and 5). As has been mentioned above, the application site is identified in the council's appraisal as a potential development area, rather than as key space.

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 most relevant views are those within Pipe Lane illustrated in Figures 7 and 8.

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. The application site has been identified as an area of potential development.

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 (Figure 8).

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 6). 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** Lower Farm is the closest listed building to the application site. The setting of the listed building extends throughout Pipe Lane, and includes the application site, but the application site does not appear to contribute to the significance of the listed building. The application site is spatially distinct from the church and Church Farmhouse.

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 on land to the north of Pipe Lane, as illustrated in Figure 10.

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 significance of Lower Farm, which is the closest listed building to the application site, will not be reduced or harmed (Figures 2, 3 and 8). The proposed development is typical of the close-knit arrangement of buildings that stand within the surroundings of Lower Farm.⁶
- 4.4** In summary, there will only be a small change within the settings of the listed buildings, resulting in a neutral impact to their significance. There will be no harm to the significance of the listed buildings.

⁶ In practice, Lower Farm is the only listed building where there will be a visual effect. The effect on the church and Church Farmhouse will be remote, and abstract, to the point of being *de minimis*.

Effect on Orton-on-the-Hill Conservation Area

- 4.5** In terms of views and vistas within the conservation area, the proposal will have very little effect on views in Pipe Lane (Figures 7 and 8). Insofar as there will be an effect, it will be to position a new dwelling along the frontage in a manner that is traditional in situations such as this.
- 4.6** There will be little change within the surroundings of the unlisted important historic building nearest the application site (i.e. the Former Schoolmaster's House – see 5 on Figures 2 and 3).
- 4.7** There will be no loss of key space within the conservation area, as it has been identified in the council's appraisal (Figures 2 and 3). 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 visual change within the setting of the grade II listed building known as Lower Farm. There will be a *de minimis* abstract change within the settings of the church and Church Farmhouse, and a relatively small change within Pipe Lane, within the conservation area. No key views, vistas, silhouettes, skylines or landmarks will be affected. Most of the land within the application site will be used as garden, similar to the key space that prevails throughout 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 on land to the north of Pipe Lane.
- 5.5** The proposed development will bring about a small visual change within the setting of the grade II listed building known as Lower Farm. There will be a *de minimis* abstract change within the settings of the church and Church Farmhouse, and a relatively small change within Pipe Lane, within the conservation area. No key views, vistas, silhouettes, skylines or landmarks will be affected. Most of the land within the application site will be used as garden, similar to the key space that prevails throughout 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 remote from the Church of St Edith and Church Farmhouse by the grounds of The Gables. The application site is almost opposite Lower Farm within Pipe Lane, and it adjoins 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 (See Figure 8 for Lower Farm).
<i>Orientation of the development</i>	The proposed dwelling is arranged with its long axis along Pipe Lane, in a traditional manner.
<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.
<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.

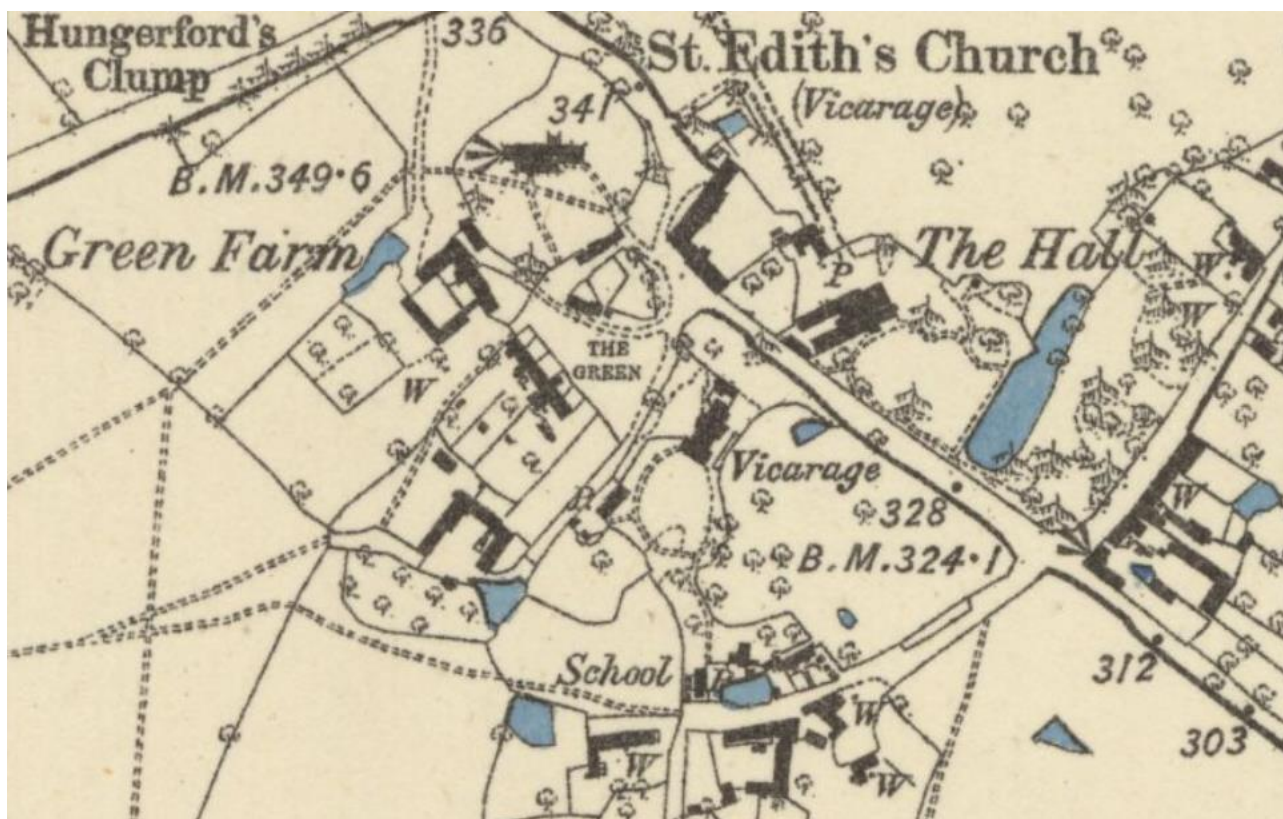
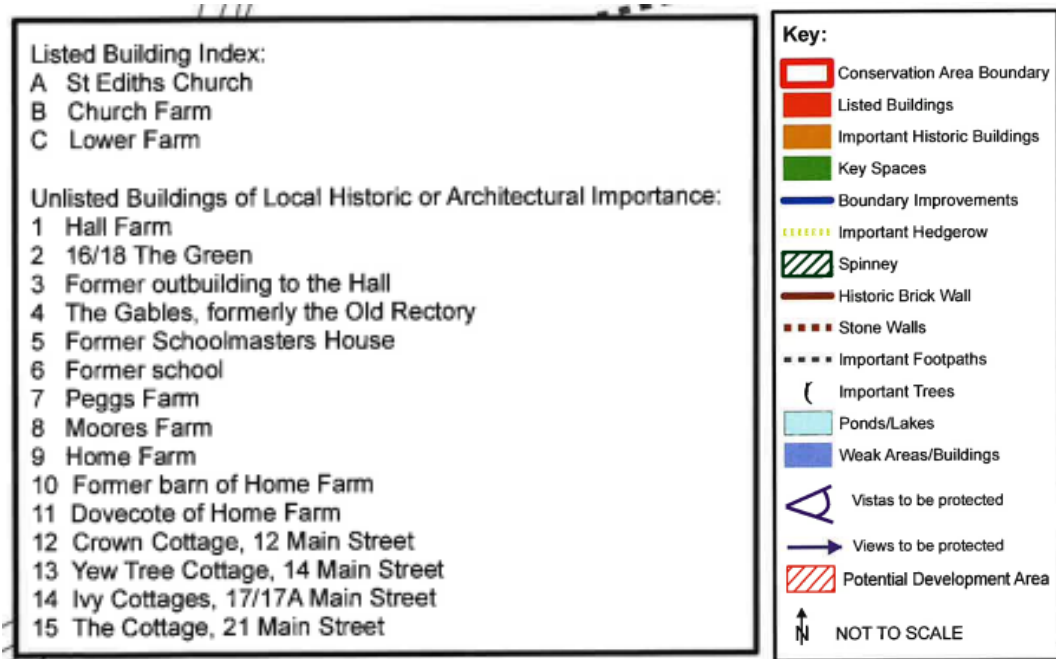


Figure 1 - Extract from the O.S. map of 1885, surveyed 1884 to 1885.



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



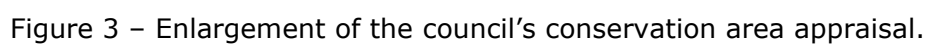




Figure 4 – The Church of St Edith from the south-west.



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 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 7 – Looking south-west along Pipe Lane towards Lower Farm and the application site.



Figure 8 – Looking south-west in Pipe Lane with Lower Farm on the left.



Figure 9 – The Former Schoolmaster's House in Pipe Lane. The application site is to the right.



Figure 10 – Two computer generated images of the proposed development.



Appendix 8. 24/00270/FUL Conservation Consultation Response

Conservation Officer (Mr Paul Grundy) comments for: 24/0070/FUL

Proposal: Erection of detached dwelling, formation of access from Pipe Lane and associated works

Address: Land north of Pipe Lane, Orton on the Hill

Date Submitted: 06/09/2024

Site context and significance

The application site consists of an irregular shaped grass paddock to the north of Pipe Lane. It is defined by a combination of timber post and rail fencing and domestic style hedgerows to the surrounding properties along the western, northern and eastern boundaries, and a timber post and rail fence, section of hedgerow, and a Norway Spruce and Ash tree along the southern boundary to Pipe Lane. A steep and heavily vegetated grass verge also runs along the southern boundary of the site to the Lane. Positioned centrally within the northern section of the site is a mature Horse Chestnut tree which is of considerable amenity value to the area. The topography of the site slopes gently down from north to south towards Pipe Lane.

The application site is in an area where there has been past development on the south-western margin of the grounds of the former Vicarage, which is a building located further to the north. Most recently, the site formed part of a larger paddock which extended to the north and east around 4 Pipe Lane, until the isolation of the site following the recent construction of two new dwellings to the north, both of which are accessed from The Green.

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 now one such green space between buildings and is bound by sections of hedging, including along the site frontage and the Pipe Lane street scene.

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. Whilst not being identified as a key space within the OHCAA, the application site shares some key spatial and visual characteristics within defined key spaces elsewhere within the conservation area and these characteristics of the site are considered to make a positive contribution to its significance.

At the time of the adoption of the OHCAA in 2009 a small section of important hedgerow was identified along the southern boundary of the site, as well as the possibility for boundary enhancements, due to the other section of the site frontage consisting of a hedgerow in poor condition with gaps. It is considered that the subsequent erection of a timber post and rail fence and maturity of vegetation, sections of hedgerow and the two trees along the boundary have provided a greater sense of enclosure to the southern boundary of the site and reinforce the rural character of this section of the conservation area and the Pipe Lane street scene.

The OHCAA map identifies an important view looking (north-west) over the application site when positioned centrally on Pipe Lane on the southern boundary of the site. The importance of the view is not clearly identified within the OHCAA. Past evidence suggests that it may have offered a glimpse of the former Vicarage as an important local building, but not the grade I listed building The Church of St Edith, which is a focus of a number of important views elsewhere within the conservation area. With the subsequent erection of the timber post and rail fence and establishment of the vegetation along the southern boundary, the availability of the view north-west over the site has been reduced, and where available the view is of one of the recently erected dwellings (set behind the Horse Chestnut tree). Consequently, it is considered that there is no longer any importance to this identified view and it makes no particular contribution in allowing for the character and appearance of the area to be appreciated.

The application site is located close to a mixed group of traditional and modern development within the southern section of the conservation area. The western section of the former schoolmaster's house, the former school building (identified as important local buildings within the OHCAA), and Lower Farmhouse (a subdivided grade II listed building) are buildings that sit comfortably within the wider context of the application site and contribute positively to the character of the Pipe Lane street scene. The OHCAA continues and identifies elsewhere, with some exceptions, where modern buildings have been introduced, they are generally sited away from the public space at the rear of plots which reduces their impact.

The OHCAA identifies a potential development area incorporating the application site, 4 Pipe Lane, and the land to the north of both plots. It states that "this area would accommodate some development if closely related to the existing group of historic buildings. The area could include the existing bungalow to the east utilising the existing vehicular access." As above, two dwellings have recently been erected in the northern section of this area and 4 Pipe Lane remains in situ. As the area has not been comprehensively redeveloped as a whole, development within the application site, as a remnant of this area, is now subjected to the constraints of providing a new access, retention of the important tree and boundary treatments, as well as ensuring the character and appearance of the conservation area is preserved.

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

My comments are based on the revised drawings received 06/08/2024.

The proposal is for the erection of a detached dwelling in the south-eastern corner of the site. It would have an L-shaped plan form with a low two-storey range positioned along Pipe Lane and a single storey perpendicular range flanking the boundary to 4 Pipe Lane. The ground floor level is proposed for the two storey range is at the same level as Pipe Lane. The dwelling follows the design concept of a converted agricultural building, with a limited number of small proportioned openings for windows on the street facing (southern and western) elevations. The facing walls would be of red brick, with a dual pitched clay tile roof, and timber framed casement windows set under brick arches and over brick cills. Other architectural detailing such as false window apertures are proposed.

A new access to the site from Pipe Lane is proposed in the south-western corner of the site. This would require excavation through the site, including removal of a section of grass verge to the Lane. The existing hedgerows and post and rail fencing along the remainder of the verge to Pipe Lane are proposed to be retained, however the existing trees along the Pipe Lane frontage would need to be removed due to their proximity to the proposed dwelling. Retaining walls of stone would bound the access and retaining walls to a parking area would be clad with timber sleepers. Further into the site the retaining walls along the pathway would be of brick. The surface of the access would be laid in tarmac to meet highway requirements, with the parking and turning area laid in resin bound gravel. The important Horse Chestnut tree within the northern section of the site would be retained, with development seeking to avoid impacts upon its root protection area.

The impact of the proposal

As evident on early Ordnance Survey mapping historically there has been most likely a dwelling and a number of outbuildings on the site, positioned centrally in the application site. Whilst the date of the demolition of this built form is unknown, the character of the site has now changed over time, as such it is space in between other dispersed development, a mature tree has established itself on the site, and it has a largely rural character.

Due to the retention of the important tree and seeking to avoid adverse impacts upon its root protection area the proposed dwelling is located along the southern section of the site, with the proposed dwelling located at the back edge of the verge to Pipe Lane, which is in a different position to earlier historic built form on the site. Whilst the siting of traditional development within their respective plots in the conservation area does vary, the position of the proposed dwelling and its associated access along the

southern boundary (as dictated by the presence of the important tree) does increase the visual prominence of the development within the conservation area street scene.

The scale of the proposed dwelling varies, with the highest section being the two-storey range along Pipe Lane. Given the converted agricultural building design concept and subsequent lowering of the ground floor level the eaves and ridge levels of the development are lower than a standard two-storey dwelling, resulting in similar levels to the traditionally scaled Lower Farmhouse. Rather than the proposed dwelling sitting at the same height as the highway verge, as there have been amendments proposing the excavation and lowering of the ground floor level, it is now considered that the proposed dwelling would no longer have an overbearing impact upon the street scene or diminish the presence of Lower Farmhouse as the predominant historic building within the section of the conservation area, and thus it would be a neutral presence within the setting of the listed building. However, the development would be a clearly visible presence, introducing a clearly domestic feature along the site frontage and eroding the rural character of the site and conservation area street scene.

The 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, and there is a basic level of architectural detailing to the development. Appropriate construction materials of red brick, clay tile and timber windows, which are prevalent to the area, are also proposed. To ensure good design quality that follows local vernacular further detailing such as brick detailing to the eaves, rise and fall rainwater goods brackets, cast iron effect rainwater goods and a traditional brick bonding pattern to the southern and western elevations should be secured via a planning condition if the decision-taker is minded to approve the application.

The existing hedgerow and trees along the southern boundary, which although classified as category C in the submitted Tree Survey, do make some contribution to the amenity and rural character of the conservation area. The loss of the trees, combined with the permanent loss of a section of grass verge to the lane to provide the new access will have a detrimental impact upon the street scene by eroding its rural character. Whilst a hard and soft landscaping scheme could be secured via a planning condition, and indicative details show the retention of post and rail fencing and hedgerow along the site frontage at the top of the retained verge, the creation of retaining walls and hard landscaping required for the access drive and parking area would have an urbanising effect upon this section of the site and the conservation area street scene. The timber sleepers and stone material proposed for the retaining walls have been used for boundary treatments on occasion elsewhere and could be considered to have a neutral impact; however, it is the tarmac and resin bound gravel surfacing materials that have the greatest urbanising effect. Whilst it is considered that the level of adverse effects has been reduced by the proposed amendments to the surfacing and boundary materials in my opinion adverse effects have not been fully avoided from this aspect of the proposal.

In summary the new dwelling is considered to be of an appropriate appearance and its construction materials and detailing, subject to further details which could be provided at pre-determination stage or via planning condition, are considered to follow traditional characteristics. The important tree on the site is to be retained due to the proposed siting and layout of the dwelling. The scale and height of the southern range of the dwelling has been reduced to avoid any overbearing impact upon the adjacent listed building Lower Farmhouse, but the presence of the development within the street scene would erode the rural character of the site. The

loss of a section of grass verge to Pipe Lane to create the site access, accompanied with aspects of the proposed hard and soft landscaping scheme, would further urbanise the site frontage which would be to the detriment of the rural character of the conservation area.

The proposal would therefore have an adverse impact upon the character and appearance of the Orton on the Hill Conservation Area, causing harm to this designated heritage asset. The level of harm to both is considered to be less than substantial (in terms of the NPPF). Given the accumulation of detrimental effects the adverse impact upon the conservation area is considered to be at the middle of this spectrum of harm.

Harm vs benefits assessment and summary

As currently proposed the harm caused to the Orton on the Hill Conservation Area 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.

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 particular 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, but during the determination of the application the applicant has sought to avoid and reduce harmful effects through design amendments.

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 a relatively minor level of heritage benefit due to the appearance of the proposed dwelling sustaining the significance of the conservation area. 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 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 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 asset as required by paragraph 205 of the NPPF and the statutory duties of Section 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 is a designated heritage asset of particular importance (as referenced in footnote 7).

Should the application be approved then pre-commencement planning conditions should be used to secure details for approval concerning:

- Construction materials and architectural detailing (including the brick for facing walls and proposed bonding pattern, the roof tile, window and door frame material, roof light, rainwater goods and brackets)
- A detailed hard and soft landscaping scheme including boundary treatments

Consideration could also be given to the removal of permitted development rights for the erection of ancillary domestic structures within the curtilage of the dwelling in order to preserve the amenities and appearance of the conservation area.

Appendix 9. Site Visuals







Appendix 10. 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.