



Appeal Decision

Site visit made on 20 March 2025

by H Butcher BSc(Hons) MSc PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/K2420/W/24/3349885

Land adjacent to 22 Rookery Lane, Groby, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Rebecca Redford against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/01173/FUL.
 - The development proposed is the erection of a two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would preserve or enhance the character or appearance of Groby Conservation Area, and the effect of the development on the setting of 26 Rookery Lane which is a Grade II Listed building¹.

Reasons

3. As identified by the Groby Appraisal Map, the appeal site falls within Groby Conservation Area. It also occupies an area of identified green space, historically comprised of the gardens to 26 Rookery Lane, which is a Grade II Listed building, and 20 Rookery Lane, which is identified as an Important Historic Building.
4. Historic buildings and green spaces within Groby Conservation Area such as those identified above make a significant contribution to the historic rural village character and appearance of the conservation area, as identified in the Groby Conservation Area Appraisal.
5. 26 Rookery Lane is a late 18th century house, now a doctor's surgery. The appeal site, as an adjacent area of retained green space, allows its significance as a historic building within a rural historic village to be appreciated.
6. The green space identified on the Appraisal Map and relevant to this appeal has been significantly compromised by recent development on it. However, the appeal site comprises one of the last vestiges of green space in this location, in the conservation area, and in the setting of 26 Rookery Lane, and has been landscaped in recent years to enhance its role in this respect. It is therefore my view that it still makes a positive contribution to the character and appearance of the conservation area and the setting of 26 Rookery Lane.

¹ 1320269

7. The proposal would further reduce this area of green space, replacing it with a dwelling of contrived design to fit the narrow, irregularly shaped plot it would occupy. This would erode the remaining historic rural character of the conservation area here. It would also impinge on the setting of 26 Rookery Lane, being located forward of and in front of this property, resulting in a cramped form of development which would distract and detract from its significance as an historic building, as well as further harming its rural village setting.
8. The retention of the existing front wall, and the fact that the appeal site is at a lower level to the listed building, would not mitigate the above effects. Nor would the retention of a reduced area of landscaping to the front of the proposed dwelling.
9. For these reasons the development would neither preserve nor enhance the character or appearance of Groby Conservation Area. It would also be harmful to the setting of the Grade II Listed 26 Rookery Lane. As a consequence it would conflict with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD which require new development to conserve and enhance the historic environment.
10. The harm I have found would be 'less than substantial' in the terms of paragraph 215 of the National Planning Policy Framework (the Framework) and this harm should be weighed against the public benefits of the proposal. The benefit of a single new dwelling, and its associated economic benefits, in this location, of bespoke design, would not, however, outweigh the great weight that should be given to the conservation of designated heritage assets.
11. I note the Inspector in a previous appeal here² for a two storey, full width, dwelling came to similar findings in respect of the value of this green space to the character and appearance of the conservation area and the setting of 26 Rookery Lane. Even if the Council are unable to demonstrate a five-year supply of housing, or the policies most important for determining the application were deemed out-of-date, the appeal would fail as the application of policies in the Framework that protect designated heritage assets provide a strong reason for refusing the development.
12. The appeal is dismissed

H Butcher

INSPECTOR

² APP/K2420/W/18/3194858