



THURLASTON PARISH COUNCIL

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Thurlaston Parish Council comments to be recorded

Ref: Planning Application 22/0604/FUL

Location: The Holt, Desford Road Thurlaston

Description: Change of use from outbuilding (incorporating garages, greenhouse, potting shed, gym and office) to dwelling house (C3).

Decision: This application falls, in every aspect, into the same category as previous applications and should similarly be refused.

Objections for the following supported reasons:

- It is in effect an additional new build in a rural location, not a change of use.
- Over development in a rural location when taken with the barn conversions already agreed.
- it is contrary to the current BDC plans and Fosse Villages Neighbourhood Plan.

1. The approval d/d 7th June 2018 to the original planning application (18/0494/HH) is for an outbuilding to augment the existing Holt building. The Parish Council did not make any objection at the time as they genuinely believed that the proposed development would enhance The Holt.

2. The approval letter d/d 7th June 2018, to the original planning application (18/0494/HH), includes clause 9 which states: 'The use of the two-storey outbuilding hereby permitted shall at all times remain incidental to the enjoyment of the dwelling as such and no non-residential use shall be carried on there from'. The approval is dependent upon the outbuilding being at all times incidental to the enjoyment of the dwelling. Any conversion to a dwelling house means that this condition is not being met.

3. The outbuilding as previously approved has only recently been built. This application is not therefore a change of use of an existing or redundant outbuilding, but in fact is an application for a new dwelling house and should be treated as such.

The Parish Council's contention is that the original application for planning consent in 2018 (18/0494/HH) was made in bad faith. The outbuilding has never been used as described in the application and as such cannot be considered to have met condition 9 of the Decision Notice which states 'The use of the two-storey outbuilding hereby permitted shall at all times remain incidental to the enjoyment of the dwelling as such and no non-residential use shall be carried on there from'.

It is also worth pointing out that there have not been any remedial or updating works carried out on The Holt since it was purchased. The property remains vacant and is now showing signs of decay.

4. The Blaby DC Planning web pages for this application indicate that there is a recent history of applications relating to this site.

Applications of note are:

- a. 18/0494/HH – original application for construction of an outbuilding to the main Holt property.

- b. 18/0690/FUL – application to build 7 dwelling houses – Refused 31st January 2019.
- c. Planning Inspectorate Appeal (APP/T2405/W/19/3224459) in relation to refused application 18/0690/FUL – Appeal dismissed 2nd August 2019.
- d. 19/0376/FUL - application to build 5 dwelling houses – Refused 5th September 2019.
- e. Planning Inspectorate Appeal (APP/T2405/W/20/3247964) in relation to refused application 19/0376/FUL – Appeal dismissed 7th July 2020.
- f. 20/0234/FUL - application to build 3 dwelling houses – Refused 1st June 2020.

Comment: The original application, 18/0494/HH, was viewed, by the Parish Council, as an acceptable addition to The Holt. The Council, at that time, were led to believe that the new owners were going to live in The Holt and needed an area to keep several valuable cars, office space, a greenhouse and a garden shed. Since then, it has become apparent that this is not the case and that this was a ruse to erect more dwellings on the site. Are we to believe that these additional facilities are no longer required? The proposal has been adapted and altered since 2018 and the final aim was made clear in 2021, when the original application for change of use was first submitted.

5. Included within the consultee comments relating to application 21/0117/FUL is an email from John Sharpe, Principal Historic Buildings Officer, LCC – copy at Appendix A. The comments he makes relating to this application for change of use (later withdrawn) remain particularly pertinent and are not supportive of any of the applications. These comments should form part of the consideration of the current application.

6. Previous applications were refused for the following reasons, all of which remain pertinent:

- a. Thurlaston is not a sustainable location and therefore the proposal is contrary to Policy CS5 of the Core Strategy.
- b. The separation from the village means that the development is contrary to CS2 of the Core Strategy.
- c. Policy CS18 of the Core Strategy states that the need to retain countryside will be balanced against the need to provide new development in the most sustainable locations. This is not a sustainable location.
- d. Upon two appeals to the Planning Inspectorate the refusals and reasons for refusal have been upheld by two separate Inspectors leading both to dismiss the appeals.

To be noted:

- The grounds of the Holt are regarded locally as a ‘conservation’ area with all mature trees within the boundaries of the property covered by the Leicestershire County Thurlaston (The Holt) Tree Preservation Order 1970 (Area Order) (TPO).
- Consultation on the Fosse Villages Neighbourhood Plan, during 2017, demonstrated that of those Parish residents who responded 81% supported the designation of the site as a Locally Important Heritage Asset.

In conclusion:

- This application should be refused for the above reasons.
- Taking the circumstances of the original decision to approve the outbuilding application (18/0494/HH), which was ostensibly made in ‘bad faith’, this current application should be considered as an application for a new residential building not a change of use. Failure to do so would create an unfortunate precedent of rewarding ‘bad faith’ applications.

In the event that this application is refused enforcement action must be taken to ensure that the site is restored to its original condition.

Stephen Dukes

From: John Sharpe <John.Sharpe@leics.gov.uk>
Sent: 23 June 2021 13:35
To: Stephen Dukes
Subject: 21/0117/FUL | Erection of dwelling house. | The Holt Desford Road Thurlaston

Hi Stephen

21/0117/FUL | Erection of dwelling house. | The Holt Desford Road Thurlaston

Thank you for requesting my observations in respect of the above application.

The Holt and the associated historic out buildings are of considerable local heritage interest. I am aware that the recent planning history includes the approval of a large two storey ancillary outbuilding within the setting of this non-designated heritage asset.

The submitted Heritage Statement points out that 'in determining this application the local planning authority did not raise any heritage objections in respect of the relationship of the outbuilding with The Holt and its overall setting'. You will be aware if the applicants opposed a condition restricting the use to 'incidental to the enjoyment of the dwelling'. I content that the physical relationship between, and justification for, ancillary accommodation, incidental to the enjoyment and essential to the present day use of a historic country house, and a detached dwelling are not the same. The fact that the design of the outbuilding enables it to be used as a separate house with relatively minimal change in appearance is either remarkably fortuitous or demonstrates careful pre-planning, but it does not disguise the fact that the current application is for the erection of a relatively large new dwelling in a location where heritage conservation is, I believe, a material consideration in the determination of the application.

It is remarkable that the extensive range of ancillary accommodation provided in the approved structure is apparently no longer required. Approval of another application currently before your authority for the conversion of a historic stable block will surely reduce even further the opportunity to accommodate the functions which I assume were essential for the justification of the previous approval and you may feel that the applicants should demonstrate where they will be located in the future. I understand that the approved structure has not been erected and so it cannot be claimed it is redundant and in need of a different use.

Extensive grounds almost invariably contribute to the significance of substantial country houses and the formation of separate curtilages, I believe that the proposed stable block conversion also has its own garden, will, in my opinion, affect adversely the historic integrity of The Holt. In addition separate curtilages generally require their own boundaries, garden paraphernalia, vehicular and other storage which will appear as an unwelcome intrusion into the established setting of the heritage asset.

The Heritage Statement notes that certain parts of the NPPF relate specifically to designated heritage assets and do not apply in this case. Other parts of the document are relevant in this case, including the opening paragraph of Section 16 which notes that all 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'. National Planning Practice Guidance states that 'a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets'. In my view The Holt appears to be of considerably more historic and

architectural significance than many non-designated heritage assets; it is clearly valued strongly by the local community.

I appreciate that this does not necessarily affect the controls or policies that can be applied in this case, but it suggests a relatively high level of significance and potential sensitivity to change, including from new development within its curtilage and immediate setting. Paragraph 197 requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. The test set out in the NPPF may be less demanding than that set out for a designated asset but the indirect harm that will be caused by the erection of a new dwelling within the historic setting of The Holt must be taken into account when considering this application.

Best wishes

John

John Sharpe
Principal Historic Buildings Officer (Part-time, Monday to Wednesday).

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