



## Appeal Decision

Site visit made on 17 May 2022

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> June 2022**

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### **Appeal Ref: APP/G2435/W/21/3288015**

#### **Land off Lountside, Ashby De La Zouch, Leicestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
  - The appeal is made by EG Group Limited against the decision of North West Leicestershire District Council.
  - The application Ref 21/00471/REMM, dated 16 March 2021, sought approval of details pursuant to condition No 1 of an outline planning permission Ref 17/01081/OUTM granted on 2 August 2019.
  - The application was refused by notice dated 4 November 2021.
  - The development proposed is erection of a road related storage, maintenance and management facility and associated site works (reserved matters to outline planning permission ref. 17/01081/OUTM).
  - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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#### **Decision**

1. The appeal is dismissed and approval of the reserved matters is refused, namely: access, appearance, landscaping, layout and scale details submitted in pursuance of condition 1 attached to planning permission Ref 17/01081/OUTM dated 2 August 2019.

#### **Application for Costs**

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

#### **Main Issue**

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

#### **Reasons**

4. Outline planning permission was granted in 2019 for the erection of a road related storage, maintenance and management facility (use classes B1 and B8) and associated site works, with all matters reserved. The appeal seeks reserved matters approval for the matters of access, appearance, landscaping, layout and scale.
5. The appeal site is adjacent to a roadside related services area which includes a petrol station, hotel as well as food and drink outlets. The site is located outside limits to development as defined in the North West Leicestershire Local

Plan (2021) (LP). Policy S3 of the LP relates to development in the countryside. As stated above, planning permission has already been granted at the outline stage and therefore the suitability of the use proposed in this location is not a consideration. Nonetheless, the policy includes criteria relating to design associated with development within the countryside. Policy S3 is therefore relevant to the determination of the scheme because it would only be possible to assess some of the criteria at the reserved matters stage.

6. I acknowledge that the design of the scheme was amended to introduce detailing, the floorspace complies with the maximum floorspace specified in the outline planning permission and additional landscaping is proposed. It has also been drawn to my attention that at the time of the outline application, the supporting information indicated that the unit would be between one and two storeys in height, and between 5 and 8.5m. The proposed building would be approximately 10.3m high above finished floor level. However, I recognise that scale was a matter to be considered at reserved matters stage.
7. The adjacent petrol filling station canopies sit considerably closer to the boundary with Nottingham Road than the unit proposed. There is established tree planting which would help to screen the unit from Nottingham Road. Nonetheless, in comparison to the building proposed, the canopies read as lightweight structures due to their open sided construction and, on the basis of the information before me, the unit would be taller than the canopies. The building would be highly visible from the roads associated with the services. The proposed west elevation would be directly adjacent to the estate road and due to its siting would be particularly prominent when viewed from public vantage points.
8. The existing buildings within the road-related services area do not read as dominant buildings because of their scale, design, siting and use of materials. In contrast, the scheme would result in a dominant building which would fail to respect the character of the existing development within the services area. This is by virtue of the proposed building's height, scale, massing, siting and design with limited architectural features particularly to the prominent west elevation. Furthermore, due to the limited gap between the unit and the road, it would not be possible to introduce any meaningful landscape to mitigate the impact of the proposed west elevation. Consequently, the scheme would be out of keeping with the existing development within the road-related services area and would not positively respond to the site's context.
9. For these reasons, the proposed development would be visually harmful to the character and appearance of the surrounding area. Accordingly, it would conflict with Policies S3 and D1 of the LP which seek, amongst other matters, to promote well designed developments which positively address the Council's Place Making principles, including the need to be responsive to context and in terms of architectural quality. It would also conflict with Paragraph 130 of the National Planning Policy Framework (the Framework). This states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Even if I had found that Policy S3 was not relevant, this would not alter my findings on the main issue as the scheme would still conflict with Policy D1 and the Framework.

### *Other Matters*

10. The appellant has drawn my attention to a number of other considerations. These include access and highway matters, drainage, ecology, noise, air quality and lighting as well as renewable energy. The appellant also highlights that the application was recommended for approval, they engaged positively with the Council, the application site comprises vacant land which is highly accessible, the scheme is tailored to the requirements of the appellant, the local plan does not identify sites for roadside management facilities and such uses can only operate in specific locations. In addition, I recognise that the scheme would provide economic benefits and there is a signed Section 106 agreement associated with the outline application. However, based on the information presented, these considerations do not outweigh the harm identified above.
11. On the basis of the evidence before me, the site lies within the catchment area of the River Mease Special Area of Conservation (SAC)/ Site of Special Scientific Interest (SSSI). Therefore, an assessment of whether the proposal would have a significant effect on the SAC/ SSSI is required. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

### **Conclusion**

12. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

*L M Wilson*

INSPECTOR