



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 3 August 2023 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr E. Walters (Tel: 0116 3052583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. L. Phillimore CC (Chairman)

Mr. R. G. Allen CC	Mr. D. Harrison CC
Mr. N. D. Bannister CC	Mr. P. King CC
Mr. M. H. Charlesworth CC	Mr. B. Lovegrove CC
Mr. D. A. Gamble CC	Mr. K. Merrie MBE CC
Mr. D. J. Grimley CC	Mr. C. A. Smith CC

Please note: this meeting will be filmed for live or subsequent broadcast via You Tube
https://www.youtube.com/playlist?list=PLrIN4_PKzPXjar7lOtLtNZvlwZ4xT_8yU
– Notices will be on display at the meeting explaining the arrangements.

AGENDA

Item

1. Minutes of the meeting held on 22 June 2023. (Pages 3 - 6)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 35.



Reports of the Director of Environment and Transport.

7. Application by Mrs. Michelle Skinner to divert a part of Public Footpath I63a at Ratcliffe on the Wreake. (Pages 7 - 86)

Reports of the Chief Executive on Planning Applications - County Matter Applications.

8. 2022/1491/03 2022/LD/0104/LCC: Beuparc Group & Tarmac Trading Limited - Application for Certificate of Lawfulness for an Existing Use or Development to seek to confirm that former and current/proposed uses fall within the same use class - Class B2 (General Industrial) Use - New Earth Solutions, Gibbet Lane, Shawell. (Pages 87 - 98)

Other Reports.

9. Delegated Decisions March 2023 to June 2023. (Pages 99 - 100)
10. Delegated Tree Preservation Order Decisions January 2023 to June 2023. (Pages 101 - 108)
11. Any other items which the Chairman has decided to take as urgent.
12. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 22 June 2023.

PRESENT

Mr. R. G. Allen CC
Mr. N. D. Bannister CC
Mr. M. H. Charlesworth CC
Mr. D. Harrison CC

Mr. P. King CC
Mr. L. Phillimore CC
Mrs B. Seaton CC
Mr. C. A. Smith CC

1. Appointment of Chairman.

It was noted that Mr. L. Phillimore CC had been appointed Chairman-elect at the Annual Meeting of the County Council on 17 May 2023.

RESOLVED:

That Mr. L. Phillimore CC be appointed Chairman of the Development Control and Regulatory Board until the date of the Annual Meeting of the County Council in 2024.

Mr. L. Phillimore CC - in the Chair.

2. Election of Deputy Chairman.

It was proposed, and seconded "That Mr. B. Lovegrove CC be appointed Deputy-Chairman".

RESOLVED:

That Mr. B. Lovegrove CC be appointed Deputy-Chairman of the Development Control and Regulatory Board until the date of the Annual Meeting of the County Council in 2024.

3. Minutes of the previous meeting.

The minutes of the meeting held on 11 May 2023 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

5. Questions asked by Members).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities.

No declarations were made.

8. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

9. 2022/2260/02 (2022/VOCM/0161/LCC): Variation of planning conditions no.8 and no. 10 of planning permission reference 2001/2001/2 to increase imports of gypsum and the associated numbers of HGV movements and a reduction in the permitted hours of importation - Barrow Works, Paudy Lane, Seagrave.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 9', is filed with these minutes.

The Board was also in receipt of written representations from Karen Dalzell-Payne which objected to the application, and from Mrs. H. Fryer CC in support of the officer's recommendation to approve the application.

In accordance with the procedures for making representations to the Board, Jennifer Saunders (Saint-Gobain) spoke on behalf of the applicant, Elaine Goodwin and Elizabeth Hollingshead spoke against the proposals, and Mr. R. J. Shepherd CC spoke as the local member.

Mr. Shepherd CC raised concerns about the impact of the lorry movements on the amenity and quality of life of local residents and asked for the application to be refused.

In response to members' questions, clarification was given that the application proposed an *additional* 2 movements per hour along Paudy Lane which would comprise of one vehicle entering and then exiting the site. This would result in a total of 4 movements per hour on average.

The Board noted that condition 4(b) of planning permission 2001/2001/02 required the provision of speed cameras (within the public highway) to be privately owned and operated by the Company, though it did not specify whether these were to be average speed cameras or solar powered speed signs. However, the view of officers was that condition 4 did not meet the relevant tests for planning conditions as set out in paragraph 55 of the National Planning Policy Framework in that the imposition of the planning condition was not necessary, given that speeding vehicles outside of the site boundary were a matter for civil law and therefore not relevant to planning and neither was it

enforceable. Nevertheless, the applicant had already offered to pay for solar powered speed signs, and the applicant stated that they would also consider whether it was a possibility to implement average speed cameras on Paudy Lane. The Board asked officers to send an Informative to the applicant specifying that the offer to give consideration to further speed monitoring would be welcomed.

RESOLVED:

That the application be permitted subject to the conditions nos. 1-9 as set out in the appendix to the report and the prior completion of a legal agreement to ensure the continued imposition of lorry routeing to and from the site.

10. 2023/10047/04 (2023/CM/0037/LCC): Retention of existing hardstanding, including existing and proposed landscaping - Bosworth Marina, Carlton Road, Market Bosworth.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 10', is filed with these minutes.

It was noted that the local member Mr. B. Harrison-Rushton CC shared the same concerns about the application as those expressed by both Market Bosworth and Carlton Parish Council regarding the lack of wildlife and habitat provision, and the proposed hardstanding being inconsistent with the existing marina and landscaping.

In accordance with the procedures for making representations to the Board David Harris-Watkins (Andrew Large Surveyors Ltd) spoke on behalf of the applicant.

The applicant clarified that the hardstanding would be used for the storage of boats but that no works would take place on the boats whilst they were on the hardstanding. Instead, planning permission had been granted for a workshop which had not yet been constructed.

Reassurance was given that in addition to the original landscaping scheme for the marina, the applicant had already planted an additional hedgerow and would carry out further tree planting in the next planting season autumn/winter 2023/24.

RESOLVED:

That the application be permitted subject to the conditions nos. 1-5 as set out in the appendix to the report.

11. Leicestershire County Council Country Parks Byelaws.

The Board considered a report of the Director of Corporate Resources which provided an update on the public consultation on the byelaws and proposed amendments as a result of the consultation. A copy of the report, marked 'Agenda Item 11', is filed with these minutes.

The Board noted that paragraph 19(1) of the proposed byelaws referred to "a registered blind person" and sought clarification on whether this would result in Assistance Dogs (belonging to persons not registered blind) being prevented from entering or remaining in any of the dog prohibited area(s). In response the Board received reassurances that Assistance Dogs would be covered under where paragraph 19(1) referred to "reasonable

excuse” and therefore Assistance Dogs would not be prevented from entering the prohibited areas.

The Board was also reassured that the amendments to the proposed byelaws would still result in people being prevented from removing the eggs of fish or birds.

RESOLVED:

That the County Council be recommended to authorise the Director of Law and Governance:

- (a) to make and seal Byelaws as appropriate for each of the Country Parks listed in accordance with the details set out in the appendix to the report and to revoke all previous byelaws on those sites; and
- (b) to advertise the making of and to seek confirmation by the Secretary of State of these Byelaws.

12. Chairman's announcements.

The Chairman paid tribute to Mr. J. G. Coxon CC for his service as Chairman of the Board over the previous years.

The Chairman confirmed that the next meeting of the Board would take place on Thursday 3 August 2023 at 2.00pm.

2.00 - 3.25 pm
22 June 2023

CHAIRMAN



DEVELOPMENT CONTROL AND REGULATORY BOARD

3 AUGUST 2023

**APPLICATION FOR A PUBLIC PATH DIVERSION ORDER -
PROPOSED DIVERSION OF PUBLIC FOOTPATH I63a (PART) AT
RATCLIFFE ON THE WREAKE (CHARNWOOD BOROUGH)**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

PART A

Purpose of the Report

1. The purpose of this report is to seek determination of an application by Mrs. Michelle Skinner to divert a part of Public Footpath I63a at Ratcliffe on the Wreake, as shown on Plan No. 2585/R1 attached as Appendix A to this report.
2. Under the proposal Footpath I63a would be diverted from the route H-C-D on the plan, to the route H-J-K-G-C on the plan.

Recommendation

3. It is recommended that an Order be made under Section 119 of the Highways Act 1980 to divert Public Footpath I63a at Ratcliffe on the Wreake as shown on the Plan No. 2585/R1 appended to this report.

Reasons for Recommendation

4. The application to divert Footpath I63a satisfies the relevant statutory criteria set out under the provisions of S119 of the Highways Act 1980. It is expedient in the interests of the owner to divert the path, the effect of the order does not alter either point of termination of the path, the alternative route is not substantially less convenient and would not have a significant negative effect on the public enjoyment of the path as a whole.

Resource Implications

5. There are no resource implications for the Council directly arising from the recommendations in this report. The proposed alternative route will be over grass and will provide a like-for-like alternative route. The applicant will provide a single new

kissing gate on the alternative route and its future maintenance will remain the responsibility of the landowner.

Circulation under the Local Issues Alert Procedure

6. This report has been sent to Mr. J. Poland CC (Syston Fosse Division).

Officer to Contact

Edwin McWilliam, Access Manager
Environment and Transport Department
Tel. 0116 305 7086
Email: footpaths@leics.gov.uk

PART B

Background

7. In March 2021 the Council received an application from Mrs. Michelle Skinner of Priory House, Ratcliffe on the Wreake, for the diversion of part of Public Footpath I63a which runs across the adjacent field and through the paddock field immediately adjacent to Priory House. A copy of the application form and plan is attached as Appendix B.
8. The application affects land belonging to a third party. A letter of agreement to the proposal accompanied the application form and is signed by P.M.M. Lewis on behalf of the Hackett family. A copy of the letter is included within Appendix B.
9. The reason given for making the application is to provide privacy and security for Priory House.
10. Following preliminary consultations in January 2022 and having received objections to the proposal within that period, the proposed diversion was modified. Plan No. 2585/Rev, attached to this report as Appendix C, illustrates these changes.
11. The original application sought to divert the footpath from point "J" on the plan in a generally northerly direction to the junction of Footpaths I63a and I66 (marked "A" on Plan No. 2585/Rev Appendix C). However, as described below, there were objections to this proposal and the applicant has agreed to foreshorten the diversion to start at point "H" thus leaving Footpath I63a on its historical line from Main Street as far as point "H". From point "C" southwards, the footpath has already been moved from its historical line by a diversion Order dated 1997 at the request of the previous owner of Priory House.

Legal Considerations

12. The Highway Authority must have regard to the legal considerations set out in S119 of the Highways Act 1980 as detailed below.

Highways Act 1990 (Section 119)

1. The primary criteria which must be met before a Highway Authority makes a public path diversion order are as follows:-
 - a) Before making an order the Authority must be satisfied that it is expedient to divert the path in the interests of the public or the owner, lessee or occupier of the land crossed by the path.
 - b) The Authority must also be satisfied that the diversion order does not alter any point of termination of the path, other than to another point on the same path, or another highway connected with it, and which is substantially as convenient to the public. Nor can the termination be altered where this is not on a highway (i.e. cul-de-sac).
 - c) Before confirming an order the Authority or the Secretary of State must be satisfied that:-

- i) The diversion is expedient in the interests of the person(s) stated in the order,
 - ii) The path will not be substantially less convenient to the public as a consequence of the diversion,
 - iii) It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path as a whole, on other land served by the existing path and on land affected by any proposed new path, taking account the provisions for compensation.
2. An authority has the discretion not to make an order if it does not consider that the statutory criteria to enable it to confirm the order can be met.

Site Inspections

13. An initial site meeting by an officer with the prospective applicant was held on 17th February 2021. A further site visit was made on 9th March 2022 to review the viability of modifying the proposed diversion to mitigate objections. Photographs from the second visit are attached as Appendix D.

The Existing Route of Footpath I63a

14. The existing route of Footpath I63a leaves Main Street by the church and crosses a field in which there are earthworks from an abandoned part of the village. The path joins the route of a historical holloway, or sunken lane, known as Martin's Lane. Photographs 1 and 2 show the earthworks and Martin's Lane.
15. From the southern end of Martin's Lane, the footpath crosses a stile and then runs across the paddock immediately adjacent to Priory House. This can be seen in photograph 3.
16. The section of footpath proposed to be diverted is approximately 140m long and crosses a grassy paddock with a close view of the Priory House. To the west the view is over pasture towards the village.

Proposed Alternative Route

17. The proposed alternative route for the footpath departs from the unaffected part of the route at the southern end of Martin's Lane at point "H" on the plan. The new route would climb the shallow embankment of Martin's Lane Holloway to skirt around the fenced curtilage of Priory House. This is shown in photograph 3 in Appendix D.
18. The route would then cross a bund or embankment across the eastern end of another ancient village street named Colleborough Lane. This is shown in photograph 4 in Appendix D.
19. The alternative footpath would then continue along the fence line of the pasture field to its southern end where the path would turn through a new kissing gate to cross the bottom of the paddock and thence re-join the unaffected Footpath.
20. The section of proposed new footpath is approximately 175m long and crosses a grassy pasture field with a more distant view of the Priory House. To the west the view would be very similar, over the same pasture towards the village. At an average

walking speed of around 3 miles an hour the additional 35m distance on the proposed route would take about half a minute with a gate to negotiate rather than a stile.

Formal Preliminary Consultations

21. Preliminary consultations were carried out between 17th January 2022 and 28th February 2022. Utility companies, user groups, Charnwood Borough Council and the Parish Council were consulted by letter or email.
22. The Council received no objections from the utility companies or from the Borough Council.
23. The Ratcliffe on the Wreake Parish Council discussed the matter at a meeting held on 24th January 2022 and again on 16th March 2023 and concluded that the path diversion was not required and would change the character of the village. The Parish Council comments are attached as Appendix E.
24. Objections were raised by five local residents attached as Appendix F to this report.
25. An objection was also received from the Ramblers' Association, submitted on 3rd February 2023, outside of the consultation period, and is attached as Appendix G.
26. As a result of concerns raised during the consultation period, the County Planning Archaeologist was consulted. Consequently, the proposed alternative route was modified in discussion with the applicant to that shown on Plan No. 2585/R1 attached as Appendix A to this report.
27. A further variation to the alternative route was proposed by one of the objectors. The applicant was open to considering a further change but the new suggestion did not resolve all the objections and lacked some of the convenience of the proposed route as shown on Plan No. 2585/R1.

Objections/Representations and Officer Comments

Ratcliffe on the Wreake Parish Council

28. The full comments of the Parish Council are attached as Appendix E to this report and are summarised in paragraphs 29 to 30 below.
29. The Parish Council have looked in detail at this proposal in the specific context of the Ratcliffe on the Wreake Conservation Area Character Appraisal carried out and adopted by Charnwood Borough Council in 2013. A copy of that report is attached to this report as Appendix I. The Parish Council concludes that the path diversion is not required and would change the character of the village and goes against the spirit of the Conservation Report as it will prevent people from using the ancient way in the future.
30. The Parish Council are concerned at the loss of an ancient way that connects listed buildings. The old kissing gate at point C was installed by the Parish Council and should be retained and used. The proposed route means climbing a slope used by tractors and cattle making it slippery in wet weather. The embankment the proposed route would cross is narrow with steep sides, a churned-up surface, no obvious

drainage and could collapse. The Parish Council submit that the embankment also destroys part of the ancient Cottlebrough Lane and should perhaps be removed.

Comments from officer in response:

31. The existing path is outside the perimeter of Prior House and is already screened from it. Altering the route would reduce the privacy of neighbouring properties, increase the length of the footpath and people may not stick to the waymarked route but simply take a direct line across the historical house bases in the adjacent field.
32. In consultation with the Archaeologists in the County Council's Historic and Natural Environment Team, the proposal has been modified to exclude taking the proposed new footpath across the earthworks (former part A-J). The ancient Footpath along the historic village street known as Martin's Lane (A-H) will be retained and its relationship to the cottages preserved. The existing Footpath south of Martin's Lane already deviates from the ancient route, having been previously diverted in 1997. The reduced diversion proposal still serves the applicant's interest whilst preserving the historic features of the Footpath.
33. The proposed new path would climb out of Martin's Lane on a diagonal line which is easy to negotiate and not out of character for a rural footpath. The embankment does remove the need to drop down and again climb out of the old Cottlebrough Lane and does give a view of the lane not seen from the existing route. The embankment is wide enough to safely carry a public footpath and if it drops, or is indeed removed, the new footpath would simply follow the contours of the land.
34. The Highways Act does provide for landowners to divert a public footpath in their own interests and in this case the owner is concerned with ongoing invasions of privacy and security which the diversion would enable her to improve. The diversion route adds less than half a minute to the time taken to walk the path. When the waymark posts are installed sight lines can be checked to ensure the best locations to encourage people to keep to the old path as far as the point of diversion to avoid the earthworks and retain the same relationship with neighbouring properties.

Ms. Joy Osborne (local resident)

35. Ms Osborne is concerned at the loss of an important historical feature of the village simply on the grounds of providing a greater degree of privacy for the applicant. Ms Osborne lives in close proximity to the same footpath and it does not present a problem for her. She highlights the fact that the ancient footpaths of the village are mentioned in the 2013 village conservation report and that document seeks to protect the distinct "grain" or pattern of builds which clearly define the village's historic development. Within this context the footpath passes two listed buildings, including Priory House, and has an important historical relationship to the property.

Comments from officer in response:

36. The proposal has been modified to exclude taking the proposed new footpath across the earthworks (former part A-J). The ancient footpath along the historic village street known as Martin's Lane (A-H) will be retained and its relationship to the cottages preserved. The existing footpath south of Martin's Lane already deviates from the ancient route, having been previously diverted in 1997. The reduced diversion

proposal still serves the applicant's interest whilst preserving the historic features of the Footpath.

Mr. and Mrs. Rigby (local residents)

37. Mr. and Mrs. Rigby are concerned at the loss of a path they walk frequently which is across an area of historic significance. Diverting the footpath would alter the character of the village, go against the spirit of the Conservation report 2013 and prevent people from using the ancient way in the future.

Comments from officer in response:

38. The proposal has been modified to exclude taking the proposed new footpath across the earthworks (former part A-J). The ancient footpath along the historic village street known as Martin's Lane (A-H) will be retained and its relationship to the cottages preserved. The existing footpath south of Martin's Lane already deviates from the ancient route, having been previously diverted in 1997. The reduced diversion proposal still serves the applicant's interest whilst preserving the historic features of the footpath.

Mr. and Mrs. Chaplin (local residents)

39. Mr. and Mrs. Chaplin note that the private residential areas of Priory House are already screened from the footpath by attractive hedges and trees. They live in a village property bordered by two footpaths and do not have any problems with walkers. They are concerned that any change to the footpath would have a significant effect on the historic layout and appearance of the village as described in the Ratcliffe on the Wreake Conservation Area Character Appraisal 2013. Mr. and Mrs. Chaplin are concerned that the proposed footpath passes over historical remains of house bases and that the new earthwork has interfered with the historical remains of Cottleborough Lane. They are concerned at the additional distance proposed by moving the path, the climb up from Cottleborough Lane and the dog-leg introduced into the route.

Comments from officer in response:

40. The Highways Act does provide for landowners to divert a public footpath in their own interests and in this case the owner is concerned with ongoing invasions of privacy and security which the diversion would enable her to improve.
41. The proposal has been modified to exclude taking the proposed new footpath across the earthworks (former part A-J). The ancient footpath along the historic village street known as Martin's Lane (A-H) will be retained and its relationship to the cottages preserved. The existing footpath south of Martin's Lane already deviates from the ancient route, having been previously diverted in 1997. The reduced diversion proposal still serves the applicant's interest whilst preserving the historic features of the footpath.
42. The diversion route adds less than half a minute to the time taken to walk the path and therefore the change is not a significant inconvenience. The climb up from Cottleborough Lane is ameliorated by the embankment. At the point of the dog-leg

there is an open and unenclosed aspect so the use and enjoyment of the footpath will not be significantly affected.

Ms. Karina Curtis (local resident)

43. Ms. Curtis is concerned about the safety issues raised by the proposed new footpath running across the middle of land used for grazing cattle, in particular the area of the sunken lane where the cattle may congregate. The existing footpath through the Priory House paddock is safe from cattle. Ms. Curtis is also concerned at the loss of an historical part of the village and that this diversion could set a precedent for diverting other historic paths in the village. She also states that Priory House sits in a dip, there are no direct sight lines to and from the existing footpath, additional trees could be planted to improve privacy and the proposed route still enters the paddock at its southern end.

Comments from officer in response:

44. Walking through cattle is a concern for pedestrians but notwithstanding the diversion, the existing Footpath already runs through the pasture. The proposal has been modified and no longer takes a direct route further into the middle of the field. From the start of the amended proposal the route would run along the edge of the field where walkers will feel most comfortable. The possibility of cattle congregating on the footpath in the area of the sunken lane has been ameliorated by the embankment.
45. The Highways Act does provide for landowners to divert a public footpath in their own interests and in this case the owner is concerned with ongoing invasions of privacy and security which the diversion would enable her to improve. Each application for a diversion must be considered on its own merits within the criteria set out in the Highways Act and therefore in this context case cannot set a precedent.
46. The applicant is concerned that people can see into her property. She has taken measures to address this matter but instances persist and the diversion would further reduce the likelihood of it happening.

Mrs. Rachel Wright (local resident)

47. Mrs. Wright is concerned that the applicant does not own one of the fields crossed by the proposed new footpath and that an embankment has been constructed to facilitate the proposed route over the "Dovecote" ditch. Mrs. Wright is concerned at the loss of an important historical feature of the village simply on the grounds of providing a greater degree of privacy for the applicant whilst making her own property more overlooked. She highlights the fact that the ancient footpaths of the village are mentioned in the 2013 village conservation report and that the document seeks to protect the distinct "grain" or pattern of builds which clearly define the village's historic development.

Comments from officer in response:

48. The applicant has sought and obtained the agreement of the adjacent landowner. Having modified the proposal, the neighbouring landowner is now only impacted by a minor change in route on their land from point H-C (a distance of approximately 13m) to the proposed new route H-J (a distance of approximately 25m).

49. The proposal has been modified to exclude taking the proposed new footpath across the earthworks (former part A-J). The ancient footpath along the historic village street known as Martin's Lane (A-H) will be retained and its existing relationship to her own cottage preserved. Waymark posts marking the footpath route can be positioned to encourage walkers to stay on the correct line.

The Ramblers' Association

50. The Ramblers' Association is concerned that the alternative footpath may be fenced in the future, that a new boundary with additional gate may be erected in the future and that the existing dog-leg will be extended.

Comments from officer in response:

51. The alternative route will be 4 metres wide over 150m of the new 175m length. The remaining 25m will be 3 metres wide. Therefore, if the landowner does choose to fence the path in the future the ability for the public to pass and repass each other with ease will be guaranteed.
52. Before a landowner can erect a new gate it is a statutory requirement for them to apply for permission from the Highway Authority. Therefore, the desirability or otherwise would be given consideration at that time.
53. The new section of path would only add approximately 35 metres extra walking and where the path is proposed to make a sharp turn (at point "G" on the Plan), there is an open and unenclosed aspect and so the use and enjoyment of the path will not be significantly affected.

Views of the Local Member

54. The Local Member, Mr. J. Poland C.C. has been consulted on the proposal. His comments reiterate the concerns outlined above regarding the historical context of the proposal and the presence of cattle in the fields. Mr Poland's response is attached as Appendix H.

Financial Implications

55. The diversion of a public right of way onto land not in the ownership of the applicant may give rise to a claim for compensation pursuant to sections 121 and 28 of the Highways Act 1980. A claim may be made if it is shown that the value of an interest of a person in land is depreciated, or that person has suffered damage by being disturbed in his enjoyment of land, in consequence of the making and confirmation of a diversion order. Section 119(5) of the Act provides that before determining to make a public path diversion order the council may require the applicant to enter into an agreement to defray, or make such contribution as may be specified in the agreement, towards compensation which may become payable, expenses incurred in bring the new site of the path into fit condition for use by the public, or where the council are not the highway authority any expenses that may become recoverable by the highway authority under section 27(2) of the Act. The applicant has agreed in the application to indemnify the County Council in relation to any claim for compensation.

56. The applicant has agreed to carry out the work needed to open up the alternative route on the ground, namely a kissing gate at point “G” and two yellow-topped waymark posts at points “K” and “J” on Plan No. 2858/R1. The applicant has agreed that the new parts of the public footpath will have a specified width of 3m from H-J-K and 4m from K-G-D.

Equality Implications

57. The Footpath currently has a stile along its route, at point C on the plan. The proposed alternative route would no longer cross this stile. The proposal includes provision of a new kissing gate to give access through the boundary at point G. This will be an overall improvement in access to the footpath for less agile walkers. There are no other equality implications.

Human Rights Implications

58. The E.U. Convention Rights and the Articles that set out the rights of individuals (such as respect for family life) can impact on certain decisions where the County Council is making decisions or setting policy of public access and Rights of Way issues. However, this impact is confined to the exercise of those powers and functions the County Council has to exercise discretion about proposals that require a balance between the benefits of the scheme and the potential adverse implications for landowners and others.
59. Proposals to divert a Right of Way or to use statutory powers to compulsorily create a new Right of Way should have reference to the Convention on Human Rights and take these issues into account when deciding if that scheme should proceed.
60. However, applications submitted to the County Council under the Highways Act 1980 for a Public Path Diversion Order have limited discretion. For that reason, arguments based on a potential breach of any of the Article rights have no relevance to such applications. The Secretary of State has indicated that objections based on such rights will not be regarded as relevant.

Conclusion

61. Under S119 of the Highways Act, the authority needs to be satisfied that the proposal is in the interests of the owner, occupier or lessee of the land, before considering making an order. The majority of the land subject to the order (93%) is in the ownership of the applicant. It is considered that the diversion would be in the Applicants’ interests. It would place a greater distance between the Priory House and the public right of way thus providing greater privacy.
62. The authority could not confirm the order unless it was satisfied that the diversion is not substantially less convenient to the public. The proposal is only approximately 35 metres longer than the existing route. This is not significant and would only take around a quarter of a minute additional walking time at an average walking speed. The terrain is similar on both routes. There will no longer be a stile to climb but there will be one kissing gate to negotiate.
63. Before confirmation, the authority is also required to consider the effect the diversion would have on public enjoyment of the path as a whole. The proposal has been amended to mitigate objections to the loss of the historical route of the Footpath. A

walker using the route would still be able to appreciate the context of the path within the historic village layout and it is the opinion of officers that there would be no significant diminution of the quality of landscape views.

64. There are unresolved objections concerning walking through cattle and the creation of an embankment feature. However, the existing Footpath, north of the section to be diverted, already runs through the pasture field. The proposed new route would run along the edge of the southern pasture field where walkers will feel most comfortable. Concerns relating to the embankment feature would be a matter for Charnwood Borough Council to address. Notwithstanding any future changes to the embankment, the Highway Authority remain satisfied with the suitability of the proposed route.
65. It is therefore **Recommended** that an Order be made to divert part of Public Footpath I63a at Ratcliffe on the Wreake.

Appendices

A - Plan No. 2585/R1

B – Application Form

C - Plan No. 2585/Rev.

D - Photographs of the Footpath

E – Representations against the proposal

F – Representation from the Ramblers' Association

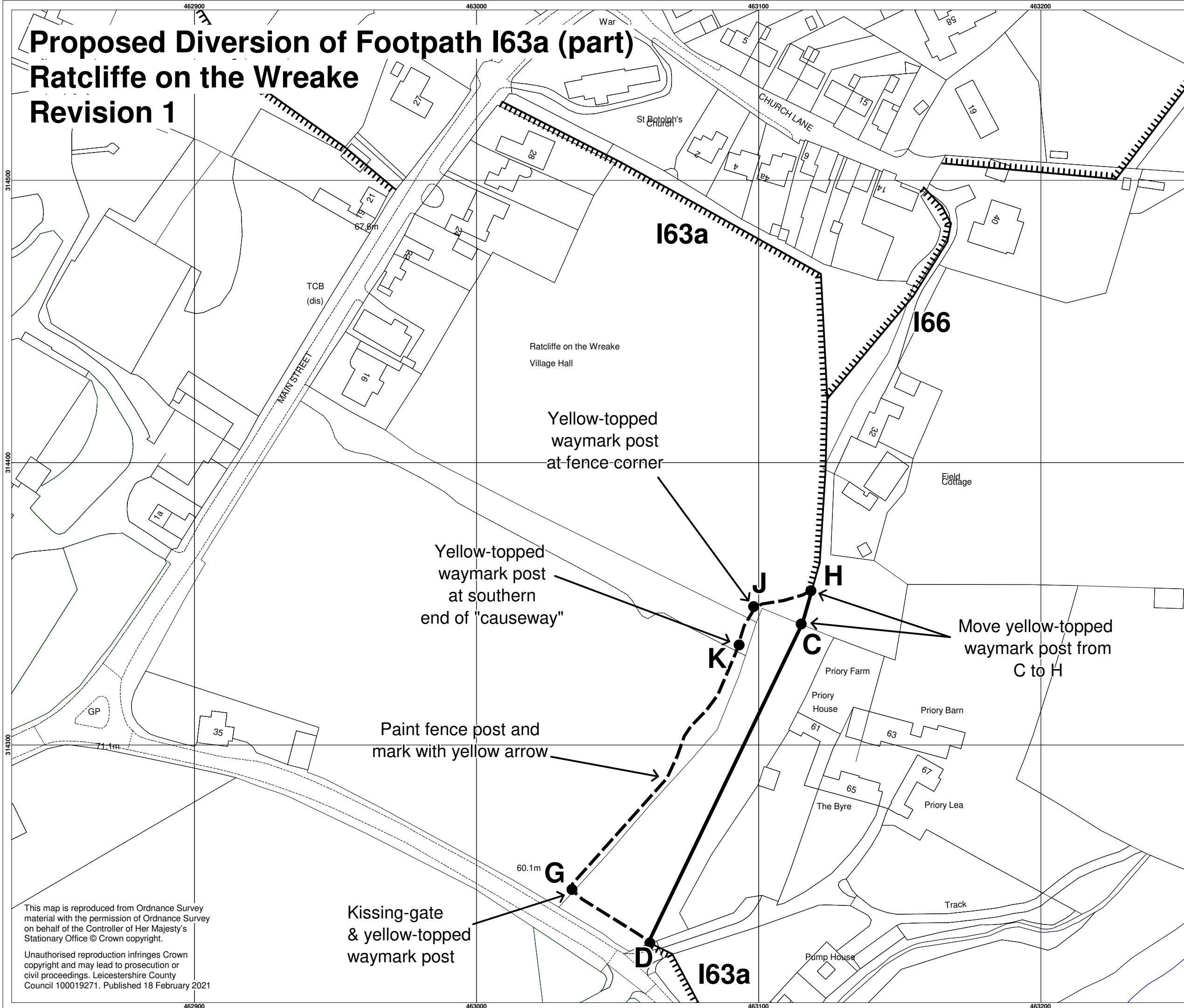
G – Response of Local County Councillor Mr Poland (Member for Syston Fosse Division)

I - Ratcliffe on the Wreake Conservation Area Character Appraisal 2013

J – Photographs submitted by applicant on 3 April 2023

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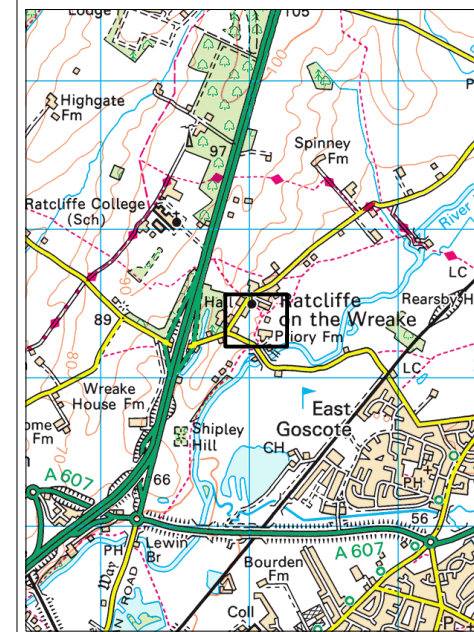
Proposed Diversion of Footpath I63a (part) Ratcliffe on the Wreake Revision 1



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Appendix A

Location Plan



Key

- Footpath to be diverted
H - C - D
- Proposed Alternative route
H - J - K - G - D
- Footpaths unaffected

The new path will have a specified width of 3m H-J-K and 4m K-G-D

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



Plan No.2585/R1
Scale 1:1250

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From: Michelle Skinner [REDACTED]
Subject: Re: Proposed relocation of footpath 163a
Date: 4 March 2021 at 16:40
To: ellen Senior [REDACTED]

MS

Dear Ellen,

I write to confirm that I agree to the works listed 1-5 on the plan. 1. 3 x yellow topped waymark posts at the points marked E, F and G on the plan

2. A board walk between points E and F consisting of 6 x sleepers with chicken wire covering
3. Kissing-gate (or hand-gate) at point G
4. Paint the fence post where the path comes to the field edge between points F and G (we will add the arrow here and new ones to the waymark posts if needed)
5. The path will have a specified width of 4m over your land (you will need to clarify with your neighbour whether I can include a 4m width for the part A-E or whether that section will be given a 3m width or something in between – this would only ever come into play if the path was fenced on both sides. This is something your neighbour should include in her letter of agreement. The only works affecting that land would be the existing waymark posts coming out and hopefully being re-used to mark the new line).

I am happy for the proposed width to be 4m on my land and understand 3 m on the adjacent land, agreed by the owner Mrs P. Lewis.

I would therefore like to submit this application for diversion of public rights of way.

Thank you for your help.

Kind regards,
Michelle Skinner



**APPLICATION FOR THE DIVERSION/EXTINGUISHMENT
OF PUBLIC RIGHTS OF WAY**

This form should be used to apply to Leicestershire County Council for the Diversion or Extinguishment of Public Rights of Way in Leicestershire.

Leicestershire County Council is the competent authority to make Orders under:-

- a) The Town and Country Planning Act 1990:- Where the County Council has issued the relevant planning permission.
- b) The Highways Act 1980:- Where landowners wish to alter rights of way on their land, or any other person or organisation would like the authority to create a new path. (An application under this Act may also be submitted to the appropriate District Council).
- c) Wildlife and Countryside Act 1981. If you consider that a right of way should be added to the Definitive Map or should not have been shown at all or has a different status, and you have documentary evidence to support this, then do not use this form. Please contact a member of the Rights of Way Service in the Environment & Transport Department on Leicester 0116 305 7087, who will arrange for the appropriate forms to be sent to you.

Please complete the following questions:-

1. Name and address of applicant. (Please include email address)

Mrs Michelle Skunnes,
Priory House,
61 Broome Lane,
Ratcliffe on the Wreake, Leics LE7 4SB.

2. Details of the Public Right(s) of Way

a) The Village/Town or place where the Right(s) of Way is/are situated.

b) Status of Right of Way (i.e. Footpath/Bridleway).

c) Name or number of the Right(s) of Way (if known).

3. Type of Order required – Diversion/Extinguishment (delete as appropriate)

4. Description of existing route(s).

Existing route runs from Broome Lane (D) through the centre of paddocks adjacent to Priory House to (C). It then follows a route alongside properties (B) and finishes at (A).

5. Description of alternative route(s) (if appropriate).

Alternative route would begin at (D) on Broome Lane, running alongside hedges to (G). It would then run through the adjacent field to (F) where there will be railway sleepers or similar to provide a safe footpath to (E) and then access to (A).

6. If applying for a temporary Order under the provisions of the Town & Country Planning Act 1990 for what period of time do you wish it to last?

7. Reason for making the application:-

To provide privacy & security for Prory House.

8. Names and address of **ALL** the owners(s)/ occupier(s)/tenant(s) of **All** of the land affected by the proposal, including the existing and alternative routes (if appropriate).

Mrs M. Shinner and Mrs P. Lewis
 Prory House, 4a Church Lane,
 61 Brome Lane, Rableffe on the Wreake
 LE7 4SB LE7 4SE.

9. Names and addresses of any user organisation(s) you have approached, (Please attach copies of any responses).

TO ENABLE THE COUNTY COUNCIL TO BEGIN PROCESSING YOUR APPLICATION, THE FOLLOWING INFORMATION WILL NEED TO BE SUPPLIED

A plan (scale 1:1250 or 1:2500) showing the existing and alternative route(s) clearly marked. An Ordnance Survey extract can be supplied by the County Council for this purpose by contacting the Rights of Way Service within the Environment & Transport Department on Leicester 0116 305 7087.

YOU ARE ALSO REQUIRED TO CONFIRM:-

10. That you/your client own(s) all of the land affected by the proposal. If you do not own any or all of the land concerned, you must supply the County Council with the written agreement of any owner(s)/occupier(s)/tenant(s) of the land.
11. That you/your client will pay the costs involved in processing the application. The administration charge is £1,250 plus a further £80 for each additional path included in the Order. The cost of advertising is also payable by the applicant(s). If the application is not finally approved, or is withdrawn by you/your client at any stage, you/your client will be required to pay the costs to date.
12. That you/your client will indemnify the County Council against any claim which may be made for compensation, as provided by Section 28 of the Highways Act 1980. Claims may be made if it can be shown that the value of a person's interest in land has depreciated, or that a person has been disturbed in his enjoyment of land, as a consequence of the coming into operation of a Public Path Diversion Order. However, it is unlikely that a claim would be forthcoming if the written agreement of all the owner(s) and occupier(s) of the land has been sought. Note:- this indemnification only applies to diversion Orders made under section 119 of the Highways Act 1980.

DECLARATION

I/we declare that the Right(s) of Way to be diverted/extinguished is/are in no way obstructed and that it is/they are fully available to the public and I/we undertake that it/they shall in no way be obstructed before the Order is confirmed.

I/we confirm my/our agreement to points 10, 11 and 12 (if appropriate).

Signed _____

Date 4/3/21

Any information you provide will be used in accordance with current data protection regulations and other relevant legislation. Please send your completed application form, together with the above additional information to - **The Safe and Sustainable Travel Team, Environment & Transport Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RJ.**

4a Church Lane
Ratcliffe on the Wreake
Leicestershire
LE7 4SF

28th February 2021

Mrs Michelle Skinner
Priory Farm House
Broome Lane
Ratcliffe on the Wreake
Leicestershire
LE7 4SB

Dear Michelle

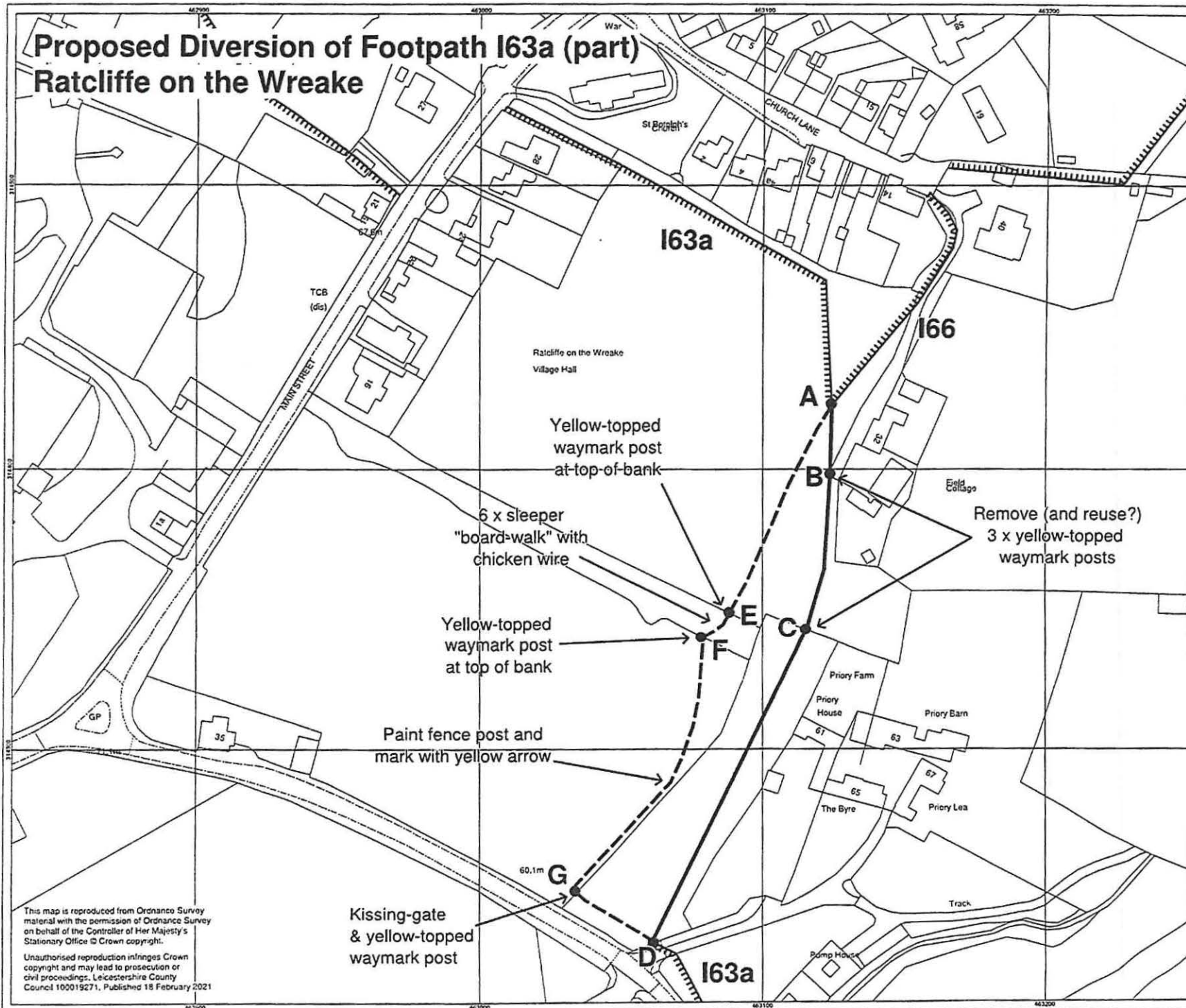
Following our conversations, I wish to confirm that we have no objection to the proposed relocation of the footpath (163a) across our land, as outlined in Ellen Senior's plans. I would also confirm that we would like this to have a specified width of 3m.

Yours sincerely

A black rectangular box used to redact the signature of P M M Lewis.

P M M Lewis
for and on behalf of the Hackett family at
40 Church Lane Ratcliffe on the Wreake

Proposed Diversion of Footpath I63a (part) Ratcliffe on the Wreake



Location Plan

Key

- Footpath to be diverted
A - B - C - D
- Proposed Alternative route
A - E - F - G - D
- Footpaths unaffected

The new path will have a specified width of 4m E-F-G-D
A-E? (minimum 3m)

28/2/21

M. Sumner

4/3/21.

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers

Leicestershire
County Council

Plan No.

Scale 1:1250

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**Proposed Diversion of Footpath I63a (part)
Ratcliffe on the Wreake
Showing Revisions**

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The new path will have a specified width of 3m H-J-K and 4m K-G-D



Leicestershire
County Council

Scale 1:1250

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APPENDIX D**2585 – Footpath I63a at The Priory House Ratcliffe on the Wreake**

1. Looking south from point “A”, The Priory House can be seen in the furthest distance.



2. Looking north from point “C”, back up Martin’s Lane.



3. Looking south from point “H” to the stile at point “C”. The proposed path would go up the bank to on the RHS and around the fence line with a waymark post on the corner.



4. Looking north from point “K” across the new “embankment”. There would be a waymark post on the RHS in the corner of the fencing jutting out towards the bund.



5. Looking south from point “K” towards point “G”. The new path would follow the edge of the field with a specified width of 4m if it was ever to be fenced.

Proposed Diversion of Public footpath 163a (part) Within Ratcliffe on the Wreake

We Discussed this proposal at Ratcliffe on the Wreake Parish council meeting on 16th March 2023. We carried a motion to send this letter representing the views of those present at the meeting. During discussion we and the villagers present could not see any good need for this diversion.

Attached Maps and pictures.

The following points were raised in no particular order:-

Notes taken from the Village Conservation report 2013. Which we think are pertinent to this application.

- “There is a good network of footpaths which crisscross the conservation area and link to the wider landscape.”
- “The Conservation area has a distinct “grain” or pattern of built form and spaces which are part of it’s historic development. This gives the area individuality, characterised by the pattern of historic buildings, ancient footpaths and highways and clearly defined Boundaries”. **This “Grain” is an important part of the character of the conservation area and will be protected.”**

Our points are :-

- A) This is a well walked path that has been used with little alteration for at least 200 years so why should it be moved now?. (Older Villagers recall that when the Mill was in operation the miller walked it from his house in Church Lane to the Mill 4 times a day.
- B) Both 28/30 Church Lane and Priory House are grade 2 listed buildings especially identified within the Village Conservation area report in 2013. So it seems wrong that an important ancient footpath that connects these buildings should be altered at the whim of a householder.
- C) The kissing gate at “C” was installed by the Parish Council in about 1930 and should be retained and used .
- D) The paddock by Priory House has been owned by the residents of Priory House since about 1996 and the field to the north of the paddock has recently been bought by the owners of Priory House.
- E) The owners of Priory House do not own the field in which the footpath runs between points “A” to “H” to “J”. But we now understand they have written permission from the other land owner.
- F) The section from “H” to “J” runs diagonally across a fairly steep slope. It is not an easy piece of land to walk across and could become treacherous in wet weather because the many deep tractor tracks along it compounded by cattle churning up the ground making it dangerous.

Slope “H” to “J” showing tractor tracks and churned up ground, difficult to climb in wet weather.



- G) The ditch between “J” and “K” locally known as the “dove cote”, was originally Cottleborough Lane as shown on 1770 map attached where it connects Main Street to Martins Lane, this is also part of the character of the village as detailed in Conservation report 2013. and is one of the Boundaries that it mentions.
The new embankment has destroyed part of this feature and perhaps should be removed.
- H) The embankment between “J” and “K” is less than 3mts wide (4mts specified) and has steep sides into a ditch. See photo bellow.
- I) The recently built embankment between “J” and “K” is made of compacted soil and runs across a ditch “the dove cote” without any obvious drainage to prevent water building up, which could soften the soil and cause it to collapse the structure. Cattle graze these two fields normally without a barrier and they could also make the embankment treacherous.

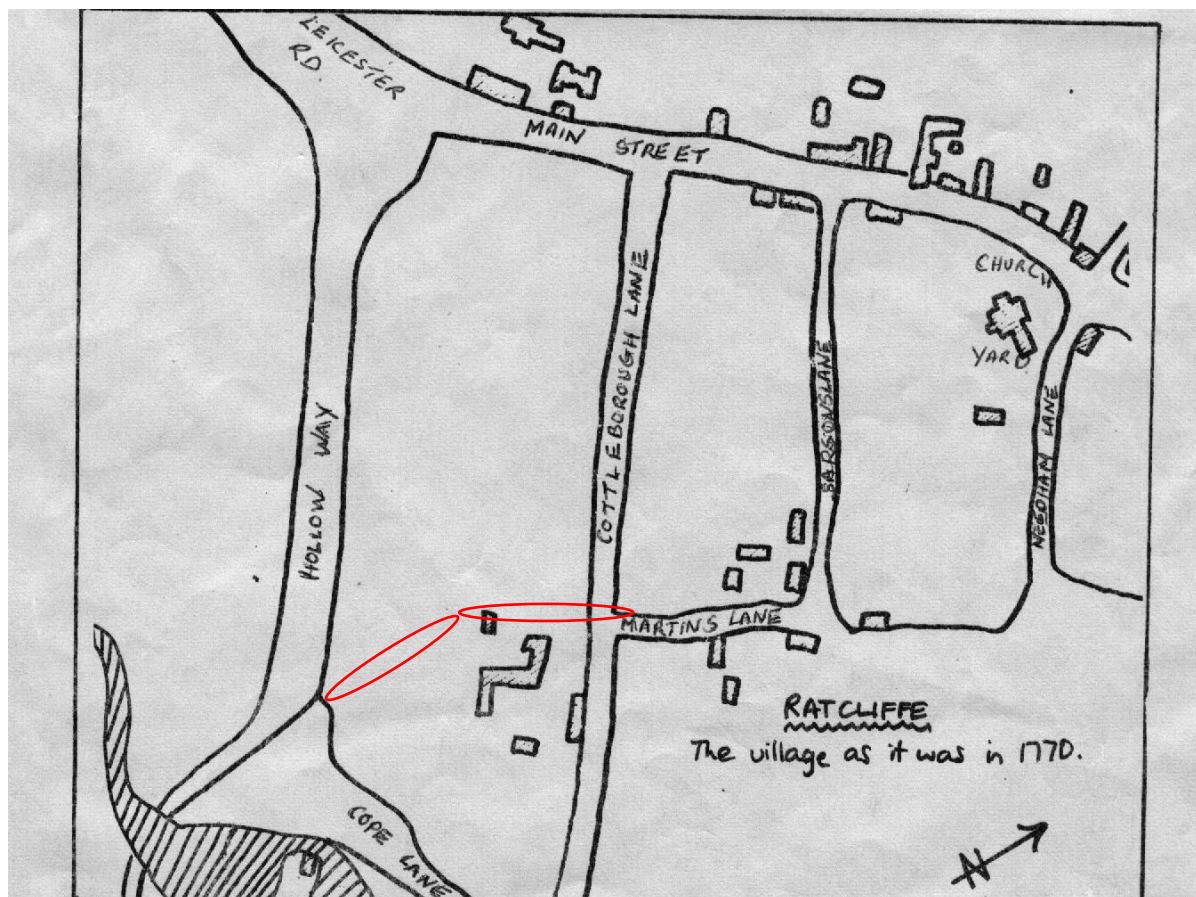
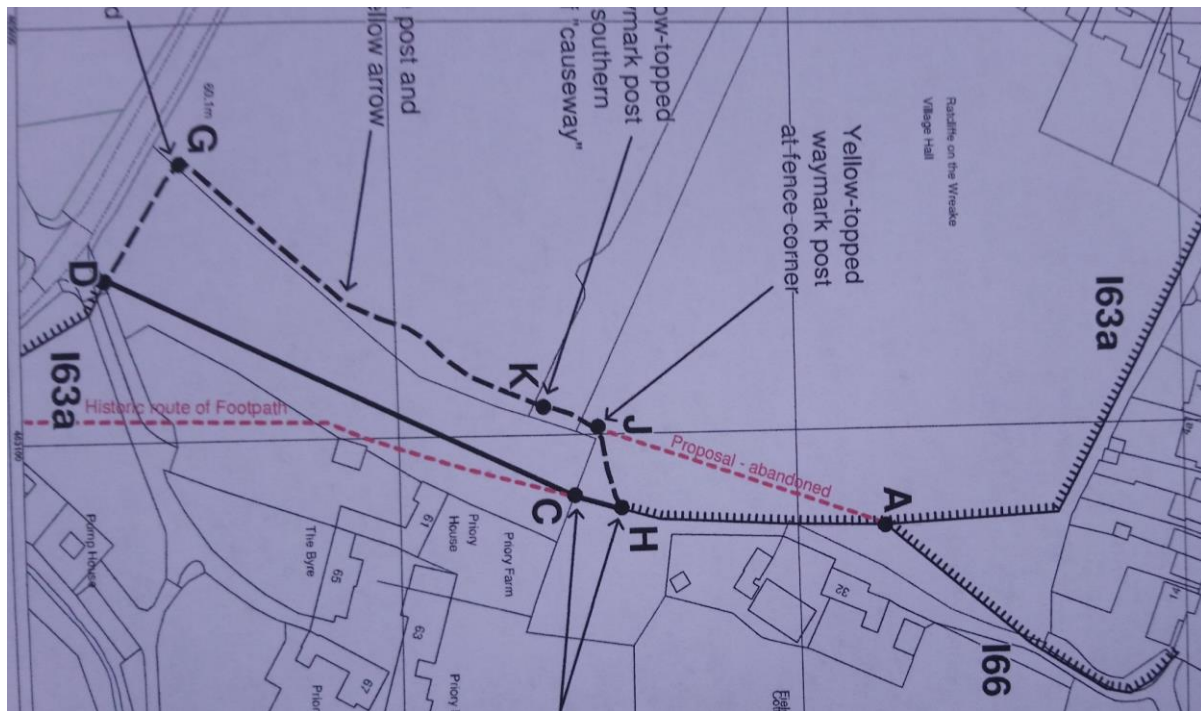
Embankment “J” to “K” rutted from cattle movements. Photo of Causeway showing churned up surface 2022.



- J) The current path is already outside the perimeter of the property Priory House and its gardens as it passes through a paddock area, that is agricultural land.
- K) The proposed Route from “K” to “G” is in a grass field by a fence and from “G” to “D” by a hedge beside Broome Lane.
- L) This new route increases the length of the path.
- M) We are concerned that with Yellow topped waymark posts at “A”, “H”, “J” walkers leaving “A” will see the posts “H” and “J” and may take the direct route to “J” and not visit “H”.
The same could happen from “J” where they will see the posts “A” and “H” and again take the direct route to “A” and not visit “H”.
(This was the original proposed route “A” to “J” that has been abandoned.)
This could result in them walking over the Historical house bases (mentioned in the 2013 conservation report).
If taken this route would overlook the gardens of 28-30 Church Lane and would be unacceptable due to the loss of privacy.
- N) The path was there when the current owners of Priory House bought the property and it has not been a problem as far as we know to any previous owners, so why change it now?
- O) The householder has planted a number of trees in the paddock near their boundary to improve their privacy, the boundary already has a good hedge so If they need extra privacy they could plant a second hedge and more trees.

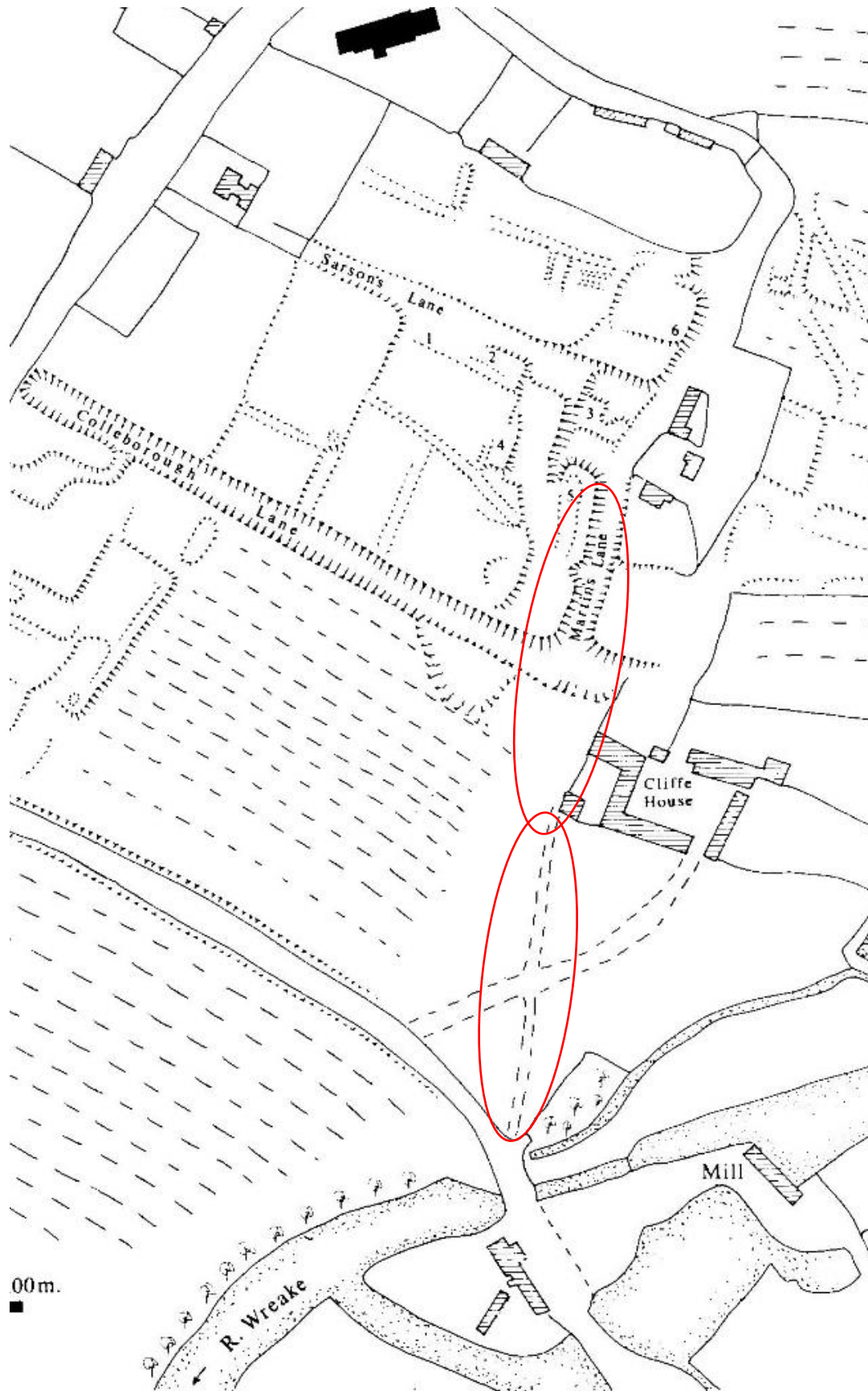
In Conclusion This path diversion is not required and would change the character of the village and goes against the spirit of the Conservation report 2013 as is will prevent people from using this ancient right of way in the future.

Map of latest route A,H,J,K,G,D and Present route A,C,D

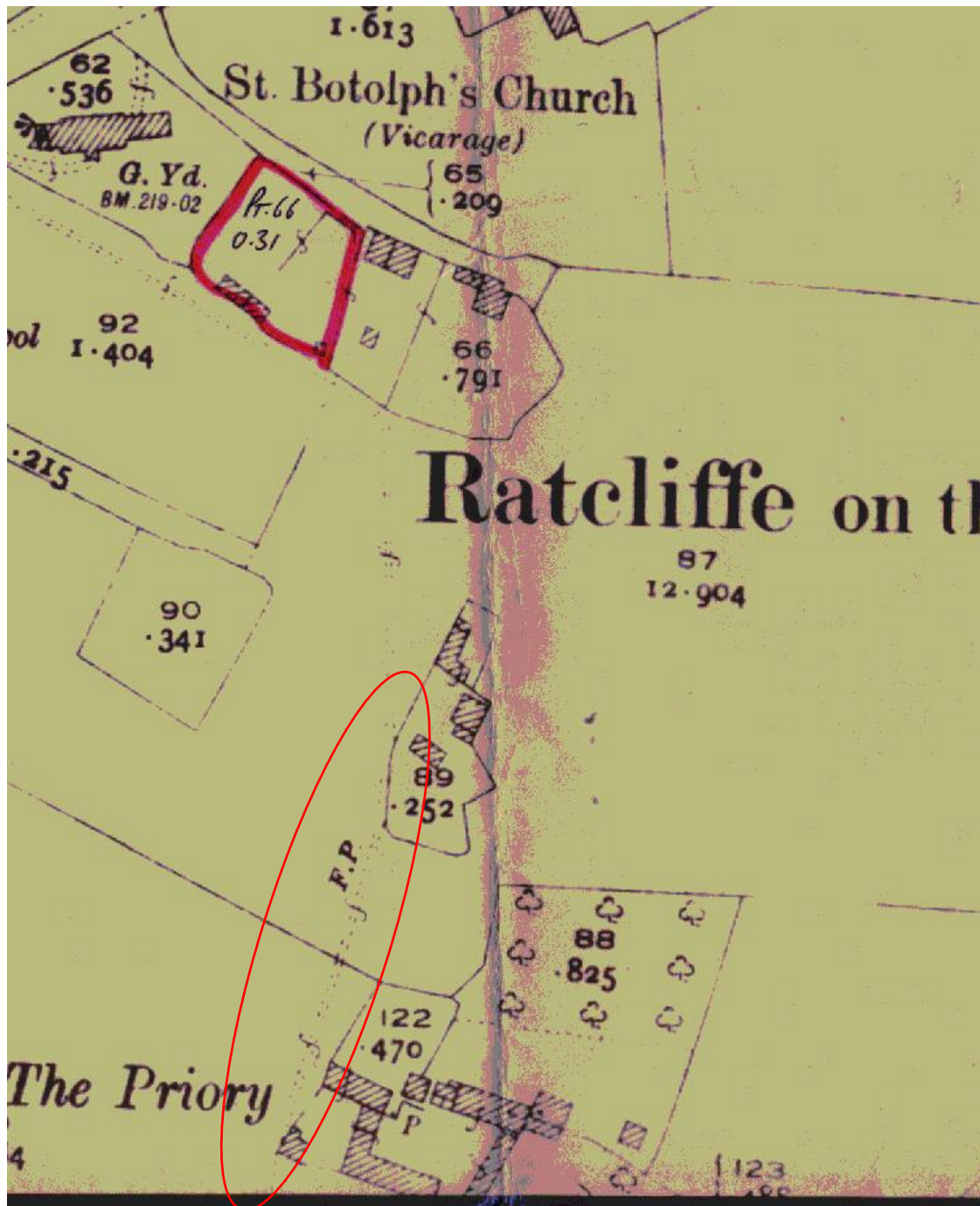


1770 Map

Maps showing the present footpath by Priory farm (Cliffe House)



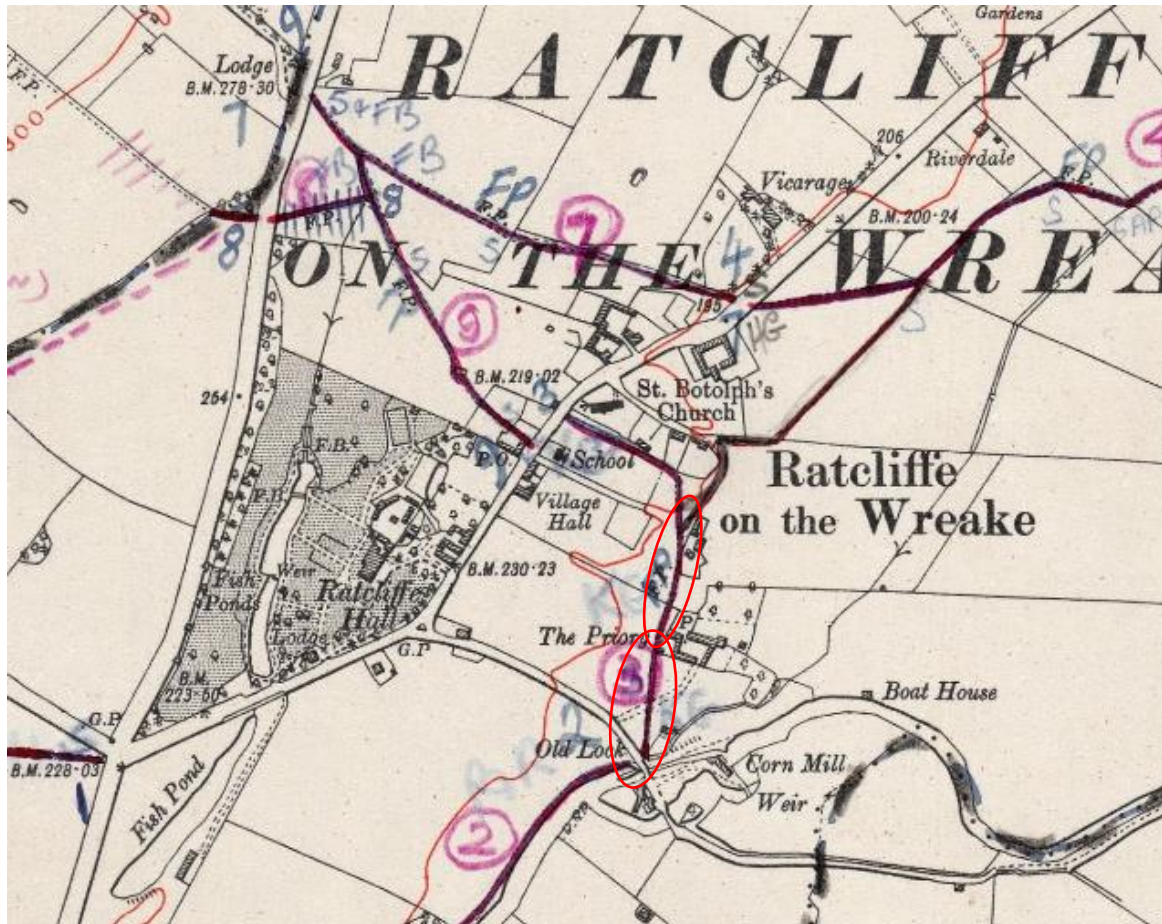
Map of Village 1830 Red Ovals cover route of present footpath.



Map 1900 showing footpath between Field cottages and Priory Farm (Cliffe House)



OS Map dated 1930 showing footpaths by Priory Farm



Definitive OS map about 1980 signed off by Parish.



OS Map after 1996 showing current route of footpath

APPENDIX F

Proposed Diversion of Footpath I63a at Priory House, Ratcliffe on the Wreake

Comments and objections received from local residents during the preliminary consultation period.

1. Local Resident/1

I am the owner/ occupier of ** Church Lane, Ratcliffe on the Wreake. I understand the owner/occupier of Priory House has applied to have part of footpath 163a diverted away from the proximity of their house and garden. It would appear they have in fact pre-empted permission being granted as they have already constructed an earth embankment across the ditch, known as "the Dovecote" in preparation for the proposed diversion. They do not own one of the fields across which part of the diversion would pass, so I assume the land owner has already agreed this with the owner of Priory House. I wish to register my objection to this proposal for the following reasons:-

1. This is a well documented ancient footpath in existence for at least 200 years. It is frequently walked by both the residents of the village and those of the other Wreake Valley villages and is an important historical feature of our village landscape.
2. There appears to be no valid reason for this diversion, other than to provide more privacy for the occupants of Priory House, who are the only beneficiaries of the proposal. The current owner was aware of the route of the footpath at the time of purchase and chose to proceed with the purchase. They have already erected a fence at the edge of the garden and planted trees in their adjacent paddock which already affords a reasonable level of privacy.
3. Footpath 163a runs adjacent to the front of my property and only a few metres away. During the 33 years I have lived here the footpath was only ever an intrusion during the first few months of the COVID pandemic when a "lockdown" was imposed. The volume of walkers increased significantly, a small number of whom were rude and abusive. However things rapidly returned to normal and almost without exception walkers are very respectful and just enjoy the beautiful scenery as they pass through.
4. The 2013 village conservation report states that "the conservation area has a distinct "grain" or pattern of builds which clearly defines it's historic development. This gives the area individuality, characterised by the pattern of historic buildings, ANCIENT FOOTPATHS and highways and clearly defined borders. This "grain" is an important part of the character of the conservation area and will be protected". Diversion of this important ancient historic footpath would directly contravene this statement. There seems little point in producing a conservation report if the recommendations are then totally ignored.
5. This footpath currently passes two important listed buildings, "Field Cottage" and Priory House", and has an important historical relationship to both of these properties.

In summary, I fail to comprehend why an ancient footpath which has been regularly walked for more than 200 years should be re- routed just to satisfy one individuals desire for greater privacy. I also wonder why the proposed diversion of the footpath had not been widely publicised to the people who walk it so they have a chance to express their views. It is termed a public footpath for a very good reason and the clue is in it's title.

2. Local Resident/2

We wish to object to the proposal to move the footpath 163a (Part) in the Parish of Ratcliffe on the Wreake. This is a path that we walk frequently. Ratcliffe on the Wreake has a very special topography and this particular area has very historic significance. Changing the route of the footpath would certainly impinge on this. This path has been in place for around 200 years and it is well used.

There seems to be no good reason why it should be moved, other than the fact the current proprietors of the land would rather it was further away from their property. It is very important that in a conservation area, the status quo is maintained. This path diversion is not required and would change the character of the village and goes against the spirit of the Conservation report 2013, as it will prevent people from using this ancient right of way in the future.

3. Local Resident/3

Re Diversion of public footpath 163a

We write in response to the above application and make the comments and objections detailed :-

- The application by the owners of Priory House is to divert an historic footpath that passes through the agricultural paddock adjacent to the gardens of their property which already circumvents the private residential areas.
- The gardens have a hedge and a number of trees have been planted in the paddock.
- This village has many ancient and historic footpaths and they go along the boundaries and garden edges of 31 out of the 78 properties within the village. We have lived in the village for about 29 years and live in a house in Church Lane bordered by two footpaths and we have not had any problems from dog walkers and other walkers using these paths.
- Hedging and trees provide not only privacy, but complement the environment in the village, we observe that Priory house has attractive hedging and young trees.
- The footpath in the application is not in the property's garden, or particularly close to the boundary, but goes through a small agricultural field/paddock owned by the applicant.
- Ratcliffe on the Wreake has been able to benefit from the Conservation status, afforded to parts of the village by the Ratcliffe on the Wreake Conservation area Character Appraisal 2013 for example:-
 - (a) There are quite a few footpaths that link up historic and listed properties of this village including Priory House and 28/30 Church Lane which have been linked by footpath 163a for over 200 years.
 - (b) The village history is very apparent from the Houses , Field boundaries, roads, paths, old roads, hedges and the bases of old houses and buildings.
 - (c) the report sets out to retain the character and ambience of the Village as detailed on pages 3, 5, 7, 12, 14, 21, 22 and 23 of the report should be considered as they pertain to the village layout and history.
- This diversion would make significant changes to this historic path, and to the layout of the village and its appearance.
- The proposed diversion will move the route from "A,B,C,D" where it has historically gone. To a route:-
 - (i) Route "AtoE" passing over historical remains of house bases shown on 1770 Map.

(II) Route “E to F” passing over the village feature known as the “Dovecote” the remains of Cottleborough Lane. At this point the new earthwork has filled in the drainage ditch interfering with this historical feature.

(III) From “F” the path would follow a new route to Broome Lane adding some extra distance, an extra climb up from “E” and a Dog leg at “G” and then passing along the hedge to “D” making a two sides of a triangle diversion.

We understand the owners of Priory House own the land with the path 163a enclosing “C,D,G,F,E” but do not own the land with the path 163a enclosing “A,B,C,E” therefore should not be diverting this part of the Path.

4. Local Resident/4

> I write as a resident of many years of Ratcliffe on the Wreake Parish, to share my concerns relating to the above and ask that you consider the change with extreme caution due to the health and safety of footpath users hereby as follows:

>

> 1. The proposed footpath A E F G D will be sited straight through land that for the majority of the year contains cattle (bull beef cattle). This is not a safe route for footpath users to walk through the centre of grazing cattle disturbing them.

>

> 2. Point E F on the proposed footpath is an area where the cattle shelter from all elements and the proposed bridge with chicken wire, will be sited right through the middle of this sheltering point, again walking through this point is disturbing grazing cattle and causing unnecessary aggravation to the cattle and danger to footpath users should the cattle become disturbed. There is no safe place for footpath users to escape to should they be chased by aggravated cattle.

>

> 3 The current 200 year old footpath A B C D, takes footpath users around the EDGE of the field away from grazing cattle, allowing less disturbance and a safer walking route, with a safe fenced off area to get to quickly in C D should they need to do so should cattle start to charge.

>

> 4. The current footpath C D allows safe passing in a secure fenced off area for footpath users away from grazing cattle.

>

> 5. The countryside code recommends “when walking through cattle fields walkers should walk calmly, quietly keeping to the EDGE of the land keeping dogs on lead”. It is not possible to keep to the edge of the land when you propose to move the new footpath straight through a cattle grazing area.

>

> 6. By changing the footpath route it will discourage walkers, ramblers and general foot path users from walking in the village due to being scared of walking through the centre of grazing cows and concerns for their safety. In today’s environment where we are supposed to be encouraging more healthy living through walking and exercise, putting risk to walkers and discouraging them from using our countryside footpaths is not a positive approach.

>

> 7. The current footpath has been in place for over 200 years and is a historical part of the village.

>

> 8. The current owner of the property at Priory Farm was aware of this footpath route when the property was purchased by them in approx 1996. Why do they all of a sudden want to change this now after so many years? This leaves open future requests of changing other footpath routes just

because residents “don’t like walkers passing by their property” - in such you change for this one you end up changing for others and thus we start to loose all of our historical footpath routes.

>

> 9. Privacy to Priory Farm is not comprised by footpath users in any way shape or form. The property is sited well away from the footpath route and sits in a dip whereby eye level from ground floor rooms in the property is way below eyesight level towards the footpath C D. No upper windows look out from the property to the side of the land C D. In addition to this trees have been planted by the current owner to block any privacy issues they may have. May we suggest they plant more trees where they feel privacy is an issue. This would be kinder to the environment rather than moving a footpath to compromise the safety of footpath users ?

>

> 10. The new proposed footpath route still enters the land of Priory Farm at point G D so defeats the object of privacy.

5. Local Resident/5

Proposed Diversion of Public footpath 163a (part) Within Ratcliffe on the Wreake

I am emailing you with my objections below regarding the above:-

.

1/ I am the owner **, Church Lane, Ratcliffe on the Wreake ,(a Listed building and oldest in the village) having resided here for the past 31 years.

2/ The owners of Priory House do not own one of the fields across which part of the diversion would pass and which also is currently in the process of being sold.

3/ An earth embankment has already been constructed over part of the ‘Dovecote’ ditch which is prone to flooding and to my knowledge no drainage system has been installed.

4/ This is a well-documented ancient footpath in existence for at least 200 years. It is frequently walked by both the residents of the village and many others and is an important historical feature of our village landscape and fail to see why it should be re- routed just to satisfy the owners desire for greater privacy.

5/ The reason for diversion appears to provide more privacy for the occupants of Priory House which in turn will make my garden and property far more visible to walkers as the proposed route, currently on the old Main Street with the ground sitting below my garden, will raise the walking level by 1.5m and totally overlooked. The current owner was aware of the route of the footpath at the time of purchase and chose to proceed and has since erected a fence at the edge of the garden, planted trees in their adjacent paddock close to the brick wall by the house and gardens creating more privacy.

6/ The 2013 village conservation report states that” the conservation area has a distinct “grain” or pattern of builds which clearly defines its historic development. This gives the area individuality, characterised by the pattern of historic buildings, ANCIENT FOOTPATHS and highways and clearly defined borders. This “grain” is an important part of the character of the conservation area and will be protected”. Diversion of this important ancient historic footpath would directly contravene this statement. There seems little point in producing a conservation report if the recommendations are then totally ignored.

Ellen Senior

From: Martin James [REDACTED]
Sent: 03 February 2023 15:27
To: Ellen Senior
Subject: RE: SECTION 119 HIGHWAYS ACT 1980 - Proposed Diversion of Footpath I63a Ratcliffe on the Wreake

Hi Ellen

For some reason this matter seems to have slipped through the net at my end and I never replied.

I see that the matter is due to go to the Development Control and Regulatory Board later this month.

As one of the Objectors is a member of the Ramblers and that the Parish council were opposing the diversion the Ramblers should also object.

Presently the path to be diverted is through a meadow, it is **not** part of Priory House gardens. At the moment the path has a totally open aspect and there is very little opportunity for the path to become enclosed. With the proposed route there is every opportunity that the path, in the future, could become enclosed. We note that the width between F and D, on the plan, is 4m which will help should this be the case.

The proposal will have the same amount of boundary crossings as the present route but it is highly likely that an additional gate will be required on the boundary at E-F, this would be unacceptable as it will retarded the progress of path users.

The path was diverted to the current route in 1997. Therefore the present owner was well aware of the path and where it was before they purchased the property. If the path was an issue perhaps they should have considered this at the time. The previous diversion created a dog-leg in what was a relatively straight path. The proposed diversion will make this dog-leg worse.

Whilst we will not be addressing the Development Control and Regulatory Board we would like our opinions to be included.

Many thanks

Martin

Martin James

Area Footpath Secretary,
Leicestershire and Rutland
The Ramblers'

[REDACTED]

The Ramblers' Association is a company limited by guarantee, registered in England & Wales.
Company Registration number: 4458492.
Registered as a charity in England & Wales: number 1093577.
Registered Office; 3rd Floor, 1 Clink Street, London SE1 9DG

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APPENDIX H

DECISION UNDER DELEGATED POWERS OF

DIRECTOR OF ENVIRONMENT AND TRANSPORT

CONSULTATION WITH LOCAL MEMBER

File Ref: HG/ECS/I63a/2585

PUBLIC PATH DIVERSION ORDER

DIVERSION OF PUBLIC FOOTPATH I63a (PART) AT RATCLIFFE ON THE WREAKE

Highways Act 1980 – Section 119

I have

b) The following comments:

Whilst I certainly have sympathy with the owner of Priory House wanting to move the public right of way to improve their privacy, I am concerned about the impact on a very historic pathway in the village. The fact its at least 200 years old (and could well be older) means it isn't just the 1997 changes which would be affected. History and heritage is important in every village but where we have a rural village like Ratcliffe, which has changed little over centuries and whose built form reflects the ancient routeways, we have to be especially careful about altering historical routes.

If this re-route would require members of the public using the path to travel longer through cow fields than is currently the case, thought needs to be given to how people can get out the field quickly in the event the cows charge. This is a legitimate concern from members of the public as people have been killed by charging cows relatively locally in fairly recent years.

Name

Signed J Poland **C.C.**

Date 07/06/2022

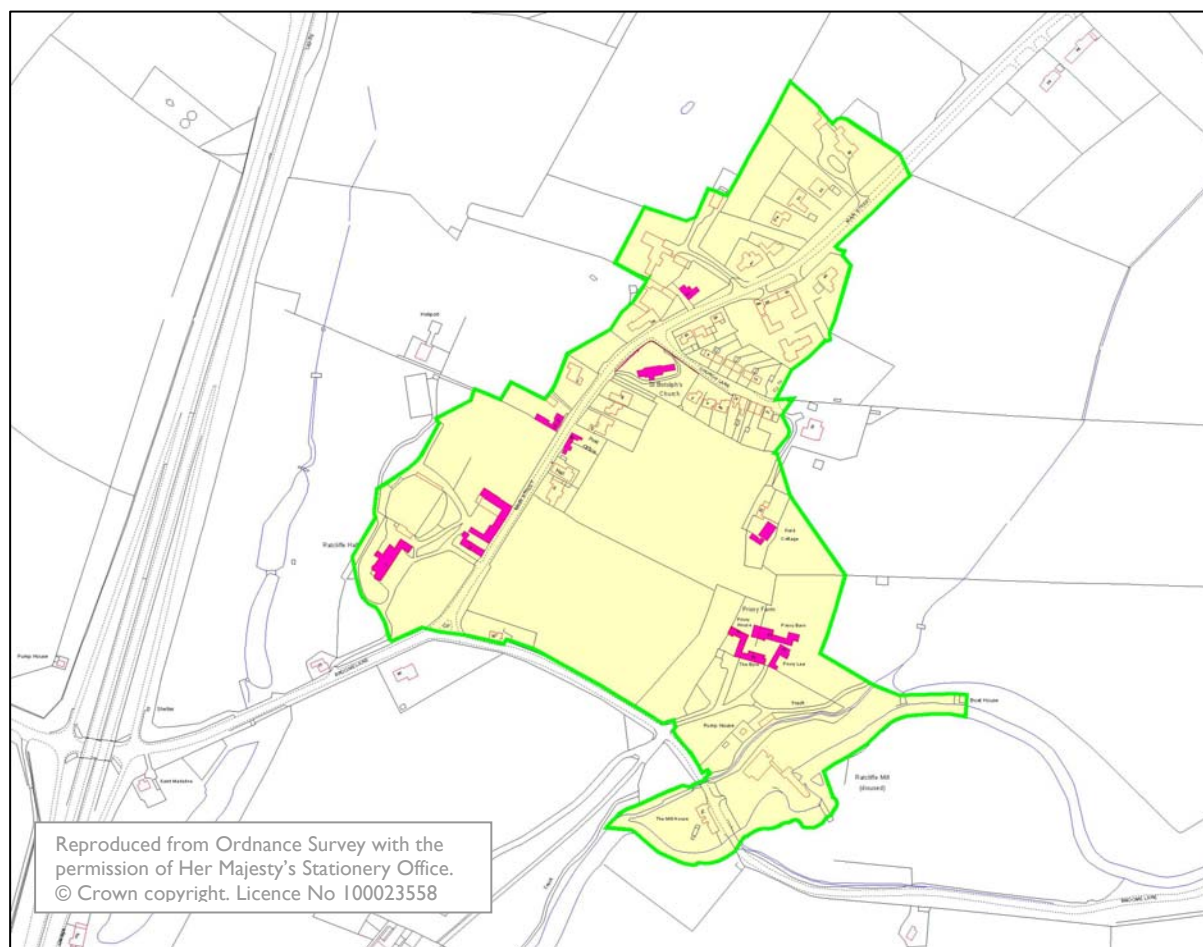
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Ratcliffe on the Wreake Conservation Area Character Appraisal

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RATCLIFFE ON THE WREAKE CONSERVATION AREA



Current map of Ratcliffe on the Wreake showing the Conservation Area, Listed Buildings and Fosse Way

INTRODUCTION

Ratcliffe on the Wreake Conservation Area was designated in May 1979 and extended in December 1989 to incorporate the Mill and the fields between the Wreake and Main Street, which were at the core of the medieval village. This Conservation Area is relatively unusual in that it incorporates almost the entire settlement, with the exception of a few properties on Broome Lane. It now covers an area of 15.4 Hectares.

The purpose of this appraisal is to examine the historic development of the Conservation Area and to describe its present appearance in order to assess its special architectural and historic interest.

This document sets out the planning policy context and how this appraisal relates to national, regional and local planning policies.

The main part of the report focuses on the assessment of the special interest of the Conservation Area:

- location and setting describes how the Area relates to the historic village and surrounding area;
- historic development and archaeology sets out how architecture and archaeology are related to the social and economic growth of the village;
- spatial analysis describes the historic plan form of the village and how this has changed, the interrelationship of streets and spaces, and identifies key views and landmarks;
- character analysis identifies the uses, types and layouts of buildings, key listed and unlisted buildings, coherent groups of buildings, distinctive building materials and architectural details, significant green spaces and trees, and detrimental features.

These elements are brought together in a summary of the special interest of the Conservation Area.

The document is intended as a guide for people considering development which may affect the Conservation Area. It will be used by the Planning & Regeneration service in their assessment of development proposals. It may, of course, be used by residents of the Conservation Area.

Planning Policy Context

The Planning (Listed Building and Conservation Areas) Act 1990 defines a conservation area as 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' (Section 69). Local planning authorities have a duty to review the overall extent of designation in their areas regularly and if appropriate, to designate additional areas. The Act sets out the general duties of local planning authorities relating to designated conservation areas:

- From time to time, to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts and to consult the local community about these proposals (Section 71);
- In exercising their planning powers, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas (Section 72).

The National Planning Policy Framework (NPPF) (2012) outlines the government's intentions regarding planning policy. The NPPF emphasises sustainable development as the present focus and future legacy of planning policy. It also places responsibility on local planning authorities to assess and understand the particular significance of any heritage asset that may be affected by a proposal by utilising available evidence and necessary expertise. This should be taken into account when considering the impact of a

proposal on a heritage asset to avoid or minimise conflict between an asset's conservation and any aspect of the proposal. This understanding should not only be used as an aid for decision making, but should take on a more dynamic role by actively informing sensitive and appropriate developments.

Responsibility for understanding a heritage asset's significance and contribution to the local area is also placed on the applicant, bringing into greater importance the need for information relating to the historic environment. The NPPF reinforces this expectation by stating that the local planning authority should make information about the significance of the historic environment publically accessible, as well as being informed by the community.

Conservation areas are 'designated heritage assets', each containing a number and variety of elements which combine to create the overall significance of the heritage asset. Its character is formed not only of the elements which it shares with other places, but those which make it distinct. Both tangible static visual elements and intangible aspects such as movements, sounds, and smells create the atmosphere in which we experience a conservation area and shape how we use it. This appraisal describes these elements but it does not attempt to be exhaustive and the policies in the NPPF lay the duty on all concerned, including residents and prospective developers, to understand the significance of any element.

Providing a usable and accessible Conservation Area Character Appraisal to underpin and shape future decisions is now particularly important in response to the Localism Act (2011) which gives local people the power to deliver the developments that their local community wants.

Charnwood Borough Council Local Plan Saved Policy EV/1- Design, seeks to ensure a high standard of design for all new development and that the design should be compatible with the locality and utilise locally appropriate materials.

The Council's adopted Supplementary Planning Document (SPD) 'Leading in Design' reinforces the need to understand the setting and context when proposing development in a sensitive location such as a conservation area. It encourages developers to use local guidance such as Conservation Area Character Appraisals when considering their designs.

Other guidance adopted by Charnwood Borough Council

- Backland & Tandem Development Supplementary Planning Guidance (SPG)
- House Extensions (SPG)

ASSESSMENT OF SPECIAL INTEREST

LOCATION AND SETTING

Ratcliffe on the Wreake is now predominately a linear village, sitting on a ridge at the edge of the plateau of the Wolds overlooking the broad Wreake valley. It is just off the Fosse Way about 7 miles north east of Leicester, one of a string of settlements on either side of the River Wreake between Leicester and Melton.

HISTORIC DEVELOPMENT

Origins and Development

Whilst it is known that there has been human settlement in the Wreake valley from before the Romans, Ratcliffe as it is seen today has its origins as an Anglo Saxon nucleated settlement. Situated to the east of the Roman road the Fosse Way (now the A46), the basic name comes from the Saxon “read” and “cliff” and describes “the place at the red cliff or bank”. The name of the River Wreake refers to “the winding one”. Ratcliffe on the Wreake has been known variously through time as Radeclive, Ratcliff, Radeclive en Wylawis, Radcliffe on the Wreke and Ratcliffe super Wreake.

Typical of the East Midlands, the village was built on the valley side with access to spring water, arable fields on the drier land above and grazing meadows by the river. The early medieval village was a parish of open fields with cottages and farmsteads at its centre. This open field system was devised to take advantage of the heavy plough which used a team of eight oxen and was thus too expensive for any one farmer. Ratcliffe is noted in Domesday as Radeclive and consisted of approximately 240 acres, a hall and a mill worth three shillings.

The original medieval settlement was based on a network of streets running down the hillside between the church and the mill. By the eighteenth century, agricultural surplus had increased and there was pressure to change the economic system. For centuries, farmers had been allocated strips in each of the open fields but this meant moving from one side of the village to the other. The Enclosure Act of Parliament for Ratcliffe was passed in 1774, starkly dividing the landscape into the network of fields that we are familiar with today. What remains of the medieval network are depressions in the landscape and the two large fields that remain undeveloped.

The OS map of 1884 shows the village to be a predominantly linear settlement comprising a widely spaced collection of farms with St Botolph's Church, Ratcliffe Hall, a school and post office, a few cottages and the watermill on the river. The school was built in 1875 on the site of a previous

school on land donated by Caroline, Duchess Sforza Cesarini. The Duchess inherited the Ratcliffe estate following the death of her grandfather, the 7th Earl Ferrers who built Ratcliffe Hall in c1812. An inn, The Fox & Goose, was known to have existed in the village adjacent to the post office; this building is now 19-21 Main Street. The focus of the village is the church on a slight mound at the side of a ring of streets which are now Broome Lane, Main Street and Church Lane.

Also marked on the 1884 map are the Boathouse and The Melton Mowbray Navigation, for which the Boathouse still standing today is believed to have acted as a tollhouse. The River Wreake was made navigable in 1797 and included the building of two lock chambers along the course of the Wreake near the Mill. The Melton Mowbray Navigation connected Melton Mowbray with Leicester, Loughborough and Derbyshire and was primarily used for the distribution and transportation of coal. The canal was plagued by problems of flooding and water shortages throughout its lifetime and was abandoned in 1877.

Ratcliffe village sits close to the Fosse Way where on the far side outside of the Conservation Area lies Ratcliffe College which with its associated farms covers an area as large as the village itself. This was the first Roman Catholic college to be founded in England since the Reformation and the site comprises a Grade II EW Pugin chapel, teaching buildings, dormitories, masters' houses and extensive playing fields.

To the north of Ratcliffe College is the site of the former Ratcliffe Aerodrome set up by Sir William Lindsay Everard in the early twentieth century, pioneer aviator and the then owner of Ratcliffe Hall. It was opened in 1930 amid great celebration and famed aviator Amy Johnson was present for the occasion. Intended for civil aviation, the site boasted first class hangars and an outdoor pool and was extremely popular. It later became the home of RAF Ratcliffe, an important Air Transport Auxiliary ferry pool in World War II. Whilst some of the buildings are still visible in the landscape, the airfield has now been divided into farmland.

Little has been substantially changed in the village throughout the centuries, with development steadily changing the village from a medieval nucleated settlement to the linear settlement evident on the 1884 OS Map. More pronounced development in the twentieth century has further emphasised this linear form. The once isolated Old Vicarage now more obviously demarcates the edge of the village as modern development has stretched up both sides of Main Street towards Thrussington. In 1927, the village hall was built and entirely furnished by Sir William Lindsay Everard. Building has also been focused along Church Lane where smaller cottages were demolished. As a whole, the larger open spaces and form of the village settlement has remained relatively unchanged since the nineteenth century despite modern interventions.

Ratcliffe on the Wreake has a strong associative value, with the village home to several notable individuals and families. Born in Ratcliffe, Richard Kilbye (1560-1620) was an English scholar and priest charged by James I with translating the latter part of the Old Testament for the King James Version of the Bible. The Earl Ferrers family has a long association with the village, with Washington Shirley, 5th Earl Ferrers (1722-1788) named as Lord of the Manor at the time of Enclosure. This stretches back even further with the familial connection to the Bassets of Drayton, Lords of the Manor in Ratcliffe from the reign of Edward I in the thirteenth century. This connects Ratcliffe to the other lands owned by the Earl Ferrers family at various points in history, namely Staunton Harold and Ragdale Hall in Leicestershire and their family seat in Norfolk. At one stage, the Earls Ferrers also owned land and property in neighbouring Thruxington. Robert Shirley, 7th Earl Ferrers (1756-1827) was particularly notable for the building of Ratcliffe Hall in c1812 and was a great benefactor for the village carrying out repair schemes to the church. Ratcliffe can also be linked to the Italian aristocracy with the inheritance of the estate from the 7th Earl Ferrers by Caroline Shirley (1818-1897) the illegitimate daughter of Robert Shirley, Viscount Tamworth (1778-1824) who married Duke Lorenzo Sforza Cesarini (1807-1866). The current owner of Ratcliffe Hall is the Everard estate, having been purchased by Sir William Lindsay Everard in the early twentieth century, the noted brewer, politician and philanthropist.

Archaeological Interest

Numerous excavations in this area of the Wreake valley over the years have yielded a Bronze Age cemetery and Iron Age site, prehistoric flints and an Acheulean handaxe. The majority of the Ratcliffe on the Wreake Conservation Area overlaps a significant portion of site marked as an area of archaeological alert. More defined areas of archaeological interest have been identified around the mill and the field surrounding 28-30 Church Lane, both areas with medieval associations. A significant amount of pottery has been found in the higher ground to the north of Main Street.

Historically, there has also been archaeological interest surrounding Ratcliffe on the Wreake with the nearby Shipley Hill representing something of curiosity for previous inhabitants. Over time, it was suspected as being a Viking war chief's burial site, a Neolithic barrow or the final resting place of a Captain Shipley. However investigations in the eighteenth century showed it to be nothing more than a natural spur of sand and clay as suspected by the 7th Earl Ferrers : "The hill is lately proved to be the wonderful work of Nature, not of Art" (Nichols, 1808).

Archaeological potential also exists within Ratcliffe's historic built environment. Many of the older buildings have been adapted and altered, repaired and restored and often incorporated elements of older separate structures. Thus many of the historic buildings may conceal medieval or post-

medieval remains and any works involving the disturbance of the existing fabric of such buildings would merit further investigation.

Population

The population of Ratcliffe on the Wreake has fluctuated throughout its history without ever experiencing significant expansion and still remains a relatively small community today. The most recent population estimates by Charnwood Borough Council record a population of 173 in 2004. Domesday records the number of inhabitants as not more than thirty, rising in the mid-1500s to fourteen families, before the 1861 census puts the number of residents at 126. Historically, the employment of the residents of Ratcliffe has been grounded in agriculture, with many inhabitants working as labourers and farmhands. Domestic service was also a prominent occupation for both men and women.

SPATIAL ANALYSIS

Plan Form

Ratcliffe appears today predominantly as a linear settlement, consisting of Main Street with a short spur of Church Lane and Broome Lane going down to the river and across to East Goscote. However, this linear form appears to be a part of the original nucleated form in which there was a closer knit network of streets forming a square.

The church is situated prominently within the village, on a mound which rises above the street level of the surrounding Church Lane and Main Street.

As the backbone of the village, Main Street gently sweeps through the village from the south west, falling by the church and gently rising towards Thrussington. The sense of enclosure within the Conservation Area is minimal, restricted to Church Lane and its junction with Main Street adjacent to the church.

Interestingly, the buildings within the historic core of the village to the south-west of the church are more closely connected to the street, with the stable block and 20 & 22 Main Street lying directly on the road. Others have only a small verge or boundary wall. This is in contrast to the stretch of Main Street to the north-east of the church, where wide green verges and established trees emphasise the open relaxed form of this part of the settlement. The buildings of historic interest in this area are restricted to The Old Vicarage and the group of 48, 50 & 52 Main Street. The other properties on this part of Main Street are modern constructions, often single or one and a half storey buildings set back from the road. It is the careful positioning of these recent buildings which greatly adds to the character of this area of the Conservation Area.

The extension to the Conservation Area in 1989 takes account of the importance and contribution that the fields between Main Street and the mill make to the historic development and character of the present form of the village.

Villagescape

The village generally has an open aspect along Main Street with most houses and farmsteads set back from the road, either with wide grass verges or some form of small boundary or front garden. Church Lane creates a different dynamic within the Conservation Area as the houses are closer to the street. This is further emphasised by the narrowness of the road at this point of the village.

The key focus of the village is the church in terms of marking the core of the original village and linking the present day village with its medieval past.

The character of the Conservation Area is greatly added to by the contrast of the density of the built environment along Main Street with the open fields and scattered farmsteads as the valley slopes towards the Wreake. These two attributes are closely linked both in terms of visual and physical accessibility. It is hard to find a view within Ratcliffe that is not composed of both buildings and green space in varying degrees and the numerous fields fronting the village roads make an important contribution to the overall character.

Views across the fields towards the Boathouse are visible along Main Street in several gaps between buildings and there is a good network of footpaths which crisscross the Conservation Area and link it to the wider landscape. As well as the more obvious views down the valley, views up to the ridge above are equally as important in creating the feeling of space as you travel through the village. The glimpses of the raised ground which displays evidence of previous human activity behind the buildings on the north-west of Main Street are particularly notable.

The long uninterrupted stretch of granite wall opposite the former post office is a particularly important feature in the streetscape, both making the higher ground an important part of the village as well as demarcating it as distinct to the populated stretch of road.

Although currently outside of the Conservation Area, the long stretch of granite wall and woodland on Broome Lane which are part of the Ratcliffe Hall estate are important features of the villagescape by framing the approach to the village.

Key Views and Vistas

Standing at the entrance to the village from Thrussington, the slope of the curving road into the village, views across the fields to the left, the historic farmstead now 48, 50 & 52 Main Street and mature trees to the front of the hidden Old Vicarage makes for an attractive and distinctive view. The potential for the three twentieth century buildings to the front of the church to impact negatively on this part of the Conservation Area is negated by their considered positioning set back along the curve of the road.

At the other end of the village on the approach from Broome Lane standing close to the stretch of granite wall, the open space to the left, the view of the red telephone box, 19-21 Main Street and the opposite 20-22 Main Street with the spire of the church visible as the land falls away forms an interesting and characterful streetscape as the medieval church, red brick buildings and twentieth century telephone box all sit harmoniously within the landscape.

Also from this end of Main Street, there are views through the trees across from the Stable Block which take in Priory Farm and 28-30 Church Lane and the wider valley down to East Goscote. The uninterrupted views of the fields and the Boathouse can be further appreciated from Church Lane.

An entirely different sense and perspective of the Conservation Area is experienced as you stand in the fields close to Priory Farm. Looking up towards the village from within the earthworks of the medieval street network, the church spire is visible above the rising land. The undulations in the land which mark the past location of the villages' houses are particularly evident as well as depressions which mark historic access routes. This is a very evocative space within the Conservation Area with a sense of the history of the place.

Particularly important to the Ratcliffe on the Wreake Conservation Area is the setting of the Conservation Area itself. The character and value of the area is greatly added to by the green and undeveloped surroundings. From most points within the Conservation Area, you are either surrounded by the landscape or able to catch glimpses of it. This makes the settlement both separate from and a part of the landscape. This is particularly apparent on the approach into the village on the footpath from Rearsby Mill. The setting of the Conservation Area can be appreciated from the top of the footpath adjacent to 49 Main Street as the whole of the form of the village and valley below is visible.

Landmarks

The dominant landmark within the Conservation Area is the Church of St Botolph's. It is the only building within the village to be constructed mainly of granite, an entirely different material to the rest of the village. It is both a landmark when viewed from the surrounding streets and from the wider landscape as the spire can be seen across the valley from all directions.

The linear village itself is a landmark when viewed from the valley both from above and below.

CHARACTER ANALYSIS

Building Types, Layouts and Uses

The present buildings within the Conservation Area reflect much of the village's historic development, from the seventeenth century 28-30 Church Lane to the recent twentieth century bungalows and semi-detached dwellings. Where the village hub was once centred around the nineteenth century post office, inn, school, smithy and later a village hall, it is only the recently refurbished village hall and post box which remain following the closure of the village school in the 1970s.

Historically the main employment of the residents of Ratcliffe on the Wreake was agriculture. This is still echoed in the surviving farmhouses and barns that have been converted to residential use which are scattered throughout the settlement. The village never really developed commercial or service based industries other than a smithy, with the only public buildings a post office, church, inn and village hall which was not built until the twentieth century. The return of the Population Act in 1811 noted 22 families, of which 16 were employed in agriculture and 6 in trade.

The majority of buildings are single detached dwellings of two or three storeys. Older buildings tend to have a strong front elevation parallel to the street with projecting wings to the rear. The exceptions to this rule are 48 Main Street which is perpendicular to the road and to some extent the Stable Block whose main entrance faces the original service road to the Hall. Whilst the current access to Priory Farm is from Broome Lane, the principal elevation faces towards Church Lane. This alignment reflects historic access routes, thought to be the original main street in the nucleated village. The conversion of barns and associated buildings such as 37 Main Street and 52 Main Street has made for a number of distinctive and attractive dwellings throughout the Conservation Area. Recent development has introduced semi-detached houses and bungalows into the streetscene. Generally, modern developments do not overwhelm the historic buildings or their settings and in many cases positively contribute to the character of the Conservation Area.

Today as has been the case historically, Ratcliffe is principally a residential settlement with the only remaining public buildings the village hall and church.

Key Listed Buildings and Structures

Occupying the most prominent position within the wider landscape and the village itself is St Botolph's Church (Grade II*). Constructed of granite rubble with stone dressings, its roof is of Swithland slate with an ashlar spire. At its

core are a fourteenth century chancel and a rounded font, possibly dating from the twelfth century. Wright's 'Directory of Leicestershire' (1887-8) places the origin of the core of the existing church as being built in 1310 and it was described in the 'Ecclesiologist' in 1858 as being "chiefly remarkable from containing very creditable specimens of work erected in the worst times". The full length recumbent effigy in the chancel is said to be that of the founder of the church. The church has been substantially altered and extended over the centuries, with the spire rebuilt in 1812 and the church generally restored in 1876.

Although not visible from the Conservation Area, Ratcliffe Hall (Grade II) is the principal building of the village and was constructed in 1812 by Robert Shirley, 7th Earl Ferrers. It is of red brick with a Swithland slate hipped roof with brick and stone ridge stacks. The windows are primarily vertical sliding sashes in a variety of arrangements and there is an elaborate fanlight above a six panelled door. Extended in the twentieth century in a similar style, it retains many of its original features such as pediments and a one storey Doric columned porch with entablature and balustrade.

The stable block to Ratcliffe Hall (Grade II) is described by Pevsner as being much more interesting than the Hall itself. The stables occupy a prominent position within the village and forms a key component of the main approach into Ratcliffe on the Wreake along Broome Lane. Dating from 1817 it is of red brick with a Swithland slate roof. It is formed of a central range with a pyramid roof and one storey wings on either side. The elevation flanking the original service entrance to the Hall has three panels to the first storey, one with a clock face whilst the other two retain the plaques bearing the coat of arms of the Earls Ferrers.

Priory House (Grade II), the principal building of Priory Farm, is situated to the east of the main stretch of the village and is noted by Young (1932) as being one of the oldest in the village. The left ended gable bears in its brickwork the date '1707' and it is noted on the map of 1884 as Cliffe House, before being labelled as The Priory and Priory Farm on maps from 1929 and 1961 respectively. Constructed of red brick, the building is unusual in that it has a Swithland slate roof to the rear with a pantile roof to the front and on the north-west end, two storeys of two blank Gothic style windows with Y tracery in cut brickwork. The property was extended in the nineteenth century as can be seen from the brickwork and difference in proportions, alignment and style of the windows to the north-west end.

28-30 Church Lane (Grade II) sited just to the north of Priory Farm has at its core a c1600 structure which has been gradually restored and altered over the nineteenth century. 28 Church Lane has two bays of visible timber framing to the front elevation and is variously of red brick and painted render with a granite rubble stone plinth. It has both a Swithland slate and Welsh slate roof. It is now linked to the adjacent 30 Church Lane to form a single dwelling house by a flat roof addition.

The Rectory Farmhouse (Grade II) is an imposing eighteenth century building on Main Street, constructed of red brick with a Welsh slate roof and distinctive wooden mullion and transom windows across two storeys on the front elevation. Situated at the point where Main Street begins to rise on the stretch towards Thrussington, it is prominent as it is surrounded by smaller scale recent development.

Key Unlisted Buildings

Lying just outside the south-west boundary of the Conservation Area is the early nineteenth century lodge to Ratcliffe Hall, situated in the wooded area on the approach into the village from the west on Broome Lane. With red brick walls and a hipped slate roof, a bay window is positioned to allow supervision of the driveway entrance to the Hall. The architectural and historical interest of this building has been recognised by its inclusion on the Local List.

Ratcliffe Mill, although the subject of extensive renovation in the latter part of the nineteenth century, occupies a prominent position both in terms of its location and the history of the development of Ratcliffe itself. Whilst its current imagining dates from 1816, the presence of a mill in Ratcliffe harks back to Domesday, predating the surviving St Botolph's Church. A watermill is also referred to in 1260 a when William Burdet handed it over to the control of Aucote Priory. The location of the Mill on the Wreake would have also made it a prominent landmark to the users of the Melton Mowbray Navigation throughout the nineteenth century.

A notable building within the Conservation Area is The Old Vicarage. Although originally somewhat isolated from the main core of the village, the settlement has gradually crept up this stretch of Main Street to reach the wooded boundaries of this property. It is a fine red brick building with slate roof and attractive details to the window surrounds, doorway and chimneys.

The Boathouse is situated at the furthest western extent of the Conservation Area and is currently in a bad state of disrepair. However it still retains its clay pantile roof, coats of arms to the gablet roof and its previous form is still evident. It is a distinctive building and is highly visible at different points within the Conservation Area, namely the stretch of Main Street outside the Vicarage and from various footpaths through the surrounding fields. Its exact history is unknown but it has been described as being used variously as a tollhouse for the canal and as a garden summer house. It is a rare and unusual focal point within the village and care should be taken in order to ensure it is not lost.

Coherent groups

On Main Street, the grouping of the granite wall and open space to the left, the village hall, 20-22 Main Street and 19-21 Main Street opposite which with

the post box and telephone kiosk is important as it can still be identified as the historic core of the village.

Another group are the recent buildings on the north side of Main Street towards Thrussington. There are five properties between the Vicarage and the Rectory Farmhouse, all of varying styles, forms and detailing. Whilst maybe not architecturally significant in their own right, the group value of these buildings greatly adds to the character of the Conservation Area. This lies in their careful positioning within the streetscape and their design, ensuring that they do not dominate or overwhelm the surrounding historic buildings or landscape.

Building Materials and Architectural Details

Walls

The predominant building material in Ratcliffe is a soft red brick. In Young's 'History of Ratcliffe', it is remarked that the oldest cottages and farmsteads were of mud and stud of which the last remaining one fell at beginning of the nineteenth century and was formerly the smithy, located on the site of 27 Main Street. The clay for the bricks used in the construction of the Mill and older cottages was purportedly dug out of the hill side opposite the church and was known as 'Brickyard Close' to the residents.

The principal buildings within the village are all constructed of red brick, including Ratcliffe Hall, 28-30 Church Lane, Priory House, Rectory Farmhouse, The Old Vicarage, 19-21 Main Street and 20-22 Main Street. The bricks are typically laid in a Flemish bond, with 19-21 Main Street utilising a slightly paler header to the front elevation. The use of a more pronounced Flemish bond with paler header is also found to the north-west end of Priory House.

There is a prominent string course to the principal elevation of Priory House between the ground and first storey which is echoed partially on the rear elevation.

Plinths marked out by using different materials occur in a number of properties. The Stable Block utilises blue bricks whilst both 28-30 Church Lane and Rectory Farmhouse have evidence of granite plinths. The granite used within the Rectory Farmhouse extends into the granite garden wall which turns to the front of the house.

70 Main Street has been significantly altered, with a modern roughcast render concealing its historic fabric.

The only exceptions to the red brick historic buildings are the church which is built of granite rubble and the village hall which has been clad in timber.

More recent buildings have utilised a range of materials, either painted render or bricks of an orange or brown hue.

Roofs

The predominant roofing material throughout the Conservation Area is slate with some occasional use of clay pantiles, namely to the front elevation of Priory House.

Both Swithland and Welsh slate can be found within the Area and sometimes on the same property. Good examples of the use of the locally sourced distinctive Swithland slate are the Old Vicarage, 48-50 & 52 Main Street, the Stable Block, Ratcliffe Hall, Ratcliffe Mill, the rear elevation of Priory House, and 10-12 Church Lane. Welsh slate can be found to the Rectory Farmhouse, 19-21 Main Street, 20-22 Main Street, the village hall and 70 Broome Lane. 38-40 Church Lane utilises both Welsh and Swithland slates.

Modern developments have utilised a range of roofing materials, from Welsh slates on the more traditionally brick built dwellings, to concrete and clay tiles to the roofs of the infill developments on Church Lane and Main Street.

Chimney stacks are generally limited to simple brick constructions with plain pots. Some buildings make use of decorative courses and detailing in blue bricks, such as 19-21 Main Street, 20-22 Main Street and the Stable Block. The most elaborate chimney stacks can be found to The Old Vicarage, indicative of the Victorian design of the building. Courses of red and blue bricks and a dog-toothed band combine with moulded chimney pots including distinctive diamond cut-out edging to the top, commonly known by the name 'The Bishop'.

Doors and Windows

Ratcliffe on the Wreake is in possession of a wealth of historic window types. There is no one dominant style, with a mixture of vertical and horizontal sashes, timber mullion and transom windows and the occasional casement windows visible throughout the village. Buildings frequently contain more than one type of window and often more than one style or size of each type.

Perhaps the most distinctive windows are those to the Rectory Farmhouse. The front elevation utilises wide paned timber mullion and transom windows across two storeys. The left hand side elevation also utilises large mullion and transom windows but these have divided into smaller panes.

Other prominent windows are those to the Priory House. To the rear elevation there is a mixture of two light casement windows, with two larger four light timber mullion and transom windows used to the left hand side bay across two storeys. To the front are very fine vertical sliding sash windows, with larger sashes to the right hand side. The difference in sizes and positioning of the windows hints at the different phases of the building, with the end containing the Y tracery in cut brickwork thought to be an extension of a later date. There

are three smaller two light casement windows to the second storey on the principal elevation.

The most interesting window detailing can be found at The Old Vicarage. The vertical sash windows are free from glazing bars and arranged in sets of two or three side by side, a popular arrangement in Victorian architecture. They are divided by elaborately moulded stone mullions. The arch details above the windows are picked out in an attractive mix of decorative brick and stone work. The recessed panel between the window lintel and the arch is laid in a herringbone pattern.

Horizontal sliding sashes are also common throughout the Conservation Area. These can be found at 20-22 Main Street where the windows to 22 Main Street are distinctively painted in white with painted black frames, and 28-30 Church Lane. More intricate tripartite horizontal sliding sashes can be found to 19-21 Main Street.

There is a simple cantered oriel bay to the front elevation of 20-22 Main Street.

Windows throughout the village are generally simple in style, relying on the rectangular division of the glazing bars to add interest.

Within the Conservation Area there has been a good retention of historic doors. Of note are the broad six panelled doors which can be found at Ratcliffe Hall and Priory House.

Several doorways can be found with overlights. The doors to the principal elevations to Priory House and Rectory Farmhouse are rectangular, divided into two and three panes respectively. Interestingly, 10-12 Church Lane has decorative leaded glass to the overlights to the front doors on the principal elevation. There is also an interesting doorframe formed of laying the brick headers end on in pairs to form columns and the lintels, typical features of the 1930s style of the property.

Details

There are a number of interesting brickwork features to historic buildings throughout Ratcliffe which hint at the development and use of the buildings over time. The converted barns of 52 Main Street still have evidence of simple ventilation slits to the principal elevation. More elaborate and decorative perforated honeycomb ventilation panels can be seen to the right hand barn of 37 Main Street.

In contrast to the functionality of the ventilation panels are the decorative brickwork details, found on the north-west gable end of Priory House. A later addition to the rest of the building which is dated 1707 on the south-east gable end, the Y tracery formed of cut brickwork are unusual and unexpected. There are also decorative dentilled eaves to the gables of Rectory Farmhouse.

Brickwork details can also indicate changes to the form and appearance of buildings as shown in the changes in brickwork to the front elevation of Rectory Farmhouse which possibly indicate historic changes made to accommodate a different roofing material.

There are a number of plaques and datestones in various buildings throughout Ratcliffe. The Stable Block bears the coats of arms of the Earl Ferrers to the service entrance, as well as stones marking the date '1930' to the elevation facing the road. The date '1707' is prominently marked out in the brickwork to the left end gable of Priory House. The coats of arms present in the gables of the Boathouse are thought to be that of the village school which used the Boathouse following the closure of the Melton Mowbray Navigation. There are two plaques to the front elevation of 10-12 Church Lane, marking 'WLE' and the name 'Jubilee Cottages, 1932'. A sun fire mark can be found above the central first storey window to the principle elevation of Rectory Farmhouse. This was historically an indication of a particular insurance company's fire service which was responsible for extinguishing fires at that property.

There is evidence in the right hand range of the Stable Block of openings into a cellar.

One particularly interesting and unusual feature in Ratcliffe is the Grade II listed headstone in the churchyard. Dated in 1839, it is inscribed 'In memory of Samuel Matthews, Labourer, who had both his legs broke, and one of his ankles dislocated by falling off a load of beans, on Mr King's Farm, at Ratcliffe on the Wreake; and died in Leicester Infirmary, Oct 13th, 1839, Aged 60'.

There are pink granite cobbles to the two entrance ways to the Stable Block from Broome Lane.

There is a good level of retention of the granite edging to the pavement throughout the Conservation Area.

Parks, Gardens and Trees

Trees are not a particular feature of the arable landscape of the Wolds or the meadows of the river. However, a significant number of trees can be found within Ratcliffe on the Wreake and they are a distinctive feature of the Conservation Area. The panorama of the village of the valley is marked by the line of buildings among trees with the spire of the church rising above the tree line.

Also important within the village, the mound of the churchyard and Church Lane are well planted with trees as are the gardens of the Vicarage. Ratcliffe Hall lies in parkland hidden from view by trees.

There are a number of Tree Preservation Orders on trees to the front of the Vicarage along Main Street. These relate to the pine, larch, oaks and horse chestnut.

The field boundaries are well planted with hedges and occasional trees with some isolated trees in the centre field. The river itself is lined with trees and the Mill is surrounded by woodland. There is a substantial piece of woodland along the Fosse Way.

Gardens typically lie to the rear of the properties but a significant number of buildings within the Conservation Area have small front gardens or wide verges. Boundary treatments are an important feature within the Conservation Area, with the mix of hedging, brick walls and planting creating a pleasing variety within the village.

The most important green space within the Conservation Area are the two undeveloped fields between Main Street and Ratcliffe Mill. This area is well accessed both visibly in views across the valley and physically as there a number of public footpaths which run through the fields.

Biodiversity

The Conservation Area is in immediate proximity to the countryside and views of the pastoral landscape on the valley slopes can often be glimpsed from the highway. Grassland fields have generally been improved for agriculture and consequently support restricted plant assemblages. However, the predominant cattle-grazing management still brings tangible benefits to biodiversity, particularly to invertebrates and insectivorous birds and mammals.

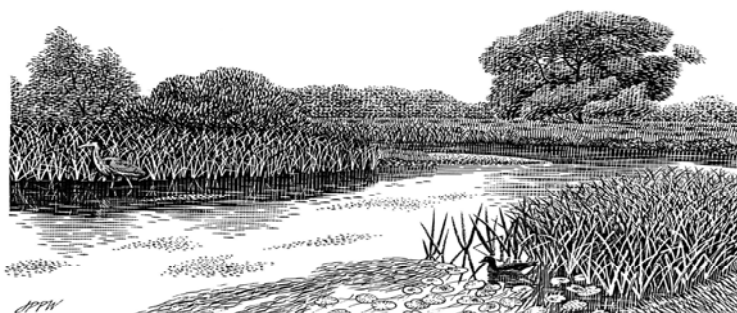


There is a high tree cover within the Area. Strong groups of mature trees are present, notably within the parkland setting of Ratcliffe Hall. Isolated trees within pastures are likely remnants of long-gone field hedgerows. Trees form invaluable habitats once they reach maturity as they then offer a more varied range of physical features and micro-climates upon which large numbers of species depend.

The hedgerow network is interrupted in places, especially along street frontages, but field hedgerows often reach right into the built environment. The insect-rich pastures, mature trees, tree lines and hedgerows create a

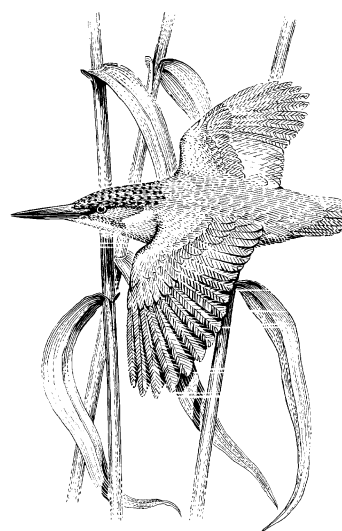
strong local biodiversity network and provide habitat connectivity within the Area itself and with the wider countryside.

The meanders of the River Wreake define the southern boundary of the Area. The watercourse has been notified as a Local Wildlife Site, a designation of the best non-statutory ecological sites in the County. It functions as a significant



wildlife corridor, connecting the Area across the wider landscape of the Wreake Valley. Marginal aquatic vegetation of common reed *Phragmites australis*, reed sweet-grass *Glyceria maxima*, lesser bulrush *Typha angustifolia*, common club-rush *Schoenoplectus lacustris* and water dock *Rumex hydrolapathum* can form dense patches in places. Small pockets of scrub and mature trees, such as crack willow *Salix fragilis* and ash *Fraxinus excelsior*, with overhanging branches and exposed roots, line the river banks. In places sections of earth cliff have been eroded away.

Associated with the river corridor are several species of principal importance (UK Biodiversity Action Plan [BAP] species). The otter *Lutra lutra* returned to the River Wreake in the late 1990s. Field evidence, notably spraints left in prominent locations, is known from both upstream and downstream, and the species will be regularly passing through the Area. The kingfisher *Alcedo atthis* has been recorded nesting in the exposed banks of the river further upstream and is likely to commute through the Area.



Several bat roosts have been recorded within the Area, particularly of common pipistrelle *Pipistrellus pipistrellus*. This is the more widespread species but nowhere as common as in past decades. Due to their small size, pipistrelles have the ability to use small gaps within the fabric of buildings. All bat species in Britain are strictly insectivorous and hibernate to survive the winter months. Tree cover in proximity to roosts and good quality habitat networks, such as continuous hedgerows and vegetated water courses, are ideal for bats.

Detrimental Features

The most visually intrusive element within the Conservation Area are the pylons and other communication equipment which are visible along the length of the streets.

The noise of the nearby A46 is also very prominent within the village.

In general however, the Conservation Area is in a good state.

DEFINITION OF SPECIAL INTEREST

The main contributions to the special character of Ratcliffe on the Wreake Conservation Area are:

- the use of a limited palette of materials to create a wide range of individual and distinctive properties spanning both polite and vernacular architecture;
- the wealth and quality of surviving details to historic properties from obvious date marks and coats of arms through to often overlooked window details, decorated chimney stacks and granite edged paving;
- the linear form of the village evident in the nineteenth century that developed from the medieval nuclear settlement, which has been emphasised and preserved by recent development;
- the distinct spaces created by the varying layout and form of the settlement and the contribution made by recent development as well as historic buildings, particularly to the character of Church Lane and the north-east stretch of Main Street;
- the far reaching historic and geographical associations of this relatively small settlement through individuals and families that have left their mark on the buildings and landscapes;
- the evocative green open space of the fields at the centre of the Conservation Area, its connection to the historical development of the village and its influence on how the village is viewed and experienced today.

CONSERVATION AREA MANAGEMENT PLAN

General Principles

The appraisal above should be used to inform and guide development decisions.

Any proposed changes should be carried out in a sensitive manner, taking into account the established character. New development must respond to its immediate environment i.e. its context, in terms of scale, form, materials and detailing. Otherwise, alterations will have a detrimental effect on the historic and locally distinctive form of the Area.

Within the Area the Council will insist on good quality schemes which respond positively to their historic setting, this extends to small buildings such as garages and even boundary walls and fences. Minor alterations need to be carefully considered as incremental change can have a significant detrimental affect on the character of an area over a period of time.

Central government guidance contained in the NPPF, the Borough of Charnwood Local Plan, Leading in Design and other SPD will be used to assess the quality of proposal for new development.

The character of the Conservation Area identified in the appraisal document is such that the following general principles should be noted when considering any development in all parts of the conservation area:

- The Conservation Area has a distinct “grain” or pattern of built form and spaces which are part of its historic development. This gives the area great individuality, characterised by the pattern of historic buildings, ancient footpaths and highways and clearly defined boundaries. This “grain” is an important part of the character of the Conservation Area and will be protected.
- The emphasis for new proposals will be on high quality of design. There may be opportunity for innovative modern design. However a dramatic contemporary statement is unlikely to be appropriate.
- Scale is the combination of a building’s height and bulk when related to its surroundings. Proposed new development must take into account the scale of the existing buildings, and must not dominate or overwhelm them.
- Alterations and extensions must respect the form of the original building and its locality. The use of high quality materials and detailing, whether modern or traditional is essential. Roof lines, roof shape, eaves details, verge details and the creation of new chimneys are important considerations.
- Windows and doors of a traditional design respect the historic nature of the buildings to which they belong and make a very important

contribution to the character and appearance of the conservation area. The use of uPVC and standardised high speed joinery techniques nearly always leads to unsuitably detailed windows which will be generally unacceptable in the Conservation Area. In most cases the building regulation requirements can be met without the need to use clumsy and awkwardly detailed windows.

- The appraisal has identified the types of materials that characterise the Conservation Area and where possible they should be used to help alterations respect that established character.
- Applicants for planning permission must provide a meaningful “Design and Access Statement”, to explain the design decisions that have been made and to show how proposed alterations relate to their context. A detailed analysis of the locality should demonstrate that there is a full appreciation of the local streetscape and how it has developed, including prevailing building forms, materials and plot ratios.
- Safeguarding of protected species must be taken on board when considering planning proposals such as conversion, tree felling, housing development and other changes which may affect their roosting places, commuting routes and feeding areas.

Procedures to ensure consistent decision-making

The purpose of the character appraisal is to inform and guide development control decisions. A consistent approach to this decision making will be aided by providing:

- Conservation and design surgeries to help development control officers to make informed decisions, no matter how minor the proposed changes.
- Opportunities for pre-application discussion regarding significant alterations.
- Opportunities to review decisions and assess the impact of approved alterations through post development site visits.

Enforcement strategy

Effective enforcement is vital to make sure there is public confidence in the planning system to protect the special character of the Area. Unauthorised development can often be damaging to that character.

Taking proactive action can improve the appearance and character of the Area, making it more attractive and in some instances increasing the potential for investment. Effective monitoring of building work to make sure it is carried out in accordance with the approved details and with planning conditions ensures new development makes the positive contribution envisaged when permission was granted.

In order to protect the character of the Conservation Area the Borough Council will seek to:

- use enforcement powers in cases where unauthorised development unacceptably affects the character of the Conservation Area;
- take proactive action to improve or enhance the appearance of the Area;
- monitor development under way to make sure it fully complies with the terms of any planning permission or listed building consent.

Carrying out unauthorised work to a listed building or to protected trees and hedgerows and the unauthorised demolition a building within a conservation area is an offence. In such cases, the Council will consider prosecution of anyone responsible and enforcement of any necessary remedial action.

The powers set out in Section 215 of the Town and Country Planning Act 1990 will be used where sites are identified as detracting from the character of the conservation area by being eyesores or untidy.

General condition

The Conservation Area is in a good condition. A number of issues have been identified as weaknesses in the appraisal.

Possible buildings for spot listing

The Boathouse, although currently in a bad state of disrepair, is an important and rare survival of its type. Further investigation into its history and the level of survival of other similar buildings should be undertaken in order to assess whether the Boathouse is worthy of listing.

Possible Boundary Changes of the Conservation Area

The present boundaries of the existing Conservation Area incorporate the principal areas of special historic and architectural interest within the village. However following the survey, it is suggested that consideration be given to the following minor amendment:

Parkland to the west of Ratcliffe Hall

The area of meadow and parkland surrounding Ratcliffe Hall bordering the A46 and Broome Lane should be considered for incorporation into the Conservation Area. There are a number of historic features associated with this area, including a re-sited dovecote and a series of fishponds. This stretch of parkland is the first visible area of the village on the approach on Broome Lane and the woodland and granite wall positively contribute to the character of the area as a whole. This extension would also bring the Locally Listed Lodge to Ratcliffe Hall into the Conservation Area. In the course of investigating this proposal, it may be appropriate to designate additional areas of the parkland such as the area including the heliport and ice house.

Proposals for developing an economic development and regeneration strategy for the area

Repair and reinstatement works to historic buildings that make a vital contribution to maintaining and improving the character of the Conservation Area may be eligible for grant assistance. Charnwood Grants includes an element to assist in the repair and maintenance of historic buildings such as listed buildings and buildings in conservation areas. The County Council operates a scheme for listed buildings.

Strategy for the management and protection of important trees, greenery and green spaces

The Local Biodiversity Action Plan (Leicester, Leicestershire & Rutland Biodiversity Action Plan) sets out the Borough Council's priorities for conservation of habitats and species within Charnwood and details the actions required to bring about a reversal in their decline. Not only should habitats and species of principal importance (UK Biodiversity Action Plan habitats and species) be retained and protected, but opportunities to restore or enhance such habitats and populations should be taken.

Many species are protected by wildlife legislation. Where protected species may be present, appropriate surveys and assessments should be carried out to ensure that development or management proposals will not have a detrimental effect. Mature trees will eventually senesce and decline. Without the provision of the next generation of trees to replace existing mature trees, the wildlife resource and visual quality of the Conservation Area may be affected in years to come.

The Landscape Character Assessment (2012) contains a structured evaluation of each landscape area within the Borough and details the Council's commitment to achieving high quality sustainable development proposals which will protect, conserve and enhance the character and appearance of the Borough's landscape and reinforce local distinctiveness. This Assessment should be utilised to inform and guide development decisions in conjunction with guidelines for the built environment.

General management guidelines:

- Retention and protection of mature trees.
- Replacement planting to provide the next generation of trees.
- Additional planting at key strategic points to reinforce habitat connectivity within the biodiversity network.

Monitoring change arrangements

A photographic record of the conservation area has been made and will be used to help identify the need to review how changes within the Conservation Area are managed. A greater degree of protection will be accomplished if the local community help monitor any changes.

Consideration of resources

This management plan sets out the commitment of the Borough Council to protecting the character and appearance of Charnwood's conservation areas and how it will use its resources to achieve these aims. Pursuing all actions may be seen as desirable but continued monitoring and review will help focus the use of available resources in the most effective way.

Summary of issues and proposed actions

Conservation Area Issue	Proposed Action	Lead Partner	Other Partners
Boundaries of the Conservation Area	Review the Conservation Area boundary with a view to including additional areas of the Ratcliffe Hall parkland	Charnwood BC	
Restoration and possible listing of the Boathouse	Ascertain desire and strategy for the restoration of the Boathouse. It may be appropriate to create a Building Preservation Trust.	Ratcliffe on the Wreake PC	Charnwood BC
Management of trees to churchyard	Implement management plan for the maintenance of trees and their renewal where/when required	Ratcliffe on the Wreake PC	

Developing management proposals

Various forces, historical, cultural and commercial, have shaped the development of the conservation area, creating a sense of place and individual identity. The character and appearance of the Conservation Area is vitally important, both in attracting investment in the area itself, and in the encouragement of initiatives to the benefit of the wider community.

Community involvement

This document will be made available as a draft via the website for 4 weeks prior to submission to Cabinet for adoption. A public meeting will be held in the Area so that local residents and businesses may contribute their ideas about the Area. All comments and responses will be considered and

appropriate amendments made to the document before it is submitted to Cabinet.

Advice and Guidance

The Borough Council Development Department can advise on the need for Planning Permission or Listed Building Consent and can provide guidance on matters such as appropriate methods of maintenance/repairs, alterations and extensions and suitable materials.

Contacts: Conservation and Landscape Team
Tel. 01509 634971
built.heritage@charnwood.gov.uk

Development Management
Tel. 01509 634737
development.control@charnwood.gov.uk

Planning Enforcement
Tel. 01509 634722
development.control@charnwood.gov.uk

ACKNOWLEDGEMENTS

The Council is grateful for the images, information and documentation provided by Thomas & Sally Chaplin about the village both past and present.

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Internet Resources

'Listed Buildings: Ratcliffe on the Wreake' at
http://www.charnwood.gov.uk/listed_buildings/search?location_type=settlement&listed-building_settlement=Ratcliffe+on+the+Wreake&listed-building_parish=&listed-building_ward=&listed-building_category=&listed-building_grade=&go=%3CSPAN%3EGo%3C%2FSPAN%3E
 [Date accessed: 2nd October 2012]

'Ratcliffe on the Wreake' at
<http://www.leicestershirevillages.com/ratcliffeonthewreake/>
 [Date accessed: 11th October 2012]

LISTED BUILDINGS IN RATCLIFFE ON THE WREAKE CONSERVATION AREA

All are Grade II listed except the Church of St Botolph which is listed Grade II*

Priory Farmhouse, 62 Broome Lane
 Ratcliffe Hall, Broome Lane
 Stable Block, 27 Broome Lane
 28-30 Church Lane
 19-21 Main Street
 20-22 Main Street
 K6 Telephone Kiosk, Main Street
 Matthews' Headstone, Churchyard
 Old Rectory Farmhouse
 War Memorial & retaining wall to Churchyard

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APPENDIX J - Photographs submitted by the applicant on 3 April 2023

Photo 1. Showing us visible from the back door from the existing path



Picture 2. Looking at the current footpath from the back door.



Pictures 3, 4 and 5. View from the current footpath into the back garden







Pictures 6,7 and 8. View from the back garden into the current footpath.





Picture 9. View from the living room of someone looking inside



Picture 10. View from the current footpath into the living room.



Picture 11. View from the proposed footpath looking into the living room.



Picture 12 View from the current footpath of the church spire



Picture 13. View from the proposed footpath of the church spire



DEVELOPMENT CONTROL AND REGULATORY BOARD**3rd AUGUST 2023****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2022/1491/03 (2022/LD/0104/LCC) – 29 th July 2022
PROPOSAL:	Certificate of Lawfulness for an Existing Use or Development (CLEUD) to seek to confirm that former and current/proposed uses fall within the same use class – Class B2 (General Industrial) Use.
LOCATION:	Gibbet Lane, Shawell, Leicestershire, LE17 6AA (Harborough District)
APPLICANT:	Beauparc Group & Tarmac Trading Limited
MAIN ISSUES:	<p>(i) Whether the original operations at the site, under the relevant and extant planning permissions, constitute a B2 (General Industrial) Planning Use Class.</p> <p>(ii) Whether the existing site activities require planning permission.</p>
RECOMMENDATION:	REFUSE on grounds that the existing lawful use is a Sui Generis Planning Use Class and is not B2 (General Industrial).

Circulation Under Local Issues Alert Issues Procedures

Mr. B. L. Pain, CC.

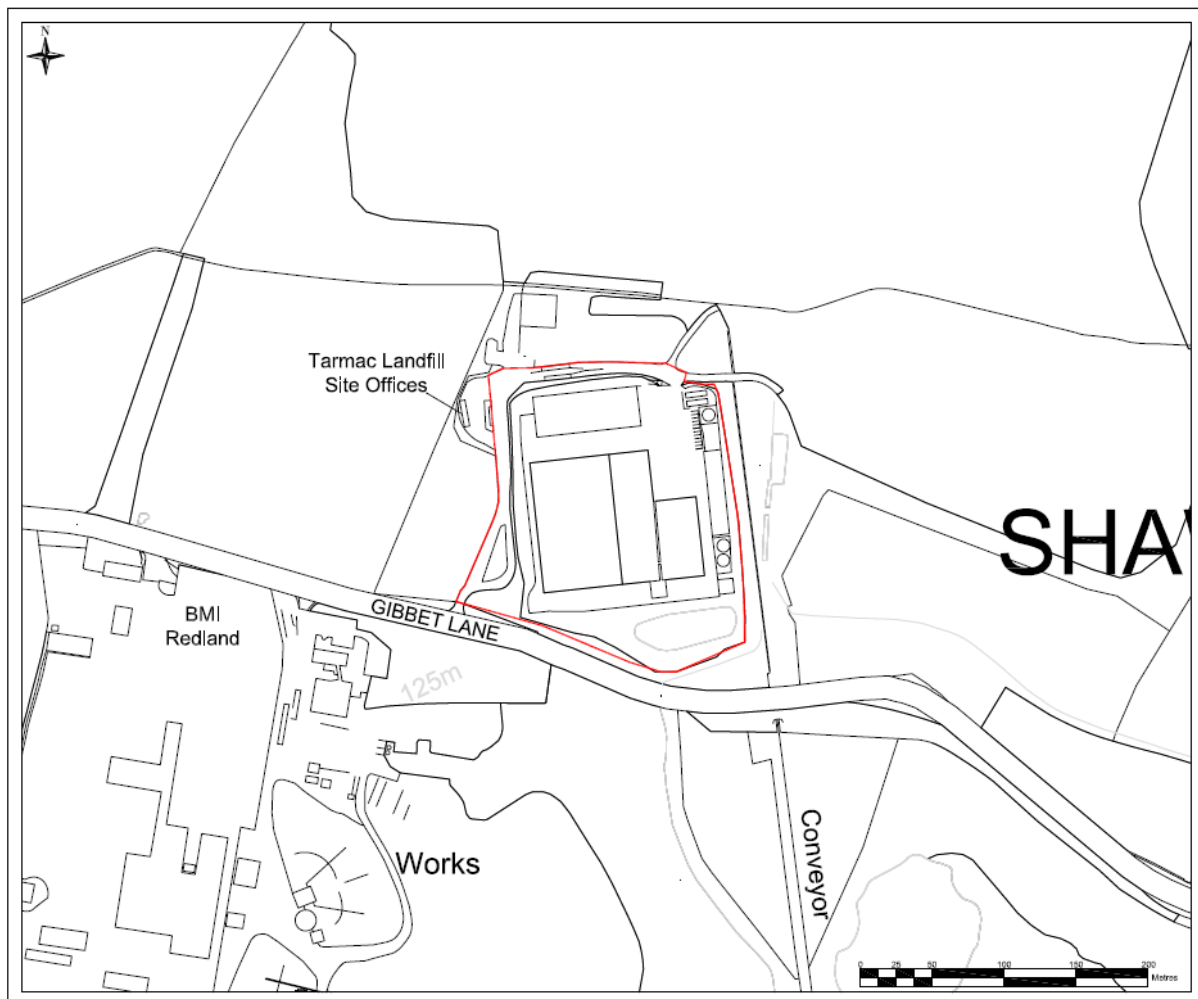
Officer to Contact

Christina Emmett (Tel. 0116 305 9089)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Site Location

1. The application site is located on Gibbet Lane, Shawell, within the wider active Shawell/Cotesbach quarry and landfill site operated by Tarmac Trading Limited. The site is approximately 600m north-west of the village of Shawell and 1.3km south of the village of Cotesbach, near Lutterworth. Gibbet Lane links Shawell with the A5/A426 junction to the west.
2. The site is on the north side of Gibbet Lane, directly adjacent to Shawell landfill and previous mineral extraction areas that are being progressively restored. To the south of Gibbet Lane lies the Quarry processing plant, a number of silt settlement lagoons, a roof tile works, and the site of a disused concrete block works.
3. The nearest residential properties to the site are Marchwood House and Littledene, which are approximately 400 metres south-east on Gibbet Lane. Other properties in Shawell are located about 150 metres further to the east and south-east, at distances between 550 and 850 metres from the site boundary. A property known as Greenacres, on Gibbet Lane near the A5/A426 roundabout, is located about 700 metres west of the site. Two semi-detached properties, Keepers Cottage and West Cottage, are situated adjacent to the northern quarry boundary, 950 metres north-east of the Mechanical Biological Treatment (MBT) facility.
4. There are no statutory ecological designations within the application site. Cave's Inn Pit, a Site of Special Scientific Interest (SSSI) is located approximately 1km south-east of the site.
5. The application site falls into Flood Risk Zone (FRZ) 1, the lowest designated zone of fluvial flooding.
6. There are no Listed Buildings, Scheduled Monuments or Registered Parks and Gardens within or in close proximity to the application site. Within a 2km radius, there are two Scheduled Monuments: The Station at Tripontium (1005759), which is located approximately 1km south-west of the site, and the Motte castle and associated earthwork SSW of All Saints Church in Shawell (1017549) which is located approximately 1km south-east. Shawell Conservation Area is approximately 500m east of the site boundary, and the nearest Listed Buildings are at least 600m away within Shawell Village.
7. There are no Public Rights of Way within the application site itself, however there are two footpaths and a bridleway in close proximity. Footpath X24 is the closest at 10m away but is located on the other side of Gibbet Lane, extending in a south-east direction to Shawell village. Bridleway X27 is also currently diverted around the western side of the wider site until August 2045.



Background

Planning History

8. In September 2008, planning permission was granted under reference 2008/0789/03 for a fully enclosed composting facility for the processing of up to 50,000 tonnes of waste per annum (tpa) and ancillary development.
9. The facility opened in 2010 and was operated by New Earth Solutions Limited (NES). The facility principally received household waste from kerbside collections in Leicestershire which was then subject to a Mechanical Biological Treatment (MBT) process to recover value in the form of recyclates (ferrous and non-ferrous metals and plastics), and to manufacture a compost-like output (CLO) for use in land reclamation and to a refuse derived fuel (RDF) for use in energy generation.
10. Permission was subsequently sought for an increase to the throughput of the facility from 50,000tpa to 60,000tpa and a commensurate increase to the HGV movements in and out of the site from 240 to 300 a week (2012/0972/03 and 2012/CSub/0208/LCC). The increase in HGV movements was granted but the increase in throughput was refused on the ground that the operation of the existing MBT facility gave rise to an unacceptable adverse effect by reason of

odour as evidenced by a significant number of odour complaints from residents in Shawell village.

11. Following the above refusal, an application for an increase in waste throughput from 50,000 to 75,000tpa was made in 2013 (2013/0809/03) and subsequently refused on the grounds of the failure of the site's location against the locational policies of the Waste Core Strategy which sought to locate new waste developments within or around the main urban areas. This decision appealed and dismissed by the Planning Inspectorate in October 2014. The Planning Inspector concluded that the site was not well related to waste arisings and did not have any convincing benefits of co-location. Given that the proposal related to a greenfield site in the countryside, policy required an overriding need for the development which the Inspector could not identify.
12. In April 2020 an application was submitted for a Change of use from Mechanical Biological Treatment (MBT) facility to a Material Recovery Facility (MRF). The application also sought an increase of waste throughput to 150,000 tonnes per annum; and a revision of operating hours and minor ancillary revisions to site infrastructure (Ref: 2020/0657/03 (2020/CM/0045/LCC)). The application was considered by the Development Control and Regulatory Board on 8 October 2020 and refused on the grounds that the proposed development would conflict with the locational policies of the Leicestershire Minerals and Waste Local Plan, which seek to locate new waste developments within or around the main urban areas.

Permitted Operation

13. The extant planning permission allows a process which involves open-air composting of refuse. Material is subject to approximately 28 days of composting before being transferred to a maturation building where it remains for maturation for 4-12 weeks. Then it is transferred to the screening halls where it is screened to remove any oversized material and transferred to the adjacent landfill site for use in landfill restoration as a compost/soil replacement product. Any recyclables which are recovered from the waste stream (such as ferrous and non-ferrous metals, plastics etc.) are baled and wrapped and taken off site for recycling.
14. The majority of the material not suitable for recycling or composting is turned into RDF (Refuse Derived Fuel), whilst the bio-fines are taken into the adjacent composting halls and formed into windrows, which are long piles of matter laid out and turned regularly as part of the aerobic process to form a Compost Like Output (CLO).
15. During its operational years, the outputs from the site included recyclables that were taken off-site for recycling, the CLO which was used at sites other than the adjacent landfill, and the RDF which was sent to the Netherlands for use in energy generation. Residues and reject materials were sent to the adjacent Cotesbach Landfill.

16. Between 2010 and 2016, the facility experienced a number of operational issues and received numerous complaints, primarily regarding odour, and as a result of this alongside other operational shortcomings, was closed in 2016. The site has remained mothballed since its closure.

Procedural Matters

Planning law

17. The main planning law relevant to the application comprises The Town and Country Planning Act 1990 ['TCPA 1990'] and The Town and Country Planning (Use Classes) Order 1987 (as amended) ['UCO'].

Legislation and guidance

18. Relevant Government advice on the application of the UCO was contained in ODPM Circular 03/20051 but this has now been replaced by National Planning Practice Guidance (PPG). The relevant section(s) of PPG will be referred to where appropriate.
19. Section 192 (2) of TCPA 1990 provides that if, on an application under that section, the local planning authority is provided with information satisfying it that the use or operations described in the application would be lawful they shall issue a certificate to that effect. In any other case the application should be refused. The onus is on the applicant to demonstrate that the operations or development is lawful.
20. The decision is to be based strictly on factual evidence, the planning status/history of the site and the relevant law or judicial authority applicable to the circumstances of the case. The planning merits of the proposed use applied for do not fall to be considered.
21. PPG advises as follows: A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process. In determining an application for a prospective development under section 192 a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?" Paragraph: 009 Reference ID: 17c-009-20140306, Revision date: 06 03 2014.
22. Guidance states that there is no statutory requirement to consult third parties including parish councils or neighbours. A local planning authority may, however, seek evidence from these sources as a courtesy, or if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the

application. Paragraph: 008 Reference ID: 17c-008-20140306, Revision date: 06 03 2014.

Case Law

23. *In Bennet Fergusson Coal Limited v First Secretary of State* [2003] EWHC 1858 the judge held that a materials recycling facility may (and would likely) fall within Use Class B2, but the specific activities on a particular site would have to be assessed on a case by case basis. In his judgement, the judge found that the inspector had misdirected himself in concluding that the use in that case was *sui generis* as they had taken into account a number of irrelevant matters, but the judge did not come to a conclusion himself as to the correct classification of the use and, each case needs to be assessed on its own facts.

Consultation

24. As outlined earlier, although consultation is not a statutory requirement in the Certificate of Lawfulness process, a courtesy consultation was undertaken by the Council with Shawell Parish Council and Newton and Biggin Parish Council.
25. Newton and Biggin Parish Council declared that they are not in a position to support or refute the evidence set out by the applicant and would therefore defer to Shawell Parish Council on the submission of appropriate evidence.
26. Shawell Parish Council's comments are summarised as follows:
- The applicant's assertion that it has never adhered to the original planning permission requirement for composted output to be used for the restoration of the landfill and that this has never been enforced is refuted.
 - The Parish Council refers to the original planning application and (typically) one additional HGV movement with all other HGV movements (e.g. inbound) being the same as those already bringing waste to the site, linking the site, building and operations to the adjacent landfill.
 - The former New Earth Solutions managers' statements that compost was never used on site and the argument that the input waste streams were not destined for landfill is questioned.
 - The whole site is covered by a 2004 "Review of Old Mineral Plans" (ROMP). These are done every 15 years. The existing ROMP predates the plant and any change of use of this facility should be done in the context of the whole site and applicable policies, confirmed in an updated ROMP.
 - There is a site Restoration Plan that states the site should be returned to greenfield in 2044.
 - As previous planning decisions (that twice refused further development) emphasised "for the avoidance of doubt" that the operation was linked to the landfill, which was stated clearly for both refusals.
 - The plant was closed from 2016 / 2017 and the additional offload of recycled material (e.g. to Holland) was temporary for economic reasons, and stopped before the plant closed. Therefore, the material must have

gone to the adjacent landfill instead, as intended in the original planning consent.

- The applicant's consultants emphasise the nature of the building is not unique ("sui generis") to a composting plant, but suggest that it is a generic industrial building. The floor space is especially large to accommodate the composting process. If it was used for plastic recycling (or other general waste processing) then it could accommodate 450,000tpa - nine times the level that is currently permitted.
- The last NES planning permission was only for 75,000 tonnes and the applicant's application was for 150,000 tonnes. So, the building is specially designed for composting – hence its large floorspace for 50,000tpa throughput.
- There was a visit by the planning authority in early 2022. The Parish Council had requested to the LPA that enforcement action should be taken if unpermitted activities were taking place but no unpermitted activities were found.
- There was previously debate about whether the 300 HGV movements per week were additional or a subset of the overall site allowance. The original planning documents are clear that they are a subset of the site allowance (they replace the HGV movements that would have gone directly to the landfill). Given the distances HGVs normally travel to Shawell / Cotesbach, these would not appear to be separate waste streams.
- The application for an increase from 240 HGV movements per week to 300 was a separate application to the increased throughput tonnage (50ktpa to 75 ktpa) arguing that this would allow more flexibility to handle more smaller refuse collection vehicles (RCVs).

Application Assessment

27. The existing site activities and the use for which the CLEUD is sought is described in the application supporting information as follows:

(a) Waste acceptance, including checking hauliers' compliance with the Waste Duty of Care Code of Practice;

(b) Waste reception and storage, including the process of sorting the waste and removal of large items;

(c) Mechanical treatment, shredding and sorting of mixed municipal waste including the sorting of waste materials to segregate and bulk recyclable and other materials;

(d) Mechanical treatment, shredding and sorting of source segregated plastics including the sorting and picking of waste polythene and processing the same through the plastic recycling plant (including shredding, washing, grinding, drying, heating and cooling)..."

28. The grounds on which the CLEUD is sought are that:

- (i) The original operations at the Site, under planning permissions described further below, constituted a B2 (general industrial) use;
 - (ii) The current operations at the Site also constitute a B2 (general industrial) use; as a result,
 - (iii) The existing activities do not involve the development of land and planning permission is not required pursuant to Article 3(1) and Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the Use Classes Order”); and, therefore,
 - (iv) The existing site activities are lawful and a Certificate may be granted pursuant to section 191(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”).
29. The legal framework and the tests that must be applied by the Council when determining lawfulness is Section 191 (4) of the 1990 Act , which states as follows:
- “If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application,*
- or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.”*
30. The 1990 Act goes on to state that the onus of proof is on the Applicant to satisfy the Council that the existing use is lawful.
31. Article 3 (1A) of the Use Classes Order (UCO) provides that:
- “(1A) subject to the provisions of this Order, where a building or other land is situated in England and is used for a purpose of any class specified in –*
- (a) Part B or C of Schedule 1, or*
(b) Schedule 2,
- The use of that building or that other land, or if specified, the use of part of that building or the other land (“part use”), for any other purpose of the same class is not to be taken to involve development of the land.”*
32. This enables use of the land and buildings for alternative uses without the need for planning permission, provided that the existing and proposed uses fall within the same use class.

33. Where the Use Class is Sui Generis, the development falls outside the use classes, denoting “Of its own kind or class, unique, on its own.” (LexisNexis glossary definition).
34. The view of the Council has been consistent in that the permitted use for the site would not have been granted in this location without a close operation with the adjacent landfill operation as the development would have been contrary to the policy at the time of determination, which was Policy CS4 of The Leicestershire & Leicester Waste Development Framework: The Core Strategy and Development Control Policies up to 2021 (2008). Policy CS4 and gave the highest priority to locations on land with an existing waste management use where transport, operational and environmental benefits could be demonstrated as a consequence of the co-location of waste management facilities.
35. This was evidenced within the supporting documentation of the original planning application (Ref: 2008/0789/03).
36. In the Third Planning Application 2013/1425/03 Condition 2 limits the Third Planning Permission to the period expiring one year after the permanent cessation of landfilling operations at Shawell Quarry / Cotesbach landfill.
37. Condition 3 requires the development to be carried out in accordance with details of the First Planning Permission and accompanying supporting statement.
38. Condition 7 requires the retention of topsoil and subsoil resources for the reclamation of the application site or adjacent Shawell Quarry/Landfill site landscaping scheme linking to the *“Landscape Maintenance Plan submitted pursuant to condition 8 of planning permission 2008/0789/03 and approved on 6th January 2010.”*
39. Condition 25 *requires that “No later than 31st September 2044 the operator shall submit a scheme of site clearance and reclamation of the site for the approval of the Waste Planning Authority.”*
40. The Officer’s report in Planning Application 2020/0657/03 refused the Change of use to a Material Recovery Facility (MRF) on the grounds of conflict with locational policies of the Leicestershire Minerals and Waste Local Plan, confirming the existing MBT facility as subservient to the wider permission, with restoration of a principally minerals development. It was originally envisaged that the majority of waste outputs would be used for infilling, and that a proposed MRF use would be a further divergence from the original location benefits of the facility’s location.

Key issues for consideration

Does the existing use, whether or not it is a use carried out in or adjacent to a mine or quarry, fall within Use Class B2 or is it *sui generis*?

41. It is acknowledged that the existing operations (i.e. those for which the CLUED is sought) when considered in isolation fall within the UCO definition of Use Class B2: General Industrial as industrial processing of biodegradable materials which are sanitised and stabilised in order to produce a particulate matter of commercial value. However, Article 2 of the UCO excludes industrial processes where they are in or are adjacent to a mine or quarry and the view of officers remains that the relationship between the use of the Site and the use of the wider landfill/ quarry as encapsulated by the October 2013 Planning Permission is key and that this relationship takes the use outside of B2. The 2020 application (2020/0657/03) refused permission for a change of use to a Materials Recovery Facility (MRF) and an increase in the waste throughput to 150,000 tonnes per annum as the proposal lacked demonstrable benefits of co-location and would involve the exportation of the vast majority of waste outputs by HGV to distant and dispersed locations. The subsequent appeal was dismissed.

Is the use one carried out in or adjacent to a mine or quarry so as to fall outside Use Class B2?

42. It is accepted that the link between output from the site and the adjacent landfill/quarry, whilst operational, has not been at the intended level as set out in the October 2013 Planning Permission. However, it is also noted that there has been a tenuous link in practice between the use of the Site and the use of the landfill/ quarry Site. On balance, officers are not satisfied that this should be the decisive factor in the determination of this issue and though the applicant argues that the Council is wrong to look beyond the operation within the Site buildings, officers do not agree with this position and are giving weight to the factor of planning permission being granted in a temporary capacity on grounds of co-locational benefits where it would not have been otherwise granted, due to non-accordance with the council's policy position both at the time of the original planning permission, and now.

Conclusion

43. Whilst officers acknowledge that Article 2 of the UCO supports the applicant's position that the operations in question fall within the defined outline of an "industrial process" officers are satisfied that, in this case, the consideration of this facility has to extend beyond that of the operation that is taking place inside the buildings as the link between the buildings and the quarry and the onward destination of output is key, by virtue of the intentions of the original planning permission. Therefore, officers are satisfied that, in this particular case, it is a reasonable interpretation of The Town and Country Planning (Use Classes) Order 1987 Schedule Part B Use to determine the existing use outside of Class B2 and that the use is indeed Sui Generis.
44. Officers remain of the view that the temporary permitted use for the site would not have been granted in this location without a close operation with the adjacent landfill operation as per the appeal decision (2013/0809/03) for the refused application to increase waste throughput. The development would have been contrary to Policy W4 of the LMWLP (formerly Policy CS4 of The

Leicestershire & Leicester Waste Development Framework) without the intended linked landfill operations.

45. Officers take on board the consultation representation made by Shawell Parish Council that subsequent planning applications have likewise relied on the link with the landfill and whilst it is acknowledged that the landfill element has not been fulfilled to the level intended, the link is still present, as referenced in the Conditions.
46. On consideration of the above, it is therefore recommended that a Certificate of Lawful Use be refused for the following reasons: The information provided by the applicant fails to satisfy, on the balance of probabilities, that the existing use described in the application is Use Class B2, and therefore lawful; and, it would make a material change of use of the application site, thereby comprising development requiring planning permission.

Recommendation

47. REFUSE the Certificate of Lawful Existing Use or Development (CLEUD)

Officer to Contact

Christina Emmett (Tel: 0116 305 9089)

E-mail: planningcontrol@leics.gov.uk

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DEVELOPMENT CONTROL AND REGULATORY BOARD

3rd AUGUST 2023

REPORT OF THE CHIEF EXECUTIVE

DELEGATED DECISIONS ISSUED **28th March 2023 – 30th June 2023**

Application	Applicant and Location	Description	Delegated
2023/Reg3Ma/017/LCC	ESPO - ESPO Warehouse, Barnsdale Way, Enderby, Leicestershire, LE19 1ES	Extension to north side, alterations to car parking and replacement landscaping	<u>Received:</u> 23/02/2023 <u>Resolution:</u> 26/05/2023 <u>Decision Date:</u> 26/05/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 13
2022/VOCM/0016/LCC	FCC Environment Ltd - Bradgate Landfill Site, A50 Bradgate Hill, Groby, LE6 0FA	Section 73 application to vary conditions 1 and 3 of planning permission 2017/0075/04 relating to restoration scheme and timescale	<u>Received:</u> 24/02/2022 <u>Resolution:</u> 25/04/2023 <u>Decision Date:</u> 25/04/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 61
2022/Reg3Mi/0151/LCC	Leicestershire County Council - Old Dalby Church Of England School, Longcliff Hill, Old Dalby, Leicestershire, LE14 3JY	Construction of a standalone two classroom modular building (to north east side of school) Extension of the existing Hall (to north west side of school) Extension of the existing Staffroom (to north east side of school)	<u>Received:</u> 05/12/2022 <u>Resolution:</u> 30/05/2023 <u>Decision Date:</u> 30/05/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 25
2022/CM/0173/LCC	Biffa - Charnwood Quarry, Ashby Road East, Shepshed, Leicestershire, LE12 9BU	The use of an area for the provision of an outage compound comprising contractors cabins for office and welfare facilities and ancillary equipment.	<u>Received:</u> 10/03/2023 <u>Resolution:</u> 29/06/2023 <u>Decision Date:</u> 29/06/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 16

2022/CM/0166/L CC	Severn Trent Water Limited - Nuneaton Lane, Higham on the Hill, Hinckley, CV13 6AB	Temporary upgrade of an existing agricultural access off Nuneaton Lane, Higham on the Hill, CV13 6AB until March 2025	Received: 19/12/2022 Resolution: 16/06/2023 Decision Date: 16/06/2023 Decision: Approved Total weeks For Determination: 26
2022/CM/0115/L CC	Severn Trent Water Limited - Melton Mowbary Sewage Treatment Works, Sysonby Grange Ln, Melton Mowbray LE13 0JG	The installation of 6 new no. kiosks and extension of an existing building within the operational Melton Sewage Treatment Works (STw).	<u>Received:</u> 12/09/2022 <u>Resolution:</u> 13/04/2023 <u>Decision Date:</u> 13/04/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 30

DEVELOPMENT CONTROL AND REGULATORY BOARD**3 AUGUST 2023****REPORT OF DIRECTOR OF ENVIRONMENT AND TRANSPORT****DELEGATED DECISIONS (number 29) FOR WORKS TO TREES PROTECTED BY LEICESTERSHIRE COUNTY COUNCIL TREE PRESERVATION ORDERS****1st January 2023 to 30th June 2023**

No.	Application LCC Reference & District Reference Or Planning portal reference	Applicant and Location	Description	Delegated
1	2023/TPO/0008/LCC	1 Agar Nook Court, Coalville. LE67 4TQ. Blackman	2 x Oak trees (T1) & (T2) in car park area by shops. - Crown lift up to 4m from ground. - Prune back any overhang up to 1.5m from building. - Remove all dead wood and any failed limbs	Date rec'd: 30/12/2022 Notice sent: 24/2/2023 <u>Determination: 8 weeks</u> <u>Decision: Approved</u>
2	2023/TPO/0009/LCC p/23/056/2	10 Holbourne Close, Barrow upon Soar. LE12 8NE Hamilton	Works to prune Sycamore and Horse Chestnut trees.	Date rec'd: 17/1/2023 Notice sent: 27/2/2023 <u>Determination: 5 weeks 6 days</u> <u>Decision: Approved</u>
3	2023/TPO/0001/LCC 22/02047/TCA	43B Main St, Kibworth. LE8 0NR Batty	T1 - Lime - remove dead wood over 20mm diameter. Reduce crown overall by 1.5 - 2metres in height and spread between 2 & 2.5 metres T2 - Lime- Remove dead wood over 25mm diameter. Shorten back lower branch growth up to 8 metres above ground level by between 1 and 1.5 metres	Date rec'd: 21/1/2023 Notice sent: 16/2/2023 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>

			T3 - Lime - Reduce the eastern side of the crown by 1 metre height and spread. The western side of the crown will be reduced by 1.5 - 2 metres	
4	2023/TPO/0002/LCC 22/1180/TPO	151 The Park, Market Bosworth. CV13 0LP Oxley	Sycamore (T1) - Fell declining Sycamore to ground level due to cavities from old pruning wounds which now have soft rot. Slight decline on the crown. Possible root damage.	Date rec'd: 30/12/2022 Notice sent:13/2/2023 <u>Determination: 6 weeks 6 days</u> <u>Decision: Approved</u>
5	2023/TPO/0007/LCC 22/02141/TPO	6 The Woodlands, Market Harborough. LE16 7BW Reagan	T1- Ash, remove due to dieback.	Date rec'd: 30/12/2022 Notice sent:13/2/2023 <u>Determination: 6 weeks 6 days</u> <u>Decision: Approved</u>
6	2023/TPO/0010/LCC P/22/2313/2	24 Homefield Lane, Rothley. LE7 7NE Jarvis	T1 Horse chestnut Prune back to previous pruning. Remove any deadwood reshaping to maintain best aesthetic appearance. T2 Horse chestnut Remove. T3 Corsican pine Prune to maintain the best conical shape and aesthetic appearance possible removal of any deadwood. T4 Corsican pine Remove the top side branch that is growing at an angle because of Previous topping work.	Date rec'd:17/1/2023 Notice sent:27/2/2023 <u>Determination: 5 weeks 5 days</u> <u>Decision: Approved</u>
7	2023/TPO/0009/LCC 23/00113/TPO	The Willowsic, 34 Main St, Houghton on the Hill. LE7 9GD Bown	T2 Oak – Remove deadwood and prune back lower lateral branches to balance crown	Date rec'd:23/1/2023 Notice sent:13/3/2023 <u>Determination: 7 weeks</u> <u>Decision: Approved</u>

8	2023/TPO/0011/LCC 23/00091/TPO	16 Arden Way, Market Harborough. LE16 7DD Keenan	T1&T2 Lime trees. Clear crown up to 7 meters. Reduce crown by 3 meters.	Date rec'd:23/1/2023 Notice sent:13/3/2023 <u>Determination: 8 weeks</u> <u>Decision: Approved</u>
9	2023/TPO/0013/LCC 23/0005/TPOCM	5 Tower Gardens, Ashby de la Zouch. LE67 2GZ Johnson	T1 Lime. Reduce canopy by 40% and thin crown.	Date rec'd:23/1/2023 Notice sent:13/3/2023 <u>Determination: 8 weeks</u> <u>Decision: Approved</u>
10	2023/TPO/0014/LCC 23/0054/TPO	195 Hinckley Rd, Kirby Muxloe. Ground Control	T1 Common lime Reduce Crown in Height (by 2m) and Shape. T2 Common lime Re- Pollard - back to previous pruning points by removing up to 3-4 m of growth. T8 Silver birch Dead tree Fell, Leaving Stump Just Above Ground Level T13 Rowan Prune to Clear structure/wires/buildings by 1m T22 Common lime Crown Lift Over Car Park/ Footpath to 2.5m T23 Common ash Crown Lift Over Car Park/ Footpath to 2.5m	Date rec'd:30/1/2023 Notice sent:13/3/2023 <u>Determination: 7 weeks</u> <u>Decision: Approved</u>
11	2023/TPO/0015/LCC 23/00011/TPO	9A Spring Lane, Wymondham. LE14 2AY Peattie	T1 Wellingtonia remove	Date rec'd:30/1/2023 Notice sent:22/3/2023 <u>Determination: 8 weeks</u> <u>Decision: Refused</u>
12	2023/TPO/0016/TPO 23/00061/TPOCM	1 Station Lane, Asfordby. LE14 3SL. Creedy	T1 Oak tree - Reduce by 2metres on all sides. Remove all deadwood and raise by 5.5metres over highway.	Date rec'd:1/2/2023 Notice sent:21/3/2023 <u>Determination: 6 weeks 4 days</u> <u>Decision: Approved</u>

13	2023/TPO/0018/LCC 23/00119/TPO	The Chestnuts, Old Hall Lane, Lubenham. LE16 9TJ Armstrong	T1 beech tree, target prune over extended limbs, thin inner canopy, removal of crossing limbs T2 beech tree, crown lift, target prune over extended limbs.	Date rec'd: 6/2/2023 Notice sent:23/3/2023 <u>Determination: 6 weeks 3 days</u> <u>Decision: Approved</u>
14	2023/TPO/0020/LCC	The Old Rectory, Church Hill, Cranoe. LE16 7SN Body	T1 Horse chestnut – fell. T2 Horse Chestnut – fell.	Date rec'd:13/2/2023 Notice sent:23/3/2023 <u>Determination: 5 weeks 3 days</u> <u>Decision: Approved</u>
15	2023/TPO/0021/LCC 23/000208/TPOCM	21 Shrewsbury Avenue, Market Harborough. LE16 8BB Horne	Lime trees x2 to be re- pollard.	Date rec'd:21/2/2023 Notice sent:3/4/2023 <u>Determination: 4 weeks 2 days</u> <u>Decision: Approved</u>
16	2023/TPO/0023/LCC 23/00115/TPOCM	Knossington Therapeutic School, Knossington. LE15 8LY Moore	9770 Cherry – Reduce by 5 metres. 9774 Ash – Fell to ground level. 9775 Sycamore – Fell to ground level. 9776 Scots Pine – Fell to ground level. 9779 Silver Birch – monolith to 4 metres 9780 Silver Birch – monolith to 8 metres. 9793 Sycamore – fell to ground level.	Date rec'd:22/2/2023 Notice sent:12/4/2023 <u>Determination: 7 weeks</u> <u>Decision: Approved</u>
17	2023/TPO/0022/LCC 23/00154/TPOCM	12A The Grove, Asfordby. LE14 3UF. Baldwin	Lime – re pollard	Date rec'd:22/2/2023 Notice sent:3/4/2023 <u>Determination: 5 weeks 6 days</u> <u>Decision: Approved</u>
18	2023/TPO/0026/LCC 23/00184/TPO	1 Trinity Close, Ashby de la Zouch. LE65 2GQ Chauchan	Lime – fell	Date rec'd:6/3/2023 Notice sent:12/4/2023 <u>Determination: 5 weeks 2 days</u> <u>Decision: Approved</u>

19	2023/TPO/0027/LCC 23/00193/TPO	17 Manor Close, Burbage. LE10 2NL Blunder	T1 Lime:1. Raise canopy to give a clearance of 6m from ground level to the lowest branches.2. Reduce spread towards house by 1.5m.3. Thin the crown by 25% . T2 Lime1. Raise canopy to give a clearance of 6m from ground level to the lowest branches.2. Reduce spread towards house by 1.5m. Thin the crown by 25%.	Date rec'd:7/3/2023 Notice sent:19/4/2023 <u>Determination: 6 weeks 1 day</u> <u>Decision: Approved</u>
20	2023/TPO/0029/LCC	Holbourne Close, Barrow upon Soar. LE12 8NE Charnwood Borough Council	T1 Horse chestnut – radial reduction of 2 metres/ remove heavy lower limbs to 6 metres. T2 Horse Chestnut- Remove/Fell.	Date rec'd:8/3/2023 Notice sent:27/4/2023 <u>Determination: 7 weeks 1 day</u> <u>Decision: Approved with amendments.</u>
21	2023/TPO/0031/LCC 23/0228/TC pp-12019563	Farthings, Forest Drive, Kirby Muxloe. LE9 2EA Weedon	T1- Western red cedar- Fell/Remove	Date rec'd:22/3/2023 Notice sent:27/4/2023 <u>Determination: 5 weeks 1 day</u> <u>Decision: Approved</u>
22	2023/TPO/0030/LCC 23/00376/TPO	15 Freer Close, Houghton on the Hill. LE7 9HU Butlin	T1 Sycamore tree. Crown raise to 5m to reduce shading and overhang in Neighbouring properties.	Date rec'd:27/3/2023 Notice sent:4/5/2023 <u>Determination: 5 weeks 3 days</u> <u>Decision: Approved</u>
23	2023/TPO/0032/LCC 23/00377/TPO pp-12009989	Oak Tree Cottage, 53A The Woodlands, Market Harborough. LE16 7BW Bender	T1 Oak -Remove dead branches Prune branches back from chimney of no 53 to give clearance of 2m.	Date rec'd:27/3/2023 Notice sent:4/5/2023 <u>Determination: 5 weeks 3 days</u> <u>Decision: Approved</u>

24	2023/TPO/0035/LCC	23 Banbury Drive, Shepshed. LE12 8QA Buttercup management Company	T1 Oak. Reduce by 2 metres on the eastern side and 2-4 metres on other side to make the crown more symmetrical.	Date rec'd:27/3/2023 Notice sent:4/5/2023 <u>Determination: 5 weeks 3 days</u> <u>Decision: Approved</u>
25	2023/TPO/0036/LCC pp-11965359	The Grey Lady, Sharpley Hill, Newtown Linford. LE6 0AH Tysoe	T1 Ash-remove /fell due to decline.	Date rec'd:29/3/2023 Notice sent:11/5/2023 <u>Determination: 7 weeks 1 day</u> <u>Decision: Approved</u>
26	2023/TPO/0040/LCC 23/00289/TPO pp-12015853	Ramen Reti, 43 Church Rd, Kirkby Mallory. LE9 7QE Blackman	T25 - Cedar - Reduce the lowest limb on the west side by 2-3 metres to reduce the risk of failure. T27 - Sycamore - Lowest 3 limbs to be removed because they are overhanging the adjacent property. T29 - Ash - Remove lowest 5 or 6 limbs to reduce the spread of the crown towards the house and into the adjacent Yews. T31 - Sycamore - Remove the mainstem (right back to the main crotch) overhanging the new toilet block so that the tree stands more upright. T33 - Sycamore - Fell tree because it is leaning towards the marquee and is suffering from sooty bark disease. There have already been 2 failed main stems and prolific ivy. T34 - Sycamore - Fell tree and burn waste to prevent spread of disease because tree shows evidence of	Date rec'd: 3/4/2023 Notice sent: 17/5/2023 <u>Determination: 6 weeks 2 days</u> <u>Decision: Approved</u>

			suffering from sooty Ash disease. T35 - Sycamore - 4 stemmed coppice/tree - 2 stems with dieback and poor bases. In danger of falling because of poor base - fell 2 east side stems.	
27	2023/TPO/0042/LCC 23/00560/TPO pp-12093473	Wheatcroft Lodge, The Woodlands, Market Harborough. LE16 7BW Odom	Trees Tagged No 335 Ash & 333 Ash: Suffering the effects of Ash Die Back. Proposal is to fell both trees and remove the stumps.	Date Rec'd: 20/4/2023 Notice Sent: 22/5/2023 <u>Determination: 4 weeks 4 days</u> <u>Decision: Approved</u>
28	2023/TPO/0047/LCC 23/00570/TPO pp-12147640	28 St. Michaels Close, Ashby de la Zouch. LE65 1ES Mills	T1 Lime – Fell due to cavity at the base of the tree.	Date Rec'd: 16/5/2023 Notice sent: 26/6/2023 <u>Determination: 5 weeks 6 days</u> <u>Decision: Approved</u>
29	2023/TPO/0048/LCC 23/00675/TPO	Cedar Cottage, East Norton Rd, Horninghold. LE16 8DQ Aldritt	T1 - Atlas Cedar - Reduce the crown by up to 1.5m in height and spread.	Date Rec'd: 18/5/2023 Notice sent: 26/6/2023 <u>Determination: 5 weeks 4 days</u> <u>Decision: Approved</u>

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