

**Notice of Planning Decision**  
**Full Application**  
Town and Country Planning Act 1990



**Planning and Growth Services**  
Charnwood Borough Council  
Development Management,  
Southfield Road, Loughborough,  
Leicestershire,  
LE11 2TN

Mr Gurdev Mattu  
Brand Hill House Brand Hill  
Woodhouse Eaves  
Leicestershire  
LE12 8SX

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**Details of Application**

<b>APPLICATION NO:</b>	P/24/0258/2
<b>PROPOSAL:</b>	Installation of track and use of existing vehicular access point and the track for access to existing dwellinghouse with associated works (Retrospective)
<b>LOCATION:</b>	BrandHill, House, Brand Hill, Woodhouse Eaves, Leicestershire, LE12 8SX
<b>APPLICANT</b>	Mr Gurdev Mattu

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In pursuance of the powers exercised by it as Local Planning Authority, Charnwood Borough Council, HEREBY GIVES NOTICE of its decision to REFUSE PERMISSION for the development detailed above.

**REASONS FOR REFUSAL**

- 1 The application proposes to the development and encroachment of a residential use in the countryside that conflicts with Policies CS11 and CS12 of the Charnwood Local Plan Core Strategy 2015 and saved Policies CT/1 and CT/2 of the 2004 Charnwood Local Plan which seek to restrict development in the countryside unless specific circumstances apply. None of those circumstances apply to the proposed development and is therefore unacceptable in principle. The application therefore also conflicts with Policy H3 of the Woodhouse Parish Neighbourhood Plan and Policy C1 of the emerging Charnwood Local Plan 2021-37. The proposal therefore constitutes an unwarranted intrusion into the countryside and location within the Charnwood Forest thus fails to protect or enhance its intrinsic character and beauty and also conflicts with policies CS2, CS11 and CS12 of the Charnwood Core Strategy 2015, Policy EV/1 of the saved Charnwood Local Plan 2004 and Policies DS5, EV1 and EV4 of the emerging Charnwood Local Plan 2021-37.

- 2 As a result of the encroachment of the domestic curtilage into the countryside that forms part of the Conservation Area and the domestic activity through the comings and goings along the track, the proposal is not considered to preserve nor enhance the character and appearance of the Woodhouse Eaves Conservation Area as required by Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. The proposal is also contrary to Policy CS14 of the Charnwood Core Strategy (2015) and Policy EV8 of the emerging Charnwood Local Plan (2021-2037) which seek appropriate forms of development that conserve and protect heritage assets and their settings. The harm identified is less than substantial and is not outweighed by the public benefits of the proposals and is therefore contrary to paragraph 208 of the NPPF.
- 3 In the absence of a signed Legal Agreement, or other mechanism, to secure the proposed off-site Biodiversity Net Gain, the application has failed to demonstrate how the proposals will conserve and enhance the natural environment or protect biodiversity. The benefit of the development does not outweigh the adverse impact on ecology. The proposal is contrary to the provisions of Policy CS13 of the Core Strategy. The proposals are also contrary to its successor Policy EV6 of the emerging Charnwood Local Plan 2021-37, and with the NPPF paragraph 180

## INFORMATIVES

- 1 The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The decision was therefore made in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 The drawings considered in the determination of this application are listed below.
  - 08)001 - Proposed Soft Landscaping Plan received by the Local Planning Authority on 08/11/2024
  - 101-925 (P)102D - Proposed Site Plan Track received by the Local Planning Authority on 15/08/2024
  - 101-925 (P)105 - Curtilage Plan received by the Local Planning Authority on 15/08/2024
  - 101-925 (P)100A - Site Location Plan received by the Local Planning Authority on 13/2/2024

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Richard Bennett  
Head of Planning and Growth

**08 November 2024**

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## Notes Following Refusal:

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so **within 6 months of the date of this notice**.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> . If you are un-able to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the pro-posed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are here: <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.