

Our Ref: MBC-001-CW
PINS Ref: APP/Y2430/W/24/3340258
LPA Ref: 22/00537/FUL

22nd August 2024

The Planning Inspectorate,
Temple Quay House,
2 The Square,
Bristol,
BS1 6PN

By email only

Dear Ms Bell,

APP/Y2430/W/24/3340258 - Fields OS 6700 6722 And 5200, Muston Lane, Easthorpe.

I write following receipt of correspondence from the Appellant dated 20th August 2024, which states that, following the submission of proofs of evidence, *'this is the first time that the Appellant has been made aware of the full contents of any comments from the Local Authority Conservation Officer'*.

The Appellant also raises queries regarding reference to non-designated heritage assets in Mr Malim and Mr Bond's Proofs and asks two specific questions of the Council.

The Appellant is wrong to say that it was first made aware of the Conservation Officer's full comments at proof exchange. The full comments were attached to the Council's appeal questionnaire at the outset of the appeal.

The document is referred to under file name '1146537' in the Questionnaire Response dated 17th April 2024 and uploaded via the weblink at the same time (see the three emails appended to this letter from Louise Parker of Melton Borough Council).

It is not clear if the Appellant has simply overlooked this document or if there was a technical reason why it was not uploaded.

However, the last sentence of Ms Parker's email of 18th April states that should any document form the list be missing, the Council should be notified and it would be provided. The Appellant did not notify the Council that the document was missing (if indeed it was).

To assist, a further copy is attached to this letter / email.

Heatons

The Arc, 6 Mallard Way, Pride Park, Derby DE24 8GX

tel: 01332 949 656 email: consultants@heatonplanning.co.uk web: www.heatonplanning.co.uk

Heatons is the trading name for Heaton Planning Ltd.

Registered office – 12 Bridgford Road, West Bridgford, Nottingham, NG2 6AB. Registered No. 4786259

With regard to the two questions posed by the Appellant, I can advise as follows:

1. The Applicant identified harm to non-designated heritage assets in Chapter 3 of their ES – see in particular 3.5.7 - 3.5.12 and Tables 3.4 and 3.6. Those sections set out the NDHAs, the degree of harm and the nature of the harm.

The Council has not made references to NDHAs “throughout” its evidence. There are three very brief mentions of NDHAs, which set out the correct approach in policy to deal with harm which the Council had understood was common ground.

The Council is not seeking to expand its case. In particular, it is not contending that the harm identified by the Appellant amounts to a reason for refusing the development (and there is nothing in the Council’s evidence to suggest this is the case).

If it is now no longer common ground that there is harm to NDHAs, or the Council has misunderstood the ES, the Council is very happy to discuss this further with the Appellant.

2. The Council considers it abundantly clear from the heritage proof that the Council is not suggesting that there is harm to the Scheduled Earthworks at Easthorpe, Easthorpe Conservation Area, and the Grade II Listed Peacock Farmhouse. There is nothing in the Proof to suggest that harm has been identified to these assets and the table at section 5.1.12 expressly states that the assessment is “no harm” to each.

To the extent that the Appellant needs additional reassurance, the Council can formally confirm what is already stated in the Proof – i.e. that it is common ground that there is no harm to these assets.

It is disappointing that the Appellant has decided to write directly to the Inspector again, apparently to seek clarification on elements of the Council’s case, without first contacting the Council to seek to resolve any concerns.

A quick telephone call or email between the witnesses could have clarified the above issues and would have avoided involving the Planning Inspectorate on matters that could readily be resolved between the parties.

The Council remains committed to working with the Appellant in a collaborative manner and hopes that any further issues in the run up to the Inquiry can be resolved directly between the parties in the first instance (as is usual practice).

Please do not hesitate to contact us should you have any queries.

Heatons

Planning Environment Design

Yours sincerely,



Mr Peter Bond
Director
Heatons