

**PLANNING APPEAL – APP/Y2430/W/24/3340258 – SOLAR MUSTON LANE  
EASTHORPE**

**CASE OFFICER – ALISON BELL**

**INSPECTOR – R CLEGG BA (Hons) DMS MRTPI**

**6<sup>th</sup> September 2024**

**From Interested person – DONALD JAMES PRITCHETT**

**Sir,**

My name is DONALD JAMES PRITCHETT. I am here as a private individual. I am a Melton Borough Council (MBC) Councillor and I was a member of the Planning Committee that refused this application reference 22/00537/FUL. I voted to refuse the application.

I am here to focus on the Officer's report to the Planning Committee meeting of 31<sup>st</sup> August 2023, a publicly published document, other references are also publicly published documents, for example, the application documents.

I will briefly mention the landscape section(s) of the Report. The Planning Officer omitted important view 7 in the Bottesford Neighbourhood Plan a view I considered a most relevant of evidence to be included in the report for Planning Committee members. When cross checking the Committee Report to both the applicant's and Local Planning Authority (LPA) landscape documents including rebuttal documents I concluded that the doubts raised by the LPA landscape experts and applicant's experts had not been wrestled with in the report before leading to an opinion.

Moving on to the Heritage section of the Committee Report.

- The importance of using appropriately qualified Officers to assess the setting of heritage assets is stated in the attached public decision notice of 12<sup>th</sup> DECEMBER 2022.

I quote

***“ whilst Planning Officers are able to determine the impact on the surrounding area through their planning experience and qualifications, they are unable to fully assess the value of the historic fabric or its setting. Failure to provide this advice would therefore put the council at***

***risk of being unable to adequately protect the Borough's heritage assets"***

I had reported the weakness of not using the MBC Conservation Officer for appropriate applications 11 months before the date of this Planning Committee.

- The Conservation Officer was not used in this application.
- Subsequent to the 31<sup>st</sup> August 2023 Planning Committee meeting an opinion of the Conservation Officer predating the 31<sup>st</sup> August 2023 meeting has surfaced. Responding to a Planning Officer email, a professional brief giving scope of work required would have been better.

My comments on the heritage Report section;

Sir, will not need me to list NPPF, other Government and historic England guidance. And there are experts to come.

- Para 8.3.59 states that the site is limited other than the castle roof. No evidence was put forward for this and I recall seeing the site from the entry door level at the castle and if I can see all or most of the castle from the site they can see me.
- Simplistic commentary on the setting of each asset and not the setting appreciation relationship between heritage assets. Viewpoints do not have to be public for appreciating the setting of a heritage asset. Viewpoints such as number 9 not included. The main two assets being Belvoir Castle and Bottesford Church.
- The commentary on level of harm excludes *within each category of harm the extent of harm should clearly be articulated*. I didn't get that from the report.
- The Historic England comments quoted at para 8.3.74 are misleading stating Historic England *constitute a minor change to the significance to these assets*. Within the Historic England response dated 8<sup>th</sup> June 2022 and these comments were in respect of the applicant's Environmental Impact Assessment (EIA) scoring. This is contradictory to the thrust of Historic England's assessment concerns in this response and later response of 5<sup>th</sup> September 2022 not fully expressed in the Report.

- Paras 8.3.85 to 8.3.87 and 8.3.94 Whilst earlier para 8.3.51 mentions 'WEIGHT' the greater the asset the greater the weight should be. However, the report omits much of Historic England's concerns, does not wrestle with both sides of the argument and very importantly does not make it clear to the decision taker the weight to be given to the harm to assets. **Or bring in landscape screening.**
- **R Wyeth-Price v Guildford BC – Report to Committee failed to advise members on how to carry out a heritage balance and failed to mention NPPF paras 193 and 194 (Dec 2020)**
- **James Hall and Company Ltd v City of Bradford Metropolitan District Council. No assessment of weight decision quashed.**
- Bizarrely, the officer then adds a section on public benefits rather than at the end of the report, making personal judgemental comments about rights of way, trails and interpretation boards and *flood and drainage betterment without evidence.*
- OTHER HERITAGE ASSETS

PARA 8.3.88 to 8.3.94 – assessment by planning officer not qualified to make assessments. The Historic England Response of 8<sup>th</sup> June 2022 states

*"We are not providing comment on grade 2 listed buildings, conservation areas or non-designated archaeology within the site, and would refer you to your conservation officers and the specialist advise from the heritage team at Leicestershire County Council"*

The MBC Conservation Officer at MBC should have been briefed to undertake some of this work. I understand the MBC Heritage experts may include some evidence relating to this statement.

**Conclusion; The report did not include all relevant important case information and wrestle with this information to support. Result insufficient in the report to support approval and much in the case documents to support refusal.**