

Hinckley and Bosworth Borough Council

Reasons for removal of permitted development rights via a Article 4 Direction at 39 Main Street, Carlton, Leicestershire, CV13 0BZ

- 1.0 Making the Direction
- 1.1 On 16 April 2025 the Borough Council made an immediate direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at 39 Main Street, Carlton, Leicestershire, CV13 0BZ (the “building”).
- 1.2 The direction removed the permitted development rights for the demolition of the building for a period of six months and such development could not be carried out unless planning permission has been granted.
- 1.3 The building subject to the request to introduce an Article 4 Direction is evident on Ordnance Mapping from the 1880s and there is a date stone on the dwelling indicating a construction date of 1886. The original front range of the dwelling is two storeys in scale and has a rectangular footprint with a symmetrical front elevation consisting of three bays with a central door and flanking windows. It is constructed of a mellow red brick laid in a decorative Flemish Garden wall bond with a dual pitched slated roof and tall red brick gable end chimney stacks with decorative pots. There is further architectural detailing in the form of a prominent brick and terracotta eaves cornice, moulded stone window headers and cills, and the aforementioned date stone.
- 1.4 Whilst being modern replacements, the sash windows and door (with fanlight above) all replicate the original character of the dwelling. The rear extensions are more functional in appearance but are considered to sit comfortably upon the original front range.
- 1.5 Given its position within the historic core of the settlement it is possible that occupation of the application site may pre-date the existing dwelling, however, the current dwelling is considered to be a fine example of a late-Victorian-era villa, being illustrative of the development of the settlement of Carlton during that particular period of time and reflective of an architectural style adopted on a wider basis.
- 1.6 The Borough Council have commenced the process of compiling a local heritage list to identify heritage assets that contribute to local character and distinctiveness and have a degree of significance meriting consideration in planning decisions. A selection criterion to identify potential local heritage assets was endorsed in November 2017, and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering proposals.
- 1.7 As specified within the National Planning Practice Guidance, local planning authorities may identify non-designated heritage assets as part of the decision-making process, as was the case for the subject building during the

determination of the planning application reference 24/00544/FUL. This application was for a replacement dwelling and was subsequently refused.

- 1.8 The existing dwelling is considered to be of historic value (due to its illustrative interest) and aesthetic value (due to its architectural interest); it has been well maintained and subject to few physical changes and alterations meaning that the integrity of the original late-Victorian construction has been retained. Given its position behind a shallow open front garden and its relatively tall scale, the dwelling has a visual prominence and can be singled out as a landmark within the local, predominantly historic, street scene.
- 1.9 Such integrity and landmark quality ensure that the local significance of the building is special, and it stands out within the surrounding environment. For these reasons the building is considered to be a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework (2024)), based on assessing the building against the Council's adopted selection criteria for local heritage assets.
- 1.10 It is considered that the building qualifies as a heritage asset of special local significance, and it contributes positively to the distinctiveness and character of the local area. Therefore, the use of an Article 4 Direction to remove permitted development rights in this case is necessary to protect local amenity and the wellbeing of the area, and it should be considered expedient that a planning application is required to consider the principle of demolition and for the proper planning of the area.
- 1.11 The submission of a prior approval application (planning reference 25/00326/DGDO) meant that the subject building was under threat of demolition and that an Article 4 Direction made with immediate effect was the only option available to require the applicant to submit an application for planning permission and give the local planning authority some control over any proposed development. Such a threat to local amenity, as described above, would be immediate, in addition to the demolition of the subject building prejudicing the proper planning of the area.

2.0 Confirming the Direction

- 2.1 The Article 4 Direction expires at the end of the period of 6 months from the making of the Direction unless confirmed so the Borough Council had until 16 October 2025 to confirm the Direction. In deciding whether to confirm the Direction the Borough Council must take into account representations received during a period of 21 days from the Direction being made.
- 2.2 During the consultation period a total of two representations were received. In exercising its planning judgement and considering the representations received the Borough Council concluded that the use of the Article 4 Direction remains necessary to protect local amenity and that its confirmation is justified to allow for the proper planning of the area. Therefore, the Direction was confirmed by the Borough Council on 9 October 2025. It must be noted however that the confirmation of the Direction does not protect the building

from demolition in perpetuity and the local heritage significance of the building is a material consideration to be balanced against others when considering the merits of any planning proposal.