

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 17th January, 2023** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Governance Team at governance@rutland.gov.uk. The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/87326495920>

A G E N D A

1) WELCOME AND APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 22nd November 2022 and 20th December 2022 and receive an update on actions agreed in the minutes of the previous meeting.
(Pages 3 - 12)

3) DECLARATIONS OF INTERESTS

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of

the Local Government Finance Act 1992 applies to them.

4) PETITIONS, DEPUTATIONS AND QUESTIONS

Requests to speak on planning applications will be subject to the RCC Public Speaking Scheme.

To request to speak at a Planning Committee, please send an email to Governance@rutland.gov.uk

5) PLANNING APPLICATIONS

To receive Report No.09/2023 from the Strategic Director of Places.
(Pages 13 - 32)

6) APPEALS REPORT

To receive Report No.10/2023 from the Strategic Director of Places.
(Pages 33 - 36)

7) ANY OTHER URGENT BUSINESS

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

8) DATE OF NEXT MEETING

Tuesday, 14th February 2023.

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DISTRIBUTION

MEMBERS OF THE PLANNING AND LICENSING COMMITTEE:

Councillor E Baines (Chairman)

Councillor P Browne (Vice-Chair)

Councillor N Begy

Councillor D Blanksby

Councillor K Bool

Councillor A Brown

Councillor G Brown

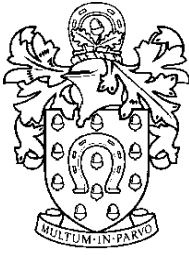
Councillor W Cross

Councillor J Dale

Councillor A MacCartney

Councillor R Payne

Councillor R Wilson



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Catmose Oakham Rutland LE15 6HP.

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Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 22nd November, 2022 at 7.00 pm

PRESENT:

Councillor E Baines (Chair)	Councillor P Browne (Vice-Chair)
Councillor N Begy	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor W Cross	Councillor J Dale
Councillor R Payne	Councillor R Wilson

ABSENT:

Councillor D Blanksby	Councillor A MacCartney
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OFFICERS PRESENT:

Justin Johnson	Development Manager
Magda Waclawik	Planning Officer
Joe Mitson	Planning Officer
Sherrie Grant	Planning Solicitor
Robyn Green	Highways Engineer
David Ebbage	Governance Officer

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Blanksby and MacCartney.

2 MINUTES

Consideration was given to the minutes of the meeting held on 25th October 2022.

RESOLVED

a) That the minutes of the meeting on 25th October be **APPROVED**.

3 DECLARATIONS OF INTERESTS

Councillor W Cross, P Browne, J Dale and A Brown declared a personal interest in item 5e – Planning Applications, application 2022/0924/FUL. All Councillors confirmed they came to the meeting with an open mind.

Councillor E Baines declared a personal interest in item 5e – Planning Applications, application 2022/0924/FUL as the applicant was a family member. He confirmed that he would step down as Chair and remove himself from the meeting at that point.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with the Planning and Licensing Committee Public Speaking Scheme, the following deputations were received on item 5, Planning Applications:

In relation to 2021/0450/FUL, Nick Sale spoke on behalf of Seaton Parish Council.

In relation to 2022/0459/FUL, Simon Frearson spoke as a member of the public opposing the recommendation.

5 PLANNING APPLICATIONS

Report No.186/2022 was received from the Strategic Director of Places.

The Chair informed Members of the Committee that Planning Applications 5c and 5d had been withdrawn from this meeting pending completion of an environmental report. He confirmed that they would come to a subsequent meeting.

Item 5a – 2021/1450/FUL - Land to the west of Uppingham Road, Seaton.
Change of use of land from agricultural to equestrian use and the erection of a stable building.

(Parish: Seaton; Ward: Lyddington)

Item 5b – 2022/0459/FUL - 2 North Luffenham Road, South Luffenham Demolition of existing single storey side extension and front porch. Replacement with single and two storey side and rear extension and new porch. External alterations to include rebuilding of dry stone wall and new side gate.

(Parish: South Luffenham; Ward: Normanton)

Item 5e – 2022/0924/FUL - Barn at Manor House, Main Street, Ridlington
Extension to existing agricultural unit, including demolition of part of existing structure and new solar panels to roof.

(Parish: Ridlington; Ward: Braunston and Martinsthorpe)

5a 2021/1450/FUL

Joe Mitson, Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Prior to the debate the Committee received deputations from Steve Sugden who spoke on behalf of Seaton Parish Council and Councillor Andrew Brown who spoke as the Ward Member. The Committee also had the opportunity to ask questions of these speakers.

The Chair wanted to clarify with the Highways Officer around the level of danger to the existing access and if the number of movements in and out of the access affected the level of danger. The Highways Officer confirmed with the proposed access, the stable block would intensify the amount of movements by adding an extra 2 vehicles in and out of the access to potentially double the amount of traffic, and on that basis would

not be safe from a highways prospective. If it would remain at 2 vehicles a day, it would be hard to object to the proposal but with the increase of use it was a concern.

Councillor Begy asked the Principal Planning Officer about the biodiversity net gain on the site before the applicant carried out work and what there was on the site now and the implications on that figure. Justin Johnson responded saying the Council would look to mitigate what was removed from the site and with the site being in a conservation area, an issue would still be investigated by an enforcement officer and forestry officer around the clearance of that site.

Councillor Gordon Brown asked a question on the implications on the BAP Priority Habitat with the removal of trees or species that took place prior to planning permission. Justin Johnson responded by saying the site would have had a record to what species were specifically on the site. Depending what the list compiled of and if it had any protected species on the list, a possible criminal offence would be investigated. The loss of the trees would be looked at by the Council and the loss it would have on the conservation area and if the Council had sufficient evidence to prosecute for the removal of the trees.

It was moved by Councillor W Cross and seconded that the application be refused. The reasons for refusal were:

- Highways concerns around the poor visibility to the site and the site being situated on a national speed limit stretch of highway.
- Intensification on the use of the access.
- The concerns of exiting the site onto the high speed side of the road and the dangers around that.

Upon being put to the vote the motion was unanimously agreed.

RESOLVED

- a) That the application 2021/1450/FUL be **REFUSED** subject to the reasons outlined by the Development Manager and agreed by Members within the debate.
- b) The full list of reasons can be found on the planning application page of the Council's website

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

5b 2022/0459/FUL

Magda Waclawik, Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

Prior to the debate the Committee received deputations from Simon Frearson who spoke as a member of the public opposing the application and Councillor Kenneth Bool who spoke as the Ward Member. The Committee also had the opportunity to ask questions of the speakers.

Members raised concerns over the parking spaces that were proposed in the application and the implications around who would maintain them. It was explained to Members that they sat within the public highway and would not be allocated to the application dwelling. The Highways Engineer did also explain that the Local Highway Authority could consider a request under Section 278 of the Highways Act 1980 to carry out this work to maintain the spaces, but they still would remain open to the public use and not be allocated.

A question was asked on the materials that would be used for the extension and if they were acceptable for a property within a conservation area. Samples had been asked to be provided it was also something that could be controlled through the condition and through discussions with the conservation officer. If the Council was not happy with what was provided then the Council had the power to ask for more appropriate materials to be used.

Councillor Gordon Brown raised concerns around the site being pushed to the boundaries edge, and whether it was becoming an over developed site. Justin Johnson, Principal Development Manager responded saying there were no policies to stop building works taking place up to the edge of boundaries. He did say with the separation distance from neighbouring properties, he didn't believe any harm would come from the proposed plans.

Members did address their concern over the impact on the neighbouring trees that were within close proximity to the property. The Council's Forestry Officer raised no objections to what had been proposed.

It was moved by Councillor G Brown and seconded that the application be approved subject to the condition in the report and the additional conditions suggested by Councillor G Browne. With 6 votes in favour and 3 abstentions, the motion was carried.

RESOLVED

- a) That the application 2022/0459/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer and agreed by Members within the debate.
- b) The full list of reasons can be found on the planning application page of the Council's website

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

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Councillor E Baines stepped down from the Chair and was replaced by his Vice-Chair
Councillor P Browne.

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5e 2022/0924/FUL

Joe Mitson, Planning Officer, introduced the application and gave an executive summary, recommending approval subject to conditions outlined in the report.

With the slightly increased height to the proposed unit, Members queried the impact on the neighbouring property. The Planning Officer responded by saying it would obscure their view partially with the limited increase in height given the lower level of the unit and the separation distance from the neighbouring property, but the Council felt the proposed extension wouldn't have an undue impact on them.

It was moved by Councillor Begy and seconded that the application be approved subject to the condition in the report, upon being put to the vote the motion was unanimously agreed.

RESOLVED

- a) That the application 2022/0924/FUL be **APPROVED** subject to the conditions outlined by the Planning Officer.
- b) The full list of reasons can be found on the planning application page of the Council's website

<https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

9 APPEALS REPORT

Report No. 187/2022 was received from the Strategic Director for Places. Justin Johnson, Development Manager, presented the report which listed for Members' information the appeals received since the last ordinary meeting of the Planning & Licensing Committee and summarised the decisions made.

RESOLVED

- a) That the contents of the report be **NOTED**.

10 ANY OTHER URGENT BUSINESS

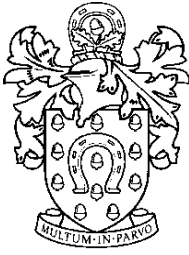
There were no items of urgent business.

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The Chairman declared the meeting closed at 8.50pm.

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Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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Minutes of the **MEETING of the PLANNING AND LICENSING COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 20th December, 2022 at 7.00 pm

PRESENT: Councillor E Baines (Chair) Councillor P Browne (Vice-Chair)
Councillor N Begy Councillor K Bool
Councillor G Brown Councillor W Cross
Councillor A MacCartney Councillor R Payne

ABSENT: Councillor D Blanksby Councillor A Brown
Councillor J Dale Councillor R Wilson

OFFICERS PRESENT: Justin Johnson Development Manager
Nick Hodgett Principal Planning Officer
Sherrie Grant Planning Solicitor
Roger Ranson Planning & Housing Policy Manager
Robyn Green Highways Engineer
Tom Delaney Governance Manager

1 WELCOME AND APOLOGIES

Apologies for absence were received from Councillors D Blanksby, A Brown, J Dale and R Wilson.

2 DECLARATIONS OF INTERESTS

There were no declarations of interest.

3 PLANNING APPLICATIONS

Report No. 198/2022 was received from the Strategic Director of Places.

4 2020/0297/MIN

Item 3a – 2020/0297/MIN - Greetham Quarry, Thistleton Lane, Greetham, Oakham, Rutland LE15 7RJ

North-western extension to Greetham Quarry (3 million tonnes limestone aggregate and 0.1 million tonnes of building stone); new site access onto Thistleton Lane and associated site infrastructure; and low-level restoration using on-site and imported inert restoration material.

(Parish: Greetham; Ward: Greetham)

Nick Hodgett, Principal Planning Officer, re-introduced the application to the Committee following the previous consideration on 20 September 2022, explaining the detailed changes that had since been made to the proposals and conditions in consultation with the applicant, agent, Ward Member and Greetham Parish Council. Approval was recommended subject to the updated conditions set out in the report and addendum, with the final wording of some conditions suggested to be delegated to officers in consultation with the Chair and Ward Member.

Members welcomed the constructive discussions that had taken place between all parties and thanked them for their pragmatic approach to the matter.

It was moved by Councillor N Begy and seconded that the application be approved, subject to the updated conditions set out in the report and addendum, and that approval of the final wording of conditions being agreed by officers in consultation with the Chair, Vice-Chair and Ward Member.

Upon being put to the vote, with 7 votes in favour and 1 abstention, the motion was carried.

RESOLVED

- a) That application 2020/0797/MIN be **APPROVED**, subject to the updated conditions in the report and addendum, and approval of the final wording of the conditions being delegated to officers in consultation with the Chair, Vice-Chair and Ward Member

The full list of conditions can be found on the planning application page of the Council's website: <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/view-planningapplications-and-decisions/>

5 ANY OTHER URGENT BUSINESS

There was no urgent business for consideration, but officers were thanked for providing a list outside of the meeting of the upcoming applications expected to come before the Committee. Members were also reminded to request site visits where they felt one was necessary and complete a request form where they strongly felt an application should come before the Committee.

6 DATE OF THE NEXT MEETING

Tuesday, 17 January 2023.

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The Chairman declared the meeting closed at 7.16 pm.

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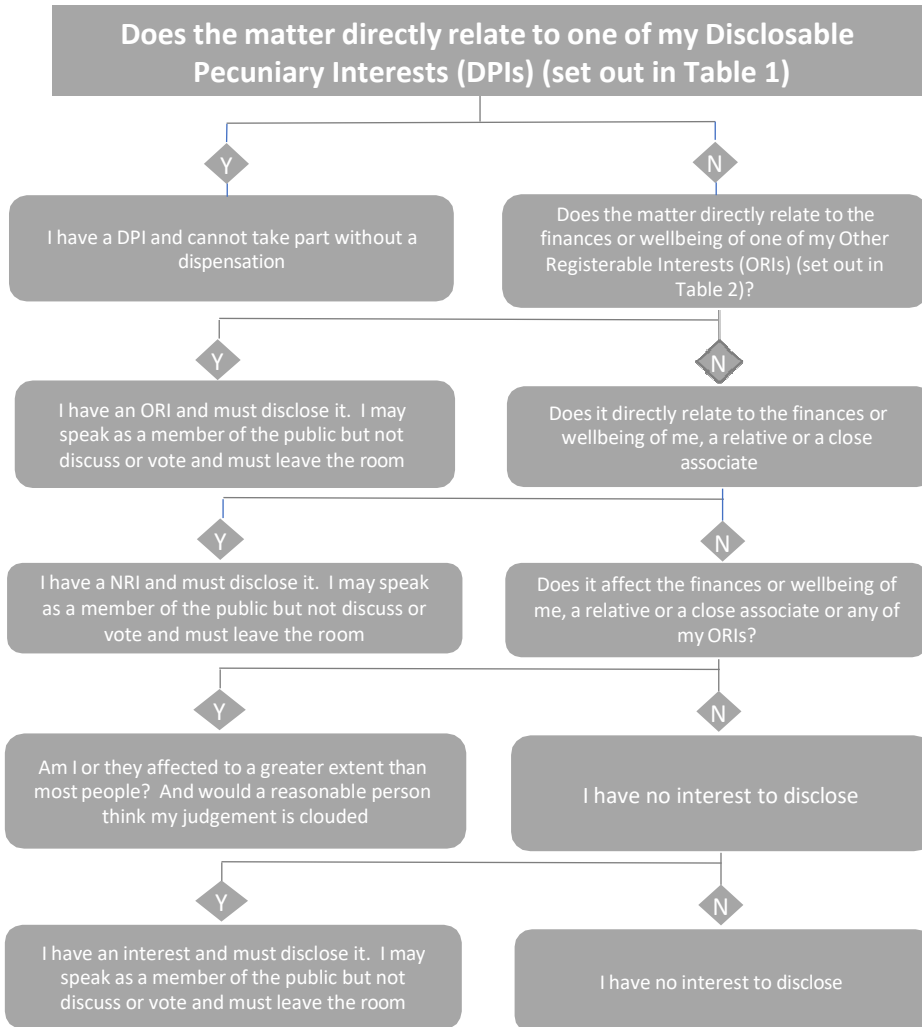
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Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council’s Constitution

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test	Predetermination Test
In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased	At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact monitoringofficer@rutland.gov.uk

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

PLANNING AND LICENSING COMMITTEE
PLANNING APPLICATIONS TO BE DETERMINED BY THE
PLANNING AND LICENSING COMMITTEE
REPORT OF THE STRATEGIC DIRECTOR OF PLACES

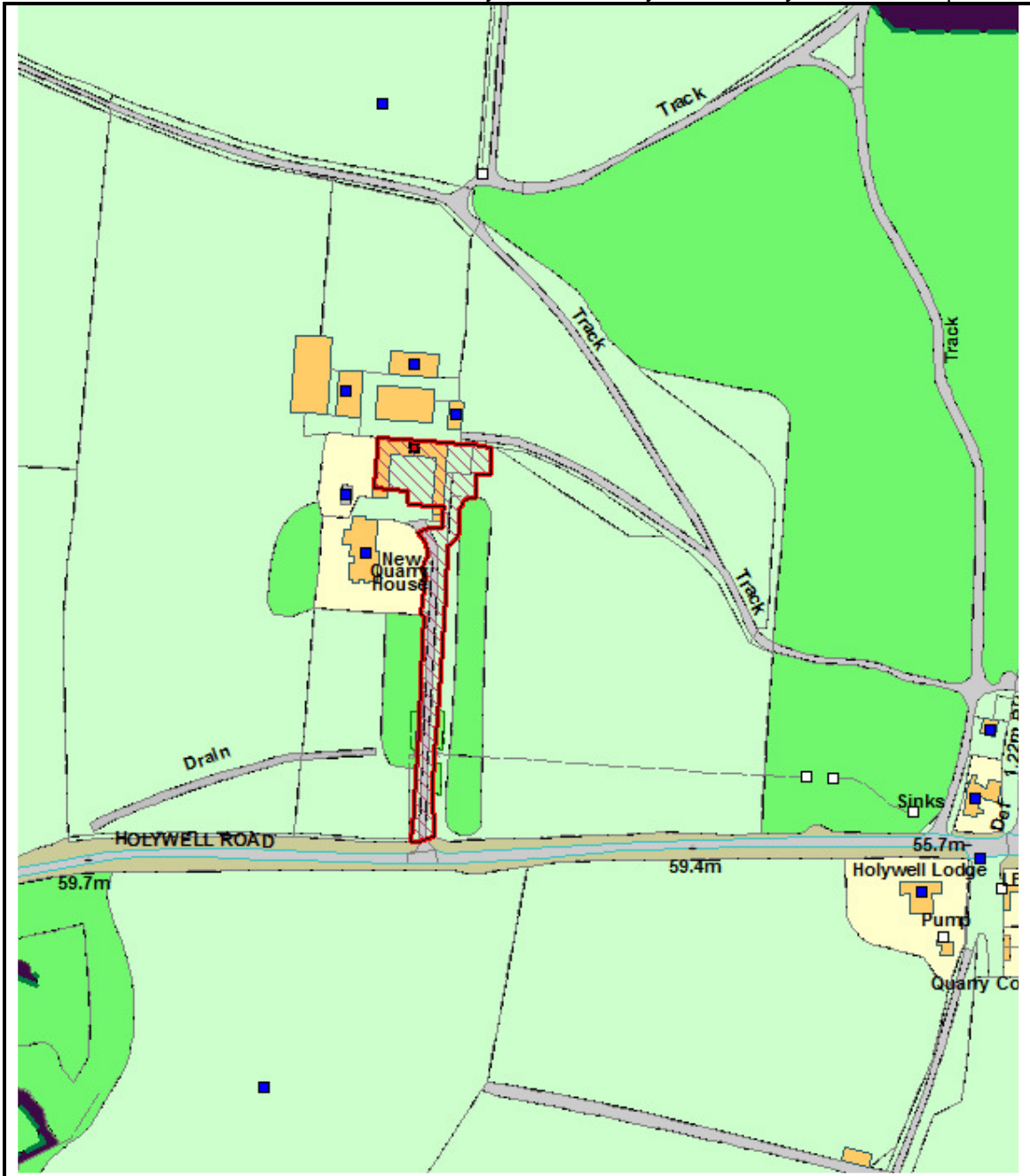
Rutland County Council

Planning & Licensing Committee – 17th January 2023

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2022/0951/FUL	Mr & Mrs Stuart Paton Barn Adj to New Quarry House Holywell Road Clipsham Barn conversion to form a single dwelling, including detached carport.	Approval	13-32

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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Application:	2022/0951/FUL	ITEM 1	
Proposal:	Barn conversion to form a single dwelling, including detached carport.		
Address:	Barn Adjacent To New Quarry House, Holywell Road, Clipsham		
Applicant:	Mr & Mrs Stuart Paton	Parish	Clipsham
Agent:	Mr David Todd	Ward	Greetham
Reason for presenting to Committee:	As requested by the Parish Meeting		
Date of Committee:	17th January 2023		
Determination Date:	19th October 2022		
Agreed Extension of Time Date:	20th January 2023		

EXECUTIVE SUMMARY

This is an adaptation of an attractive range of buildings for residential use, being structurally sound and able to be converted without major re-construction

The conversion and re-use of this appropriately located and suitably constructed range of rural buildings for residential use is of a scale appropriate to the existing location and consistent with maintaining and enhancing the environment and would contribute to the local distinctiveness of the area.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 1310/8, 1310/9 and 1310/10.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development on the existing buildings shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in relation to the conversion and garage car port have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. No development shall take place until a Method Statement for bat mitigation has been submitted to and approved in writing by the local planning authority. The bat mitigation features are to be shown on all relevant elevation plans. All works are to proceed strictly in accordance with the approved Method Statement.
Reason: In the interests of the protection of wildlife and their habitat.
5. No floodlighting shall be installed until details of the illumination scheme have been

submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason: In the interests of amenity to reduce the impact of night time illumination on the character of the area.

6. Before any work to replace the existing windows is commenced drawings to a scale of not less than 1:20 fully detailing the new or replacement [e.g. windows, doors, surrounds] to be used and indicating the materials and finish; shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in accordance with the approved details.

- (i) e.g. materials
- (ii) decorative/protective finish
- (iii) cross sections for glazing bars, sills, heads etc at a scale
- (iv) cross sections for fascia, pilaster, stallriser
- (v) sample sections of joinery work (glazing bars, sills etc) to be used
- (vi) method of opening
- (vii) method of glazing
- (viii) colour scheme

Reason: To maintain the character of the building.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of extensions, alterations, buildings, enclosures, swimming or other pool shall be carried out or erected at the premises.

Reason: To enable the LPA to consider any further proposals in this prominent location in the open countryside, in the interests of visual amenity.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), within the curtilage of the dwellinghouse no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas shall be erected or carried out except with prior planning permission.

Reason: To enable the local authority to control future development of the site.

Informatives

1. Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website www.rutland.gov.uk. The approved development may be subject to a Community Infrastructure Levy (CIL) liability.

IMPORTANT NOTE: The required CIL forms must be submitted to cil@rutland.gov.uk and acknowledged prior to commencing the development. Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact cil@rutland.gov.uk.

If the development hereby approved is for a self-build dwelling, residential extension or residential annexe you may be able to apply for relief from CIL. Further details can

be found on the Planning Portal:
https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

2. This development will require a European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.

3. This permission has been granted due to no significant demolition or alteration works proposed to the existing buildings. Should during conversion works any additional demolition or alteration works be required then contact should be made with the local authority before any works commence.

Site & Surroundings

1. New Quarry House and the outbuilding range are located on the northern side of Holywell Road, approximately 1.5km to the east of Clipsham village.
2. Located to the rear (north-east) of the dwelling is an extensive range of traditionally styled outbuildings. These have a U-plan form, with the open side of the group facing toward the house. The range is predominantly single storey, with a two-storey element in its north-eastern corner

Proposal

3. This full planning application proposes the conversion of a range of stone and pantile outbuildings associated with New Quarry House, to form a single, five-bedroomed dwelling unit.
4. The outbuilding range is of stone construction under a pantiled roof, and its styling is very reflective of the local vernacular. The buildings, which are relatively unaltered, have notable detailing, with dressed stone window and door surrounds segmental arches and moulded timber eaves and verge detailing.
5. No extensions to the building are proposed and the existing overall footprint is retained and the scheme of conversion utilises as much as possible existing openings.
6. Within the courtyard side of the building, the open fronted car-shed element of the eastern wing is to be infilled with a combination of glazing and horizontal weatherboarding. This is set behind the existing support posts, which are to be retained. One additional first floor window opening is proposed together with an existing opening is to be enlarged to form a doorway.
7. The external outward facing elevations will feature two conservation rooflights on both the western elevation of the western wing and two on the north facing roofslope.
8. The southern ends of the western and eastern wings are to be retained for use in connection with the principal dwelling, and a new boundary wall will run across the

southern end of the courtyard to provide a suitable boundary between the two properties.

9. To the eastern elevation of the east wing, an open fronted garage bay is proposed, involving the formation of a new opening. Four additional windows, styled to match the existing window openings are proposed.
10. The unit will be served via the existing access from Holywell Road, and car parking will be set to the east of the overall range. An oak framed, timber clad car port / store is to be set alongside this parking area.
11. Set on the eastern side of the proposed gravel parking and turning area, a car port / store is proposed. This comprises an oak framed structure with timber boarded elevations and a clay pantiled roof.

Relevant Planning History

No other planning history.

Planning Guidance and Policy

National Planning Policy Framework (2021)

Supports sustainable development

Para 80 – To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as;

- the need for a farm or forestry worker to live there,
- where it would represent the optimal use of a heritage asset
- where it would re-use redundant or disused buildings and lead to enhancement of the immediate locality, or
- be of exceptional quality, truly outstanding or innovative etc.

The Rutland Core Strategy (2011)

CS4 – Location of Development

Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs. The conversion and re-use of appropriately located and suitably constructed rural buildings for residential and employment-generating uses in the countryside will be considered adjacent or closely related to the towns, local services centres and smaller services centres provided it is of a scale appropriate to the existing location and consistent with maintaining and enhancing the environment and would contribute to the local distinctiveness of the area.

CS19 – Promoting Good Design

Site Allocations and Policies DPD (2014)

SP6 – Housing in the Countryside

New housing development will not be permitted in the countryside except where:

- a) it can be demonstrated to be essential to the operational needs of agriculture, forestry or an established enterprise requiring a rural worker to live permanently at or near to their place of work in the countryside; or
- b) affordable housing would meet an identified local housing need as set out in Core Strategy Policy CS11 (Affordable housing); (these sites may also include small numbers of market homes where exceptionally permitted by Policy SP10 (Market housing within rural exception sites).

The development itself, or cumulatively with other development, should not adversely affect any nature conservation sites, or the character and landscape of the area, or cultural heritage.

The re-use or adaptation of buildings for residential use will only be permitted in the countryside where:

- a) the vacant building to be converted and re-used is a permanent structure capable of being converted without major re-construction;
- b) the proposal is accompanied by evidence that a reasonable effort has been made to secure a suitable business or commercial use, or there is evidence that any alternative use is not viable, before residential use is considered; the building relates well to a town, local service centre or smaller service centre or is close to a regular public transport service to such settlements;
- c) the creation of a residential curtilage does not have a detrimental impact on the character of the countryside. Any historical, cultural or architectural contribution the building makes to the character of the area will be taken into account in the overall assessment of the proposal.

Proposals to extend dwellings in the countryside will be permitted where development is within the existing curtilage, only results in a modest increase in the volume of the original dwelling, is in keeping with the character, footprint, size and design of the original dwelling and is not visually intrusive in the landscape.

SP15 – Design & Amenity

Other guidance

Design Guidelines for Rutland 2021

The Conversion of Traditional Farm Buildings – A Guide to Good Practice. Historic England publication (2006)

Officer Evaluation

- 12. The main issues are policy, design and landscape impact.

Principle of the use

13. The proposed works will suitably preserve a high quality non-designated heritage asset and the conversion represents an appropriate means of ensuring the future of the asset.
14. A structural survey undertaken in connection with this application has identified some relatively minor remedial works that are required, but otherwise indicates that the building is structurally sound and capable of conversion without the need for wholesale demolition and rebuilding.
15. The residential conversion is an appropriate re-use of the building assimilating with the adjacent residential property that is in proximity to the barn and other properties in the general location, including a barn conversion. To the north of the house and outbuilding range, and separately accessed from the south-east is a range of modern agricultural building that have been consented for residential conversion initially via a Class Q consent, with subsequent scheme revisions.
16. As the proposed development relates to the optimum viable use of a heritage asset, the re-use of redundant or disused buildings and lead to enhancement of the immediate locality it is considered that it conforms to several of the stated special circumstances.
17. As such, and notwithstanding the considerations of Policy CS4 and SP6, the development is considered to conform to the latest government guidance on the provision of housing in rural areas stipulated in paragraph 80 of the NPPF (2021).
18. The Development Plan, specifically Policies CS4 and SP6, restricts new housing in the countryside to that which is necessary, usually for agriculture or forestry. This is supported by the advice in Paragraph 80 of the National Planning Policy Framework (NPPF).
19. CS4 states that conversion will only be permitted where the building is close to sustainable settlements and where there is no environmental impact. Policy SP6 builds on the Core Strategy and sets out where residential conversion might be allowed.

Impact of the use on the character of the area

20. The submitted plans show a scheme that is considered a conforming re-use of the outbuilding.
21. Suitable materials such as matching stonework and stone cills and lintels are indicated. Whilst the visual appearance of the structure as a whole will be improved the benefits are localised and will mainly be seen from within the residential curtilage itself as opposed from the wider aspect of the surrounding area.
22. It is considered that the building is of some quality and architectural value and may reasonably be defined as a non-designated heritage asset, contributing to the character and setting of the principal building which enhances its overall character and setting.

23. The plans indicate a high standard of design and construction in delivering the conversion.
24. The development suitably respects the building and its wider context with the character of the landscape being preserved.
25. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling, streetscene and surrounding context in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbouring properties

26. The outbuilding grouping, which is predominantly single storey, has an overall U-plan form, with a central courtyard space, and principal building openings facing into the courtyard. The open side of the courtyard faces south towards New Quarry House and Holywell Road.
27. Concerns have been raised relating to amenity and overlooking impacts between the proposed dwelling and New Quarry House. The design of the development incorporates appropriate screening between the two properties with the re-use of existing openings. No adverse amenity impacts are considered to arise from the use of the buildings for residential purposes.
28. Taking into account the nature of the proposal, small scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

29. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Crime and Disorder

30. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

31. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
32. It is considered that no relevant Article of that act will be breached.

Consultations

33. Highway Department:

The Highway Authority's comments are based upon the supporting information submitted by the applicant. The Highway Authority has not been made aware of any departures from this information by the LPA that should be considered and as such the assessment of the proposal is provided against this context.

The application proposes the conversion of the barn to a single dwelling consisting of 5 bedrooms.

In line with adopted standards this would equate to a requirement for 4 parking spaces. 3 spaces are proposed along with a garage. It is considered that there is also additional room for parking if required.

No changes the existing access are proposed, and the development will be served by a new internal spur of the existing access road. This is considered to be acceptable.

The Highway Authority is satisfied that the proposal would not lead to any material detrimental impact upon the safety and efficiency of the public highway network.

The internal site layout is considered to be adequate with sufficient space for the safe and efficient manoeuvring of vehicles.

In line with the above, the Highway Authority raises no objections to this proposal

34. Ecology:

The bat activity surveys found the buildings proposed for conversion to be used by small numbers of two common bat species.

Therefore a mitigation scheme and EPS licence will be required for this site. The report by Andrew Chick recommends four external bat boxes to be affixed to the exterior of the building prior to works commencing, and that another two are integrated into the gable ends, along with four access points being created under ridge tiles. This will require consideration as to the type of membrane used in these areas (standard BRM's are not safe for bats). Works to the roof will also need to take place under the supervision of a licensed ecologist.

Therefore I recommend that the following Condition is attached to any permission:

No development shall take place until a Method Statement for bat mitigation has been submitted to and approved in writing by the local planning authority. The bat mitigation features are to be shown on all relevant elevation plans. All works are to proceed strictly in accordance with the approved Method Statement.

Along with the following Informative:

This development will require a European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.

35. Response from Clipsham Parish Meeting.

Introduction: In considering our response to this application we are taking into consideration the following factors:

- i) The need for consistency and integrity in our approach to all planning applications in the parish of Clipsham.*
- ii) Our interpretation and support for planning policies in Rutland's Adopted Local Plan which are stated in the Core Strategy DPD and in the Site Allocations and Policies DPD and have been re-affirmed in later Local Plan drafts.*
- iii) The Adopted Core Strategy DPD at paragraph 4.19 states that policies CS1, CS2 and CS3 address the principles of sustainable development. Policy CS4 addresses the question of location of development.*

These policies will now be considered in relation to this application.

Observations

With respect to policy CS1: Sustainable development principles

- i) Paragraph a): This proposal does not minimise the impact on climate change and does not include measures to take account of future changes in the climate. It will be a factor further encouraging future climate change.*
- ii) Paragraph b): the proposal does not maintain or enhance the county's environmental assets. The development of a new 5 bedroom property adjacent to new Quarry House will harm the present environment of the property and will contribute to the wider harm of the environment caused by additional family daily commuting by motor vehicle which would be essential from this location.*
- iii) Paragraph c): The site is not located where it minimises the need to travel and the site can only be accessed by motor vehicle. The site will maximise the need to travel for all family purposes.*
- iv) Paragraph d) This policy clause refers to the conversion or re-development of "buildings within settlements" The building proposed for conversion is not situated "in a settlement" it lies in open countryside.*
- v) Paragraph h): This proposal does not contribute towards creating a strong, stable and more diverse economy.*
- vi) Therefore this application does not conform to sustainable development principles and neither does it meet the strategic objectives of policy CS1.*

With respect to Policy CS2: The spatial strategy

- i) Paragraph a): This application is not in a sustainable location. It lies in open*

- countryside, in one of the least sustainable locations and is not accessible by any other modes of transport except by the private car.*
- ii) Paragraph k) This proposal does nothing to promote sustainable transport measures.*
 - iii) Paragraph o) This proposal will not “protect and enhance the natural environment”*
 - iv) Therefore this proposal does not meet key strategic objectives of policy CS2.*

With respect to Policy CS3: The Settlement Hierarchy

- i) This proposed development lies in Open Countryside in an area designated as being “particularly attractive countryside”*

With respect to Policy CS4: The location of development.

- i) This policy states that “development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs”*
- ii) This proposal has no essential need to be located in the local countryside and will make no demonstrable contribution to the rural economy, nor will it meet affordable housing needs. Therefore this proposal does not conform to policy CS4.*

Other Material Planning Considerations (see notes from Planning Aid England)

- i) It might be considered that the close proximity of the barn conversion to New Quarry House will lead to a degree of overshadowing and loss of outlook to the detriment of residential amenity to both properties.*
- ii) There will also be a degree of over-looking and loss of privacy for both properties.*

Recommendations:

- 1. This application does not conform to the policies CS1, CS2, CS3, CS4. We therefore recommend refusal of this application.*

36. Applicants response to Clipsham Parish Meeting comments:

‘We have considered the response of Clipsham Parish Meeting (CPM) and would comment as follows.

The response is quite selective and appears to entirely focus on Policies CS1, CS2, CS3 and CS4 of the Core Strategy. There is no reference to other development plan policies that are perhaps more relevant to the consideration of the application – for example, Policy SP6 of the Site Allocations and Policies DPD relating to The Re-Use or Adaptation of Rural Buildings for Residential Use. Equally, there is no reference to relevant provisions of the National Planning Policy Framework, some of which post-date the adoption of the development plan.

The draft Interim Position Statement for Housing Development acknowledges that the current development plan is out of date and that the tilted balance in favour of

sustainable development, as set out in the NPPF, is engaged.

In relation to the CPM comments in respect of Policy CS1;

- (a) The proposed works will incorporate appropriate measures to respond to climate change (through compliance with relevant building regulations requirements).*
- (b) The proposed works will suitably preserve a high quality non-designated heritage asset – conversion represents an appropriate means of ensuring the future of the asset.*
- (c) The site enjoys reasonable proximity to higher order centres*
- (d) The development makes appropriate re-use of an existing building. Whilst not in an existing settlement, other plan policies support the conversion of buildings in countryside locations, beyond existing settlements.*
- (e) The development suitably respects the building and its wider context. The character of the landscape will be preserved.*
- (f) A high standard of design & construction is proposed*
- (g) the site is not in an area at risk of flooding*
- (h) conversion and re-use of the building will have positive economic benefits*
- (i) appropriate infrastructure will be provided to support the development.*

The proposals do not conflict with Policy CS1. The pre-application enquiry response in respect of the proposed building conversion did not identify any conflicts with Policy CS1.

In relation to the CPM comments in respect of Policy CS2; this policy essentially summarises and signposts other policies within the Plan. CPM reference three strands of the policy;

- (a) sustainable locations. As highlighted above (CS1(d)), the proposed development makes appropriate re-use of an existing building. Whilst not in an existing settlement, other plan policies support the conversion of buildings in countryside locations, beyond existing settlements. The proposal re-utilises an important, high quality existing resource (a non-designated heritage asset). In this respect the proposals are considered to comprise a sustainable development in a sustainable location.*
- (k) Sustainable transport measures. The proposal is located in reasonable proximity to higher order centres.*
- (o) The proposals will protect and enhance the natural environment (an ecological assessment accompanies the application).*

The proposals do not conflict with Policy CS1. The pre-application enquiry response in respect of the proposed building conversion did not identify any conflicts with Policy CS2.

The CPM allege a conflict with Policy CS3; The settlement hierarchy. This policy simply sets out the settlement hierarchy. It contains no policy wording specifically associated with that hierarchy – this is generally dealt with under separate policies. The site is located in open countryside. Policy CS4 and Policy and SP6 deals with proposals in countryside locations. We have demonstrated that the proposals satisfy those policies. There is no conflict with Policy SP3.

In relation to the CPM comments in respect of Policy CS4, it is noted that they have selectively quoted from the policy. The paragraph after the one quoted supports the re-use and conversion of buildings in countryside locations (the policy needs to be read alongside policy SP6 which supports the conversion of buildings for residential use). The pre-application enquiry response acknowledges that the proposed conversion is supported by CS4/ SP6 when considered alongside NPPF (2019) Para. 79 (now NPPF(2021)Para.80).

Two other points are raised relating to amenity and overlooking impacts between the proposed dwelling and New Quarry House. This has been fully considered as part of the overall design of the development (which incorporates appropriate screening between the two properties). No adverse amenity impacts are considered to arise in this case.

Neighbour Representations

37. Mr & Mrs Anthony Dighton - Old Fathers Cottage Holywell Road Clipsham:
As the next door neighbours to this property, on the same side of the road, we have looked at the plans and elevations. The resulting development looks to be sympathetic with the existing dwellings on the plot and with others on Holywell Road and we have no objection to the overall proposal.

38. Mr Andrew Cunliffe - Hilltop House Holywell Road Clipsham:
This is a really nice carefully planned development that can only add to our community and surrounding properties. The proposal also ensures the sympathetic rebuilding of old buildings which need investment to stop them falling into disrepair. We are totally in support of the application.

39. Mr & Mrs Brian Spiers - Frensham Holywell Road Clipsham Oakham
We support this application.

40. Mr. Richard Tinsley - Holywell Farm Barn Holywell Nr Stamford:
I have viewed the plans and can see no reason why one could object given the amount of planning permissions granted in very close proximity. In fact there will be very little visual change as structure exists in its entirety.

To conclude I can see no reason to object and I support the application .

41. Mr & Mrs John and Rachael Pelan - Holywell Lodge Holywell Road Clipsham:
As the adjacent neighbouring property, we have been involved in the consultation and amendments for this proposal from the outset.

The outline design, additional spur road and car port building has been designed with sympathy to the existing property and the neighbouring buildings. As this is a conversion, utilising existing buildings which currently need maintenance, the exterior will be relatively unaltered and provide new viewing aspects which do not encroach existing properties.

To this end we support the planning application fully.

42. Mrs Judith Machin - Pettywood Farm Holywell Stamford
I have viewed the plans and find there is no reason to object as there appears to be no change.
43. Mr Nicholas Eden - Church House Wormingford Colchester:
I have studied the application and having known the buildings and the surrounding site for nearly half a century I am impressed with the care and sensitivity shown by the proposed scheme which achieves the protection of significant stone buildings which are no longer suitable for modern agricultural use. Furthermore I consider the scheme fits in very well with the existing New Quarry House immediately to the south and the recently approved significant new residential development of former agricultural buildings immediately to the north. I also believe that the proposed scheme complements the need for the sustainable use and development of these buildings whilst at the same time providing new residential accommodation.

Conclusion

44. This is an adaptation of an attractive range of buildings for residential use, being structurally sound and able to be converted without major re-construction
45. The conversion and re-use of this appropriately located and suitably constructed range of rural buildings for residential use is of a scale appropriate to the existing location and consistent with maintaining and enhancing the environment and would contribute to the local distinctiveness of the area.
46. The residential occupation will be a conforming use for the location, which will preserve the future of the of these attractive buildings whilst not impacting on highway safety, neighbouring residential amenity or the character of the area.
47. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 9 and 12), Policies CS4 and CS19 of the Rutland Core Strategy (2011) and Policies SP6 and SP15 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that indicate otherwise although conditions have been attached.

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PLANNING AND LICENSING COMMITTEE

17 January 2023

APPEALS

Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Rosemary Powell - Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

- 1.1. This report lists for Members' information the appeals received since the last meeting of the Planning & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

2.1 **APP/A2470/W/22/3310265 – De Merke Estates – 2022/0796/MAO**

Land West of Main Road, Barleythorpe

Outline planning permission (with all matters reserved except for means of access from Main Road) for residential development, with landscaping and public open space, associated drainage infrastructure and access works, and safeguarded land for community uses.

Appeal Against Non Determination

2.2 APP/A2470/W/22/3304770 - Mrs Hazel Glassford - 2021/1129/FUL

22 Burley Road, Langham

Replacement windows. Detached garage. Addition of 3 no. roof windows to the rear and demolition of rear extension. Paint exterior of dwelling (as existing).

Appeal against Condition 3: The replacement windows hereby approved shall have a white colour finish. Reason: In the interests of the character and appearance of the conservation area.

2.3 APP/A2470/W/22/3305249 – Mr Brian Sampson – 2021/1417/FUL

Clonmel Farm, Cold Overton Road, Langham

Retrospective planning application for construction of an agriculture building and solar panels.

Appeal against refusal: Based on the information provided it is considered that insufficient justification has been provided to demonstrate that a building, particularly as big as the one proposed is reasonably required for the agricultural/horticultural purposes associated with the smallholding.

Acceptance of this scale of development in the countryside without sufficient justification is therefore considered to be contrary to Planning Policies SP7, SP13, SP15, SP23 of the Site Allocation and Policies Development Plan Document (2014), Section 12 and 14 of the National Planning Policy Framework (2021).

2.4 APP/A2470/W/22/3301045 - Mr Aakash Odedra - 2022/0028/FUL

39b Main Street, Whissendine

Section 73 application to vary condition 1 of application 2018/1187/PRC (Notification of Prior Approval) - Change of use from Class A1 to Class A3 to allow for new coffee shop. In order to extend the opening hours to 10.30pm everyday and to open on bank holidays.

Appeal against refusal: An extraction system will be required in relation to the cooking practises that will take place during the proposed extended opening hours. Any new equipment may cause harm to the amenities of nearby residents by way of unacceptable levels of noise and odour. No assessments regarding these impacts or the details of any extraction system to be used have been provided to the Local Planning Authority, and as such the Local Planning Authority considers that insufficient information has been provided to suitably assess the proposal. The proposal is therefore contrary to Section 15 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

3. DECISIONS

3.1 APP/A2470/D/22/3304857 – Dr Hayley Travers – 2022/0089/FUL

19 Main Road, Barleythorpe, LE15 7EE

Increase roof height to provide second floor accommodation, front and rear dormers, single storey front and rear extensions

Delegated Decision

Appeal Dismissed – 14 November 2022

3.2 APP/A2470/W/21/3287674 – Vistry Group – 2020/0942/OUT

Land off Park Road, Ketton

Outline application with all matters reserved except for means of access, for residential development of up to 75 no. dwellings with associated public open space, landscaping and infrastructure.

Committee Decision

Appeal Allowed – 25 November 2022

3.3 APP/A2470/W/21/3285028 – Muller Property Group – 2020/0172/OUT

Land to the South of Stapleford Road, Whissendine

Outline Planning Application for the development of up to 66 no. dwellings, public open space and associated infrastructure, with all matters reserved for subsequent approval, other than access.

Committee Decision

Appeal Withdrawn – 05 December 2022

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

7.1 Alternatives have not been considered as this is an information report

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

10. EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 This report gives details of decisions received since the last meeting for noting.

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.