

PLANNING AND LICENSING COMMITTEE

20th October 2020

APPEALS

Report of the Deputy Director of Places

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Gordon Brown - Deputy Leader; Portfolio Holder for Planning Policy & Planning Operations	
Contact Officer(s):	Penny Sharp, Deputy Director of Places (Environment, Planning & Transport & Highways)	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/20/3256500 – Mr & Mrs Featherstone – 2020/0323/PAD**
Romney Hut, Bidwell Lane, Clipsham
Proposed change of use of an agricultural building to 3 no. dwellinghouses.
Delegated Decision-The lightweight design and construction of the building, as well as its dilapidated and rusted condition means that it is not capable of

functioning as dwellings, and the likely works to facilitate the use for Class C3 purposes would involve operational development tantamount to the construction of new dwellings, rather than the conversion of an existing building. The proposal would therefore not constitute development permitted under the provision of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). Notwithstanding reason for refusal 1 above, the building to be converted is sited very close to an existing large farm building immediately to the west of the application site. Notwithstanding the proposed partial demolition of the adjacent farm building, the only separation between the buildings is the driveway to units 1 & 2, which also doubles as their amenity space. The proposed dwellings would have no outlook from the western windows, with the farm building appearing overbearing to any future occupiers, to the detriment of their residential amenity. In addition to this, the plans submitted with the application contradict themselves in terms of the size of the application site (as defined by the red line on the 1:1250 location plan) and the gross curtilage of the proposed 3 units as shown by the red line on the submitted 1:100 site plan. Furthermore the units' amenity space would be limited just to parking/driveway areas and pathways in a convoluted layout, meaning that realistically there would be no meaningful outside garden/private amenity space for any of the properties, or that this would be directly adjacent to the farm building. Combined with the exceedingly close relationship of the adjacent building, the above issues make the site undesirable for the building to change from agricultural use to residential, and as such would not comply with Condition Q.2 - (1) (e) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2.2 **APP/A2470/W/20/3255133 – Mr C Milburn – 2019/0879/FUL**

The Horse & Panniers, 12A Church Street, North Luffenham

Application to regularise matters with regards to the property being used as two separate dwellings.

Delegated Decision- The sub-division of the site to create two separate dwellinghouses would be visually harmful to the setting of the Listed Building and this part of North Luffenham Conservation Area, introducing a crude and unsympathetic division that intrudes on the view of the principal elevation of the Listed building and its attached outbuildings. As such the proposal would be contrary to Policies CS19 & CS22 of the Council's Adopted Core Strategy (2011), Policies SP15 & SP20 of the Site Allocations and Policies Development Plan Document (2014), and Sections 12 & 16 of the National Planning Policy Framework (2019). The courtyard area to be split is approximately 12m wide at its widest point, with the courtyard windows at both ground and first floor level directly facing one another, and each other's amenity areas. Notwithstanding the proposed introduction of louves to two windows, the sub-division of the site would still result in a poor relationship between the two dwellinghouses, including an unacceptable impact upon their privacy from the remaining windows and the close proximity to one another. As such the proposal would be contrary to Policy CS19 of the Council's Adopted Core Strategy (2011), Policy SP15 c) (amenity) of the Site Allocations and Policies Development Plan Document (2014), and Section 12 of the National Planning Policy Framework (2019). The proposal for two

separate dwellinghouses would require 4 off-street parking spaces. The proposal (as revised) only shows provision for 3 vehicles, and as such the proposal would be contrary to Policy CS19 of the Council's Adopted Core Strategy (2011), Policy SP15 and Appendix 2 of the Site Allocations and Policies Development Plan Document (2014), and Section 9 of the National Planning Policy Framework (2019).

2.3 APP/A2470/W/20/3255132 – Mr C Milburn – 2019/0880/LBA

The Horse & Panniers, 12A Church Street, North Luffenham

Application to regularise matters with regards to the property being used as two separate dwellings.

Delegated Decision - The sub-division of the site to create two separate dwellinghouses would be visually harmful to the setting of the Listed building, introducing a crude and unsympathetic division that intrudes on the view of the principal elevation of the Listed building and its attached outbuildings. As such the proposal would be contrary to Policy CS22 of the Council's Adopted Core Strategy (2011), Policy SP20 of the Site Allocations and Policies Development Plan Document (2014), and Section 16 of the National Planning Policy Framework (2019).

2.4 APP/A2470/X/20/3257350 – Mr White – 2020/0541/CLP

Land to the rear of Cemetery Lane, Cemetery Lane, Manton

Certificate of Lawful use for the siting of Static Holiday Caravans on the submitted site plan.

Delegated Decision - There is no evidence that it would be lawful as of 26 May 2020 for the "use of land within the existing caravan site boundaries for siting of static caravans without restriction on the layout of the land or the number of caravan units or the use of the caravans on the site at any one time". This is because conditions 2, 3 and 6 of the permission granted under appeal reference APP/A2470/A/13/2199931 and conditions 1, 2 and 5 of planning permission reference 2016/0874/FUL require that the development, when carried out, must accord with the approved plans. As of the 26 May 2020 this was not the case. Furthermore, properly interpreted, both permissions grant planning permission limited to 20 caravans to be sited on the 20 plots shown on drawing 101B referred to in both permissions. The development identified in the application would not be permitted by either permission since it would be a breach of the relevant conditions.

3. DECISIONS

3.1 APP/A2470/W/20/3253613 – Mr Paul Holt – 2020/0179/FUL

Hall Cottage, 17 Main Street, Ayston, Oakham, LE15 9AE

Extend gravelled area on driveway by approximately 6 x 2 metres wide.

Delegated Decision

Appeal Dismissed – 7 September 2020

- 3.2 **APP/A2470/W/20/3254410 – Mr & Mrs Needham – 2019/1375/MAF**
Land at Stretton Lodge, Clipsham Road, Stretton, Rutland
Use of land as touring caravan site and for angling purposes, creation of fishing lake, formation of roads and hardstanding and erection of amenity block.

Delegated Decision

Appeal Allowed without Costs – 16 September 2020

- 3.3 **APP/A2470/Y/20/3248186 – Mrs Geraldine Feehally – 2019/1275/LBA**
Flores House, 34D High Street, Oakham, Rutland, LE15 6AL
Single storey, glazed orangery extension on principal elevation.

Delegated Decision

Appeal Dismissed – 28 September 2020

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.