

PLANNING AND LICENSING COMMITTEE

15th February 2022

APPEALS REPORT

Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Ian Razzell - Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
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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/D/21/3285073 – Mrs Wendy Sullivan - 2021/0153/FUL**
Saw Pit Cottage, 7 Kings Lane, Barrowden, Rutland LE15 8EF
Front Porch

Delegated Decision:

Acceptance of the proposal would be contrary to the requirements of Barrowden and Wakerley Neighbourhood Plan. The proposed timber materials for the proposed porch would be contrary to the requirements of Policy BW6 2(g) of Barrowden and Wakerley Neighbourhood Plan which requires elevations visible

from the public realm to be in local-style rubble stone with traditional architectural feature and windows and doors of wooden construction.

2.2 APP/A2470/D/21/3285015 – Mr Kevin Williams – 2021/0926/FUL
9 Main Street, Barrow, LE15 7PE

Conversion of existing front elevation roof window into a pitched roof dormer window. Installation of a heat pump to rear side elevation. Erection of steel open frame supporting a glazed pitched roof with three solar panels on the south facing pitch. Installation of additional solar panels to the south facing pitch of existing roof of dwelling. Electricity storage batteries for the panels to be positioned on existing flat deck of single storey extension.

Delegated Decision:

1. The proposed first floor structure would appear as an incongruous addition to the property that does not relate well in design terms to the existing dwelling. It would appear to be an unnecessary addition to accommodate solar panels, as there are already south facing roof space to accommodate panels. The storage of solar batteries on the roof would also require access for maintenance, contrary to condition 1 on application no. 2019/1134/FUL restricting the use of the flat roof as a raised platform, in the interests of protecting the residential amenity and privacy of the occupiers of no. 8 Main Street, Barrow, who would otherwise suffer an unacceptable level of overlooking and loss of privacy. In addition to this, there are no manufactures details supplied with the application for the proposed heat pump and therefore not possible to assess the full impact of the pump. For the above reasons the proposal is therefore contrary to Policy CS19 of the Rutland Core Strategy (2011) Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and the Council's Supplementary Planning Document for Extensions (2015).

2.3 APP/A2470/W/21/3284013 – Mr M Lount – 2021/0673/PAD
Former Pig Farm, Ayston Road, Ridlington, Rutland LE15 9NN
Conversion of agricultural building to dwellinghouse.

Appeal against conditions

Delegated Decision:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 7406 (03) 05, 7406 (03) 06 and 7406 (03) Rev D.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Before the development hereby approved is occupied the new post and rail fence shall be erected in accordance with the details shown on Drawing

Numbers: 7406 (03) Rev D and 20032- Post and Rail Fence Section and shall remain as such thereafter.

Reason: In the interests of securing a safe and suitable access to the development.

3. Before occupation of the development hereby approved the new section of access track shall be constructed in accordance with the detail shown on Drawings: 7406 (03) 04 Rev D and Proposed Gravel and Drive Cross Section.

Reason: In the interests of providing a safe and suitable access to the development.

4. The residential curtilage for the dwelling hereby approved shall be no greater than the area enclosed by the red line shown on Drawing Number: 7406 (03) 04 Rev D and shall remain as such in perpetuity.

Reason: For the avoidance of doubt and to comply with Class Q legislation.

5. The development hereby approved must be carried out in accordance with the approved scheme of remediation as detailed within the Contamination Land Remediation Strategy and Verification Plan by STM environmental dated 27th May 2020 and the following: (i) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. (ii) Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3. (iii) Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the

Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2.4 APP/A2470/W/21/3285325 – Mr Roger Barclay – 2021/0979/FUL

Manor Farm Barn, Thistleton Road, Market Overton.

Demolition of existing barn and agricultural silos. Construction of 2 storey dwelling and ancillary works, garaging, landscaping and alterations to the existing access.

Delegated Decision

1. The application site is located outside the Planned Limits of Development for Market Overton. Existing Local Plan Policy only allows for the conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside and does not apply to new build unless it is to meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11. Residential development is only acceptable in the countryside to meet an essential operational need for a dwelling to be located in the countryside or to meet an identified affordable housing need as set out in Core Strategy Policy CS11. There is no indication that the proposal is intended to meet the requirements for housing in the countryside. As such the development would be contrary to Policies CS3 (The settlement hierarchy), Policy CS4 (The location of development), of the Adopted Core Strategy and Policies SP6 (Housing in the Countryside), SP23 (Landscape character in the countryside), of the Site Allocations Development Plan Document 2014 and chapter 5 and 12, of the NPPF (2021).
2. The proposal would also result in harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. The degree of harm is assessed as being less than substantial, and therefore paragraph 202 of the NPPF (July 2021) requires that this harm to be weighed against any public benefits arising from the development. A dwelling of the scale and design proposed in such a prominent location would dominate the street scene with its formality and harm and diminish the established historic hierarchy of the village, and have a negative impact on the significance of the Market Overton Conservation Area, contrary to the provisions of Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 and therefore would fail to preserve or enhance the character and

appearance of the adjacent Conservation Area and setting of nearby listed building. As such the proposed development would be contrary to policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), and policies SP15 (Design and amenity), SP20 (The historic environment) of the Site Allocations and Policies DPD (2014) and Chapters 12 and 16 of the NPPF (2021).

3. DECISIONS

- 3.1 **APP/A2470/D/21/3275261 – Mr Richard Dilworth – 2020/1381/FUL**
15 Melton Road, Langham, LE15 7JN
Replace 3 No. Wooden Windows with UPVC sash windows
Delegated Decision
Appeal Dismissed

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 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.