

PLANNING AND LICENSING COMMITTEE

19th April 2022

APPEALS

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/W/21/3282349 – Mrs June Titterton-Fox – 2020/0034/FUL**
Field House, Exton Road, Whitwell, Rutland
Proposed single storey three bedroom earth-sheltered dwelling on land off Exton Road, Whitwell.

Delegated Decision - Acceptance of the proposals would be at odds with the requirements of Paragraph 131 of the NPPF. Whilst great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area paragraph 131 states that this is only so long as the development fits in with the overall form and layout of their surroundings. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted to justify acceptance of the proposed development when considered against Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation Area and its ensemble of designated heritage assets, in particular the setting of the Grade II* Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact. The harm that would be caused is not justified and the wider public benefits of the scheme would not outweigh this harm. The proposal is therefore contrary to the NPPF (Sections 16), Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

2.2 **APP/A2470/W/21/3283970 – A Hinch – 2021/0479/FUL**

Glebe Farm, Empingham Road, Tinwell

Retrospective planning permission for the redevelopment of an agricultural building to form 1 no. dwelling

Delegated Decision: The site is located in an unsustainable location in open countryside where restrictive local and national policies apply. The building that was on site was being converted by virtue of an approval under Class Q. That building collapsed or was proven unstable to convert. The Class Q approval is thereby lost such that there is no longer a fallback position and the proposal needs to be considered against the policies of the development plan and the NPPF. There is no proven need for a new dwelling in this location and it is thereby contrary to Policy CS4 of the Core Strategy and SP6 of the Site Allocations DPD together with the advice in paragraphs 78-80 in particular of the NPPF.

2.3 **APP/A2470/W/21/3284377 – Mr Paul Chenery – 2021/0446/PAD**

Town Park Farm, Oakham Road, Brooke

Change of use of agricultural building to form 1 No. Dwelling; and building operations reasonably necessary to convert the building to a dwelling.

Delegated Decision: The design and construction of the existing building means that it is not capable of functioning as a dwelling, and the proposed works to facilitate the use for Class C3 purposes would involve considerable operational development, 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).

The building is located within a working farm area directly adjacent to working agricultural buildings capable of housing livestock and being used for other agricultural operations. The location would thereby lead to poor living conditions for

the occupiers by reason of noise and odours from the existing farm activity, when assessed against Para Q.2(e) of Class Q.

2.4 **APP/A2470/W/21/3287842 – Mr David Joyce – 2021/0455/FUL**

9 Whitwell Road, Empingham
Application for vehicular access

Delegated Decision: The highway authority objects to the proposed access because there is no space for a vehicle to turn within the site and leave in a forward gear. Vehicles consequently reversing out onto the A606 close to a bend would be detrimental to highway safety and thereby contrary to Policy SP15 of the Site Allocations and Policies DPD 2014.

2.5 **APP/A2470/W/21/3289079 – Mr Justin Bell – 2020/1359/FUL**

Pridmores Haulage, 1 Tippings Lane, Barrowden
Demolition of Commercial buildings and construction of 2 dwellings and associated access and external works.

Delegated Decision: The land subject to this application has open undeveloped areas important to both the setting of the nearby historic building Rosemary Cottage, No. 24, Main Street and to the character and appearance of the Barrowden Conservation Area. The proposed excessive development of the open areas of the site would result in a significant change of character to this part of the Barrowden Conservation Area and would detract from the setting of the Grade II Listed Rosemary Cottage. The harm to this heritage asset would be less than substantial but this harm would not be outweighed by the public benefit of two dwellings to the local housing stock. Given this, the proposal would be contrary to Sections 12 and Section 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Policy BW6 of the Barrowden and Wakerley Neighbourhood Plan.

Both houses would have extensive, double and single storey elements to the rear adding to the overall massing. This excessive massing is inappropriate for the context and would be at variance with the established local vernacular. The dwellings having large sprawling footprints and excessive form do not reflect dwellings in this location and are at odds with the prevailing form and character of the area. Furthermore, this excessive built form will adversely interrupt a key vista from the established important open space of the village green to the south. This would fail to preserve or enhance character and appearance of the Barrowden Conservation Area. As such the proposed development would be contrary to Sections 5, 12 and 16 of the NPPF (2021), Policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Councils Adopted Core Strategy (2011), Policies SP5 (Built Development in Towns and Villages), SP15 (Design and amenity), SP20 (The historic environment) and SP21 (Important Open Spaces and Frontages) of the Site Allocations and Policies Development Plan Document (2014) and Policies BW1 and BW6 of the Barrowden and Wakerley Neighbourhood Plan.

The proposal for two, 4 bed dwellings does not meet the identified local need for homes for Barrowden and is not making an effective use of land contrary to Sections 5 and 11 of the NPPF (2021) and Policy BW9 of the Barrowden and Wakerley Neighbourhood Plan.

- 2.6 **APP/A2470/W/22/3290466 – William Ashmore – 2020/0818/FUL**
1 Wheatsheaf Lane, Greetham
Proposed erection of 1 no. dwelling. Single storey side and rear extension and new porch to existing dwelling.
Delegated Decision: The proposed subdivision of the existing curtilage of No 1 Wheatsheaf Lane and the construction of a new dwelling would result in overdevelopment of the existing small plot of land, providing insufficient amenity space to serve two dwellings, have an adverse impact on the residential amenities of neighbouring properties by reason of increased overlooking and loss of privacy and either directly or indirectly affect trees within or on the boundary of the application site which would fail to preserve or enhance the character and appearance of the Greetham Conservation Area. The Local Planning Authority has a statutory duty under section 72(1) of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that the character of the conservation area is preserved. The proposal would be contrary to that statutory obligation and also to Policies CS19 (Promoting good design), and CS22 (The historic and cultural environment) of the Core Strategy, Policies SP5 (Built development in the towns and villages), SP15 (Design and amenity) and, SP20 (The historic environment), of the Site Allocations and Policies Development Plan Document, Policy CH1 of the Greetham Neighbourhood Plan and the advice in Chapters 12, and 16 of the NPPF (2021).
- 2.7 **APP/A2470/W/22/3291051 – Mr Michael Allen – 2021/0698/FUL**
Brooke Priory School, Station Approach, Oakham
Construction of a new artificial multi use games area (MUGA) with associated sports lighting, fencing and ancillary features for pupils at Brooke Priory School. Includes a change of use from domestic gardens to school.
Committee Decision: The unauthorised change of use and physical changes to the site have resulted in the row of terrace properties directly to the south of the site (no. 95, 93, 91 & 89 Station Road) having their garden areas reduced from approximately 33-35m depth to approximately 12 metres under the current proposal. It is considered that the significant reduction in private amenity space as a result of the development has a detrimental impact upon the residential amenity of the occupiers of these properties. This detrimental impact would be exacerbated by the close and immediate proximity of the proposed Multi Use Games Area (MUGA), and associated infrastructure that would be required to facilitate it. The proximity of the MUGA would similarly adversely affect the existing quality of residential amenity enjoyed by the occupiers of the properties along Station Road to the east of the site, in particular no. 87 and 85 Station Road. As such the development would be contrary to 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).
- 2.8 **APP/A2470/W/21/3285028 – Muller Property Group – 2020/0172/OUT**
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.
Land to the South of Stapleford Road, Whissendine
Committee Decision: The site is outside the Planned Limits to Development for Whissendine where new housing has to be demonstrably essential for a rural worker or similar operational needs. There is no justification in this instance for

setting aside the development plan and there is no overriding need for this level of affordable housing in Whissendine. The proposal is thereby contrary to Policy CS4 of the Core Strategy (2011), SP6 of the Site Allocations and Policies DPD (2014) and the advice in the National Planning Policy Framework.

It has not been demonstrated that up to 66 dwellings can be accommodated on the site having regard to appropriate densities, urban design principles, ecology and highway safety. The development would thereby potentially result in a cramped form of development which would be detrimental to the character of this edge of the village, lack adequate open space, be harmful to biodiversity and potentially result in parking and access difficulties. This would be contrary to Policies CS19 and CS21 of the Core Strategy (2011), Policy SP5, SP15 and SP19 of the Site Allocations and Policies DPD (2014), Para 175 of the NPPF.

It has not been demonstrated that surface water from the site can be drained satisfactorily to prevent additional flooding issues in the village. The proposal is thereby contrary to Policy CS19(d) of the Core Strategy (2011) and the advice in Chapter 14 of the National Planning Policy Framework, particularly paragraphs 160, 163 and 165.

The scheme would result in a net loss of biodiversity, contrary to Policies CS21 and SP19 of the development plan and Chapter 15 of the NPPF.

2.9 **APP/A2470/W/22/3293770 – Mr Alan Freeman – 2021/0485/FUL**

Change of use of 1 no. staff flat and 1 no. guest house manager's flat to short-term letting accommodation.

Rutland Point, 5 Glaston Road, Morcott

Delegated Decision: 'The proposal is considered to be unsustainable tourist/letting development where insufficient evidence has been submitted that the development meets local business or community needs. The scheme is in an unsustainable location which is not physically well related to existing settlements and due to the lack of genuine transport choice will lead to the dependence on car based travel by future occupants of the four holiday chalets. Therefore, it is considered that the development is contrary to Policies SP7 and SP25 of the Rutland Site Allocations and Policies Development Plan Document, Rutland Core Strategy Policies CS1(c), CS4 and CS15 and Paragraphs 84 and 85 of the National Planning Policy Framework (2021).

2.10 **APP/A2470/W/22/3293464 – Recharge Roadside Services Ltd – 2021/0018/MAF**

Proposed roadside services and recharge centre, comprising eight pump petrol filling station including supporting retail unit (330m²) and canopy, four electric charging stations, drive thru coffee shop (165m²), new vehicular access, drainage, parking and landscaping.

Land North of A47, Duddington Way, Uppingham

Committee Decision: The site is located in a prominent junction in open countryside where well established local and national policies seek to protect the countryside from inappropriate development.

It has not been demonstrated that the development is essential for the provision of roadside services in this location when there are stations nearby and there is an allocation for a petrol filling station on the opposite side of the A47 in the made

Uppingham Neighbourhood Plan, Policy 6 - Industry and Employment - Site D - Uppingham Gate.

The scale of the development would constitute an unjustified incongruous element in the countryside to the detriment of visual amenity. The proposal would thereby be contrary to policies CS4 of the Core Strategy (2011) and SP7 and SP15 of the Site Allocations and Policies DPD (2014).

The site is located in open countryside where the impact of 24 hour lighting would have a detrimental impact on rural amenity and the night sky, contrary to Policy CS19 of the Core Strategy (2011) and Policies SP15 and SP17 of the Site Allocations and Policies DPD (2014).

2.11 APP/A2470/X/22/3295641 – Mr Paul Bird – 2021/1350/CLE

Certificate of Lawfulness for Hazel Hill Farm:

- (1) The erection of a building and its subsequent change of use to use as a single dwelling-house (Use Class C3),
- (2) the conversion and change of use of an underground agricultural vegetable storage clamp to a basement for the dwellinghouse,
- (3) operational development comprising the installation of a septic tank and drainage system, and
- (4) the associated use of land as curtilage to the dwelling shown edged red on the application plan.

Hazel Hill Farm, Wing Road, Morcott

Delegated Decision: The Council is not satisfied that the applicant has discharged his burden of proving that the unauthorised dwelling is now immune from enforcement action. The Council considers that the 4 year time limit is disapplied in this case as on the balance of probabilities the applicant has, through his actions and statements to officers, sought to positively deceive it: Welwyn Hatfield.

3. DECISIONS

3.1 APP/A2470/D/21/3285073 – Mrs Wendy Sullivan – 2021/0153/FUL

Saw Pit Cottage, 7 Kings Road, Barrowden
Front Porch.

Refused – Delegated Decision

Appeal Decision: Dismissed 8 March 2022

3.2 APP/A2470/W/21/3284013 – Mr Michael Lount – 2021/0673/PAD

Former Pig Farm, Ayston Road, Ridlington

Appeal against conditions imposed on 2021/0673/PAD (Conversion of agricultural building to dwellinghouse)

Approved – Delegated Decision

Appeal Decision: Dismissed & conditions retained – 21 March 2022

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

Manor Farm Barn, Thistleton Road, Market Overton

Refused – Delegated Decision

Appeal Decision: Allowed – 25 March 2022

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 APP/A2470/C/22/3295642 – Mr Paul Bird – 2017/0072/CMP

Hazel Hill Farm, Wing Road, Morcott

Without planning permission the material change of use of the land from an agricultural use to a mixed use of agriculture and residential occupation.

Without planning permission the erection of a timber building.

4.2 APP/A2470/C/22/3295643 – Miss Louise Holland – 2017/0072/CMP

Hazel Hill Farm, Wing Road, Morcott

Without planning permission the material change of use of the land from an agricultural use to a mixed use of agriculture and residential occupation.

Without planning permission the erection of a timber building.

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.