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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2022/0124/FUL	ITEM 1	
Proposal:	Single storey rear extension including internal alterations of existing farmhouse. Conversion of outbuildings within the courtyard to create a home office. Erection of new garage with car port and small stable block within the grounds of the house.		
Address:	Hill Top Farmhouse, Oakham Road, Hambleton		
Applicant:	Mr Ryder Sugden	Parish	Hambleton
Agent:	Mr Jason Edwards	Ward	Exton
Reason for presenting to Committee:	Councillor Call In		
Date of Committee:	25 October 2022		
Determination Date:	24 March 2022		
Agreed Extension of Time Date:	28 October 2022		

## EXECUTIVE SUMMARY

The proposal comprises extensions and alterations to the listed dwelling, the erection of a garage and the erection of a stable building. The proposals are acceptable in principle and in terms of visual amenity, heritage, ecology and residential amenity. Objections have been raised by residents to the proposed stable building on the grounds of impact on highway safety; however, the proposal would convert the existing stable into ancillary domestic habitable accommodation and the proposed replacement stable would therefore not lead to an intensification in the use of the access which has led to the Highway Authority raising no objection on highway safety grounds.

## 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:

1277.RS.20.001 Rev A Location Plan

1277.RS.20.010 Rev B Proposed Site Plan 2 of 2

1277.RS.20.012 Rev C Proposed Stables

1277.RS.20.013 Rev B Proposed Garage

1277.RS.20.009 Rev B Proposed Site Plan 1 of 2

1277.RS.20.007 Rev B Proposed Ground Floor Plan

1277.RS.20.008 Rev A Proposed First Floor Plan

1277.RS.20.011 Rev B Proposed Elevations

Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD.

3. Prior to any above ground development, the following shall be submitted to and be approved in writing by the Local Planning Authority. Development shall then take place in accordance with these approved details.

-Sample stone

-Details of coursing of the stone

- Details of the mortar mix to be used and the method of application
- Slate sample
- Details of the balcony balustrading
- Details of all doors and windows
- Details of the rooflights (shall be conservation rooflights)

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. The home offices hereby approved shall only be used as accommodation ancillary to the use of the building/site as a dwelling and no separate trade or business shall operate from this accommodation.

Reason: For the avoidance of doubt, in the interests of highway safety and to accord with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

5. The existing stable in the outbuilding to the rear of the dwelling and the proposed new stable building shall not be used concurrently to accommodate a horse.

Reason: For the avoidance of doubt, in the interests of highway safety and to accord with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

6. Prior to the first occupation of accommodation within the dwelling hereby approved, details (including location and timeframe for installation) of 2 bat boxes, to be installed on the dwelling, shall be submitted to and agreed in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to first occupation of the accommodation within the dwelling hereby approved and thereafter retained.

Reason: In the interests of the protection of wildlife and their habitat and to comply with Policy CS21 of the Core Strategy and Policy SP19 of the Site Allocations and Policies DPD.

#### Informatives

#### CIL – Standard Informative

##### Section 148 Sub-Sec C Highways Act 1980

It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

##### Section 149 Highways Act 1980

If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority may by notice require the person responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event the deposit is considered to constitute a danger the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit.

#### Access Movements during Construction

The development will result in the delivery of materials and vehicle movements associated with tradesmen and use of a substandard vehicular access. It will be expected that all measures are taken to ensure all of these temporary additional movements are done so in a safe manner, which should include the use of a banksman to ensure all vehicles exiting the site can do so without endangering themselves or other users of the public highway.

## **Site & Surroundings**

1. The site accommodates a two-storey stone and slate dwelling that sits back from the highway and includes a subservient wing to the side and a detached outbuilding along the other boundary. Previous extensions and alterations have been carried out including two single storey extensions to the rear.

## **Proposal**

2. The proposal comprises a single storey rear extension including internal alterations of the existing farmhouse, the conversion of outbuildings within the courtyard to create a home office, the erection of a new garage/car port and the erection of a stable block within the grounds of the house.
3. Revised plans have been received in relation to the proposed garage and stable.

## **Relevant Planning History**

4. There is a detailed history on the site. The most relevant includes F/1996/0303 which approved the conversion of the outbuilding with a link to the existing dwelling to form additional residential accommodation. FUL/2001/0130 approved the construction of a single storey pitched roof extension to the rear, the conversion of the outbuilding and various internal and external alterations. Application 2022/0125/LBA is the associated listed building application for alterations/extensions to the dwelling which has been approved.

## **Planning Guidance and Policy**

### **National Planning Policy Framework (NPPF) 2019**

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 16 – Conserving and Enhancing the Historic Environment

### **Site Allocations and Policies DPD (2014)**

SP5 - Built Development in the Towns and Villages

SP15 – Design and Amenity

SP19 – Biodiversity and Geodiversity Conservation

SP20 – The Historic Environment

### **Core Strategy DPD (2011)**

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic and Cultural Environment

## Neighbourhood Plan

None

## Other

Extensions to Dwellings SPD

## Officer Evaluation

### Impact of the use on the character of the area

5. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.
6. The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
7. The NPPF refers to the importance of considering the impact of development on the significance of designated heritage assets. Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD both seek to protect historic assets, their settings and their character and special features. Policy CS19 relates to design, Policy SP15 relates to design and amenity.
8. The proposal comprises several elements. The first has already been approved through the listed building application and comprises the removal of part of the wall between the snug and kitchen. The proposal also includes removal of part of the external wall to the rear where the proposed extension would be attached. This would impact on only a small section of wall as there is already an opening between the existing house and the lean-to extension. Although some historic fabric would be lost, this would be minimal, and the original layout of the building would remain legible.
9. A link extension is proposed between the dwelling and outbuilding. This would have a narrow width under a pitched roof. The walls would be largely glazed to provide a lightweight link and no objection is raised.
10. The outbuilding would then be converted from ancillary residential use into a home office. An internal spiral staircase would be provided to create a mezzanine on the upper floor for a seating area. This could be carried out with limited impact on the outbuilding and no objection is raised. Externally, existing openings would be re-used and the insertion of three rooflights on the inner roof would allow use of the upper floor. The robust character of the barn would be retained.
11. The proposal also comprises a single storey extension; this would be added onto part of the existing single storey extensions. The proposed extensions would incorporate a flat roof design and be built of stone to match the dwelling. Although the flat roof design is not ideal, the parapet would hide the flat roof and the benefit of this design approach is to keep the height lower and to reduce the impact on the rear elevation. The extension would allow the upper floor windows to be unaffected and a more traditional lean-to extension would not work due to the limited height of the dwelling.
12. The proposed balustrading to the side elevation would have a limited impact on the character or appearance of the listed building or the wider area.

13. The proposals also relate to the erection of the garage/car port. This would be located in the grounds, south-west of the dwelling and would comprise a single storey plus attics structure with garaging/open car port on the ground floor and home office/storage above. It would be clad in timber with a slate roof and would have the appearance of a traditional rural domestic outbuilding.
14. The garage would be well related to buildings to the north of the site and although some way beyond the rear of the dwelling, would be within the established garden and would have a rural, domestic appearance. It would be sufficiently separated from the church grounds as to be visually acceptable and not affect the setting of that building. The building would be set off the western boundary and beyond the site would not be unduly prominent or dominant. The site is beyond the limits to development in the Development Plan but within the garden of the property.
15. The proposed stable building, constructed of timber cladding and slate, would be sited to the south of the proposed garage. The building would accommodate a single stable plus tack room and would be small-scale. Visually, it would not be prominent or dominant and would be set slightly off the boundary of the site. Overall, no objection is raised visually.
16. In terms of the impact on the conservation area, it is considered the proposals would meet the tests set out above. The proposed extensions/alterations to the dwelling would be to the rear, where there is an existing extension and would sympathetically convert the outbuilding and link physically to the dwelling. These would preserve the character and appearance of the designation. The proposed stable building and garage/car port would be set within the grounds, would have a typical rural domestic appearance and would not be unduly prominent or dominant within the site or when viewed from outside of the site. The proposed outbuildings would not affect the setting of the listed host building.
17. Taking the above into account, it is considered that subject to the imposition of conditions the application is considered to be visually acceptable and would not result in harm to the character or appearance of the Conservation Area. The proposal would also be acceptable on the building and site itself, in accordance Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD and the Council's Extensions to Dwellings SPD (2015).

### **Impact on the neighbouring properties**

18. The proposed extension would be to the rear and would be set off any boundary. Given this and comprising a single storey of limited proportions, it would have no undue impact on neighbouring amenity. The conversion of the outbuilding would use the footprint and massing of the existing building and there would be no openings on the external elevation.
19. The use as a domestic office/seating area would be ancillary and would not result in undue noise or disturbance to neighbouring properties. A condition can be imposed to ensure the use remains ancillary to the host dwelling.
20. The proposed garage/car port would be set away from neighbouring properties and again would involve an ancillary, domestic use. The proposed stable would also be set away from neighbouring properties, would accommodate only a single horse and would not impact adversely on neighbouring amenity either physically or through the proposed use.
21. Public Protection raise no objection.
22. The proposal is therefore acceptable in this respect, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and the Council's Extensions to Dwellings SPD (2015).

## Highway issues

23. The proposal seeks to use the existing access which serves two other properties, the neighbour to the north and the neighbour to the west. The Highway Authority raised an objection to the original submission, seeking clarification on where and how the horses would be transported to sufficient grazing land and objecting on the grounds that it had not been demonstrated the existing access was sufficient to accommodate horse transportation safely. The access is not of sufficient width to accommodate two standard family vehicles to pass or a horse truck/horse trailer with a car, and there is limited visibility to the north of the access. Oakham Road narrows considerably adjacent to the site to one vehicle width with no formal right of way. The Highway Authority concluded the horses would need to be transported at times in the future for various reasons and given the restricted access width and poor vehicle to vehicle visibility, the intensification of use brought about by the proposed stables was considered unacceptable due to highway safety concerns.
24. The Highway Officer concluded that movements for horse transporters could not safely be accommodated within the existing access or joining the public highway of Oakham Road. The proposed stable use would result in an intensification of use an inadequate access and therefore the recommended refusal on highway safety grounds.
25. Following this, revised plans were received reducing the size of the proposed stable from three stables plus tack room to a single stable plus tack room. Further comment from residents and the applicants followed this, as summarised below:

Neighbours have stated the following:

- The previous owners of Hill Top Farmhouse kept ponies in a nearby field and have not kept horses since 2003;
- Cannot recall any time since of horses being kept in the garden of Hilltop Farmhouse;
- There has never been regular or frequent use of the driveway by horsebox/ trailer as stated in the submission;
- The outbuilding comprises only a single stable and this is unsuitable for horses now;
- Work was carried out recently to alter the building for stabling use;
- The submitted plans illustrate this building as three stores, not stables, and refers to the building as being dilapidated;
- Horses have only recently been seen in this building;
- There is no formal agreement to use the paddock for grazing;
- The submission refers to the access being used frequently by horse vehicular movements;
- The proposal would result in increased volume of traffic in and out of the village and increased speed of traffic in and out of the village.

The applicant has provided the following in support of the application:

- photographs to demonstrate horses using the stables (the outbuilding to the rear of the farmhouse);
- they confirm they have two horses currently stabled at the property;
- that vehicles and trailers can exit and enter the site safely;
- there is adequate space within the site to turn a trailer round;
- horses that are fed and stabled do not require grazing land;
- there were three horses on the site historically;
- they could use the existing stable for a horse and this would be a fallback position;
- the previous owners had two or three horses and used the paddock to the west for grazing;
- there would be no net gain in traffic.

26. Whilst the existing plans refer to the outbuilding as a store, it does incorporate a stable door and it is reasonable to assume it had a historic use as a stable. Furthermore, evidence has been provided to demonstrate that the building has been used as a stable recently.
27. As such, it is considered there is sufficient evidence to conclude the outbuilding provides a stable for one horse. This building would be converted into domestic accommodation as part of the application and the proposal then seeks a separate stable building to provide accommodation for a single horse within the grounds.
28. The Highway Authority has reviewed the application in light of the revised plans and additional submission of views, both in support of the application from the applicant and of objection from residents. They state that further to confirmation that the building currently used as a stable could remain in that use, the objection on highway grounds is withdrawn on the basis that the proposed stable will replace the existing one, which is now being repurposed within the overall proposal. Conditions are sought regarding limiting the use of the offices for personal use.
29. Therefore, it is concluded that the conversion of the existing stable into ancillary, domestic accommodation, and the erection of a replacement stable building would not result in the intensification of use of the access and would not introduce additional traffic movements comprising horse vehicles. As such, on balance, it is not considered the proposal would have an unacceptable adverse impact on highway safety and the proposal would be in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

## **Ecology**

30. The Preliminary Bat Roost Assessment report (Ramm Sanderson, November 2021) is satisfactory; no bats or evidence of such was found, and the buildings have negligible to low bat potential. No further survey work is required and the recommendations in the report should be followed.
31. The proposal therefore complies with Policy CS19 of the Core Strategy and Policy SP21 of the Site Allocations and Policies DPD.

## **Crime and Disorder**

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

## **Human Rights Implications**

33. 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. It is considered that no relevant Article of that act will be breached.

## **Consultations**

### **34. Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.



35. **LCC Ecology**

The Preliminary Bat Roost Assessment report (Ramm Sanderson, November 2021) is satisfactory; no bats or evidence of such was found, and I agree that the buildings have negligible to low bat potential. No further survey work is required.

The recommendations in the report should be followed. As a condition of any planning permission granted, 2 x bat boxes should be installed on the dwelling. The locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged. Further information on bat boxes and installing them can be found here <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

36. **Highway Authority**

Original Comments:

I have visited site and reviewed all the documents and plans submitted as part of this application and make the following comments:-

1. There appears to be limited grazing within the site edged red to accommodate 3 horses. Where and how will the horses be transported to sufficient grazing land?
2. It has not been demonstrated that the existing access, shown within the site edged blue, is sufficient to accommodate horse transportation safely. Having visited site, it is apparent that the access is not wide enough to accommodate two standard family vehicles to pass, let alone a horse truck / horse trailer with a car, and there is virtually no visibility to the north of the access. Oakham Road narrows considerably around the extent of the site to one vehicle width with no formal right of way. Whilst there is no information about horse transportation, it will be inevitable that the horses will need to enter and leave the site at times in the future for various reasons, let alone for grazing purposes. Given the restricted access width and poor vehicle to vehicle visibility, the intensification of use brought about by the proposed stables is considered wholly unacceptable due to highway safety concerns.
3. The mezzanine floor above the garage is proposed to be a office/store, although it is not clear what the split is. If the split is not determined here, then the proposed floor area could easily accommodate numerous desks and thus people. Whilst the LHA would raise no objection to a home office for the residents of the property, we would have concerns if the office were to be used by others, again due to the poor vehicular access. Any consent should be strictly confined to the residents of the host dwelling in perpetuity with no staff or visitors permitted.
4. The LHA have no objection to the proposed parking/carport/garage.

In summary, the LHA raise no objection to the parking proposals, would not raise any objection to the office accommodation if this is strictly confined to the residents of the host dwelling, but raise a highway objection to the stables on the basis that the movements for horse transporters cannot safely be accommodated within the existing access or moving from the existing accesses to and from the public highway of Oakham Road. The proposed stable use will result in an intensification of an inadequate access and therefore the LHA would strongly recommend refusal on highway safety grounds.

In the event the stable element is removed from the application, the LHA would raise no objection subject to the strict restriction of the office use to residents of

the host dwelling only with no visitors or staff permitted. Should this be the case, please append a suitably worded condition and the following informatives:-

#### Section 148 Sub-Sec C Highways Act 1980

It is an offence under Section 148 Sub-Sec C of the Highways Act 1980 to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways or verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

#### Section 149 Highways Act 1980

If anything is so deposited on the highway as to constitute a nuisance, under Section 149 of the Highways Act 1980 the Local Highway Authority may by notice require the person responsible to remove it forthwith and if not complied with the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event the deposit is considered to constitute a danger the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit.

#### Access Movements during Construction

The development will result in the delivery of materials and vehicle movements associated with tradesmen and use of a substandard vehicular access. It will be expected that all measures are taken to ensure all of these temporary additional movements are done so in a safe manner, which should include the use of a banksman to ensure all vehicles exiting the site can do so without endangering themselves or other users of the public highway.

### 37. **Highway Authority**

Comments on Revised Proposals:

Further to a further review of the information provided for the above-mentioned application and receipt of confirmation that the building currently used as a stable could remain in that use, the LHA withdraw their previous objection. This is on the basis that the proposed stable will simply replace the existing one, which is now being repurposed within the overall proposal.

As mentioned in my previous consultation response, dated 5<sup>th</sup> April 2022, the LHA raise no objection to the parking proposals or the office use (subject to it being conditioned to personal use only).

If you are minded to approve the application, please append the informatives previously provided.

### 38. **Public Protection**

No objection.

### **Neighbour Representations**

39. 5 objections received which are summarised below:

- Concern over the pinch point entry and exit from the village, exactly at the point of the drive access to Hilltop House Farm, poor visibility and space for only one

vehicle, to allow an oncoming vehicle to pass other traffic already pull into the drive entrance of Hilltop.

- Existing access already inadequate for three dwellings, a horsebox would need to be manoeuvred into the access.
- The previous owners kept ponies in a nearby field but have not kept horses since 2003, horses have not been kept in the garden, there has never been regular or frequent use of the driveway by horsebox/trailer.
- Size of home offices could be used to consult with clients or used for more people to work in office causing more traffic up and down drive, could be used commercially.
- The proposed garage and stable block appear to be located inside the Hambleton Conservation Area and outside the Planned Limits of Development.
- The character of the Conservation Area will be adversely affected by new buildings at this location.
- There is inadequate grazing for horses in the application site.
- No provision is made for storage and disposal of horse waste.
- No apparent turning facility for horse box/trailer.
- Loss of amenity with increased use over the access including commercial purpose.

### 3 representations received in support stating:

- Support changes to the outbuilding which would improve the site visually.
- The garage is a necessity and an expected amenity associated with any modern-day substantial family home.
- No objection to the proposal to replace existing outbuildings with a modest stable for the sole use of the owners as this will not create any additional vehicular or pedestrian activity on the existing.
- There is plenty of room on the site to allow the planned works.
- There is enough land for the horse, and it makes perfect sense to stable it at home.
- This is already a very busy village, with farm machinery, hotel traffic, the pub and hundreds of walkers each week, to suggest the movement of one vehicle like a horse box is going to be dangerous is ridiculous.
- One horse stable is being created for a retired ex racehorse who would be housed there for 8 months of the year (the extra 4 months will see him out at summer grazing), the stable is for personal, there is likely to be movement of a small two stall horse trailer maybe six times a year. Minimal increase in traffic. If the application is turned down the retired horse will have to be stabled elsewhere which will result in the driveway in question and road usage in the village to increase.
- Previous owners kept horses at the property for a number of including using a horse trailer every Wednesday and Saturday for a number of years.

## Conclusion

40. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the character or appearance of the Conservation Area or affect the setting of any listed building. There would be no harm to residential amenity or highway safety. The proposal is in accordance with Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.