

PLANNING AND LICENSING COMMITTEE

18 April 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/23/3314473 – Mr & Mrs Mark Hollingsworth - 2022/0310/FUL**
Land South of Langham Road, Ashwell
1 no. dwelling including demolition of privy and sheds.
Delegated Decision - Refusal for the following reasons:

1. The settlement hierarchy in Rutland has been adopted to ensure that new development is located in a sustainable way, where local services will be available and the need to travel is reduced. The application site is located outside of the Planned Limits of Development for Ashwell. There is no indication that the proposal is intended to meet the requirements for housing in the countryside. The benefits of the scheme relating to the provision of one self-build dwelling are limited and the adverse sustainability impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the framework as a whole. As such, the development would be contrary to Policies CS3 and CS4 of the Core Strategy Development Plan Document (2011), and Policy SP6 of the Site Allocations and Policies Development Plan Document (2014).
2. Insufficient information has been provided to demonstrate that the scheme would secure a biodiversity net gain. The application therefore fails to accord with Policy SP19 of the Site Allocations and Policies Development Plan Document (2014) and Policy CS21 of the Core Strategy Development Plan Document (2011).
3. The proposed development, by virtue of its prominent position and its siting, would fail to respect and contribute to enhancing the local vernacular, would be visually intrusive and harmful to the character of the surrounding countryside and would fail to respect or enhance the landscape. The siting of the dwelling would result in adverse visual impacts to the openness and it is considered that the proposal would neither preserve nor enhance the rural, open approach to the village when approaching from the west and leaving the village from the east. The proposal would adversely affect landscape character and setting and is therefore contrary to Policies CS1, CS19 and CS21 of the Core Strategy Development Plan Document (2011) and Policies SP15 and SP23 of the Site Allocations and Policies Development Plan Document (2014).
4. The proposed dwelling would be sited directly adjacent to an existing railway line with limited buffer between the track and the proposed dwelling. This would result in adverse impacts upon the amenities of future occupiers by way of excessive internal and external noise levels. It has therefore not been demonstrated that the proposal would result in an acceptable standard of amenity for future occupants and an acceptable standard of internal and external noise levels. The application would therefore result in conflict with Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and Policy CS19 of the Core Strategy Development Plan Document (2011).

2.2 APP/A2470/D/23/3316778 – Mr & Mrs E Lavallin - 2022/1129/FUL

24 Main Street, Empingham

Demolition of single storey side and rear extensions, addition of new single storey side and rear extension.

Delegated Decision - Refusal for the following reason:

The proposed extensions elongated footprint and appearance is considered to be at odds with the appearance, scale and form of the existing dwelling. The proposal with its excessive extended length past the rear of the house, numerous rooflights and out of proportion glazed openings result in an incohesive form of development which is visually harmful, not subservient and impacts adversely on the character of the existing dwelling and the Empingham Conservation Area.

It is considered, therefore, that the proposed extension by reason of its size, design and appearance would fail to accord with Policies CS19 and CS22 of the Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014), the adopted Supplementary Planning Documents 'Extensions to dwellings' (March 2015), 'Design Guidelines for Rutland' (March 2022) and Sections 12 and 16 of the NPPF (2021).

2.3 APP/A2470/W/22/3312763 – Bowbridge Lane Ltd – 2022/0325/MAO

Outline planning application for up to 150 residential dwellings (Class C3), with all matters reserved except for access for the development of land off Main Road, Barleythorpe.

Delegated Decision – reason for refusal:

1. The application proposes the construction of up to 150 dwellings on land adjacent to the existing edge of the settlement of Barleythorpe. The land on which the application is proposed forms the last piece of land separating the settlement of Barleythorpe from the town of Oakham on the west side of Main Road. The proposal would therefore result in the physical and visual coalescence of the two settlements resulting in irrevocable harm to the character of the settlement of Barleythorpe in particular, contrary to the aims of the policies of the development plan and the guidance contained within the Interim Position Statement for Housing Development (May 2022). The scale of the development proposal in relation to the settlement of Barleythorpe would also be contrary to the provision of the development plan, in particular policy 1 of the Oakham and Barleythorpe Neighbourhood Plan (2022), policy CS19 of the Rutland Core Strategy (2011) and SP15 of the Site Allocations and Policies DPD (2014).
2. The application site is located on land that is classified as 'best and most versatile', with 90% of the area falling within grades 1 and 2. Paragraph 174 of the National Planning Policy Framework requires Local Planning Authorities to recognise the economic and other benefits of the best and most versatile agricultural land. The loss in this instance of in excess of 6Ha of such land constitutes harm that is not justified in terms of the documentation supplied with the application and the proposal is therefore contrary to paragraph 174 of the National Planning Policy Framework.
3. The application is accompanied by a document including reference to Heads of Terms for a legal agreement under Section 106 of the Planning Act. The applicant has also indicated that they would be willing to include within such a document issues relating to the Biodiversity Net gain proposed as part of the application. It is considered that requested Highway enhancements would also need to be agreed under the terms of such an agreement, however due to the decision to refuse the application such agreement has not been completed. The

application therefore has failed to adequately address provision of affordable housing, open space, Biodiversity Net Gain and highway enhancements, all of which are required to make the development acceptable in planning policy terms

3. DECISIONS

3.1 APP/A2470/D/22/3295803 - Mr David Taylor - 2021/1134/FUL

The Limes, 42 Burley Road, Langham, Rutland, LE15 7HY
Retrospective application to tarmacadam driveway and yard.

Delegated Decision

Appeal Dismissed – 13th March 2023

3.2 APP/A2470/W/22/3301737 – Jeakins Weir Ltd – 2021/1124/MAO

Land North of Braunston Road, Oakham, LE15 6LZ

Outline application for the development of up to 100 no. dwellings including up to 30% affordable housing, open space, green infrastructure, children's play area and SuDS. All matters reserved except access.

Committee Decision

Appeal Allowed – 17th March 2023

Application for Costs Allowed – 17th March 2023

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.