

PLANNING AND LICENSING COMMITTEE

18th July 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/D/23/3314943 – Mr Cassa Miller – 2022/0262/FUL**
Stone Cottage, Ketton Road, Hambleton, LE15 8TH
Proposed erection of garage, new vehicular access and alterations to the existing access and associated works, including alterations to the boundary treatment.

Delegated Decision - The proposed development by virtue of the size and location would not be in keeping with the streetscene and surrounding context and would result in harm to the setting of the Stone Cottage, a Grade II Listed Building, the neighbouring heritage asset known as Marys Cottage to the east of the application site, and would fail to preserve and/or enhance the character and appearance of the Hambleton Conservation Area. The requirements of section 16 of the NPPF, sets out the national policy criteria for preserving and enhancing the historic environment and considers the impact of a proposed development on the significance of a designated heritage asset, where great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 - 202 of the NPPF requires the decision maker to weigh this harm against the public benefits of the proposal. The proposal for the garage would be considered to amount to less than substantial harm on the significance of the heritage assets being the host listed building, the neighbouring listed building at Marys Cottage and the Hambleton Conservation Area, however whilst less than substantial harm arises, this does not imply a less than substantial objection. When balancing the public benefit, then there is none, as the scheme represents a benefit to the custodian and not to the public. Therefore, the less than substantial harm identified by the proposal is not outweighed by the public benefit in this case. The proposal therefore does not accord with NPPF (Section 12 and 16) Policies CS19 and CS22 of the Rutland Core Strategy Development Plan Document (July 2011) and Policies SP5, SP15 and SP20 of the Rutland Site Allocations and Policies Development Plan Document (October 2014) and Adopted SPD.

The proposed new access to the site is inadequate and below the standard required by reason of substandard vehicle to pedestrian visibility splays. As a consequence the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety of users of the adjoining public highway contrary to NPPF (Section 9) and Policy SP15 of the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014

2.2 APP/A2470/W/22/3312763 - Ms Nikki Beers - 2022/0325/MAO
Land To The West Of Main road, Barleythorpe
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.
Hearing Date: Wednesday 5th July 2023

Delegated Decision - Refused for the following reasons:

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.

**2.3 APP/A2470/D/23/3318823 – Ms J Dorman – 2022/1289/FUL
Serendene, 16 Cold Overton Road, Langham
Resubmission of planning application 2022/0469/FUL - Proposed bungalow alterations and extension including detached garage.**

Delegated Decision - The addition of a further two-storey element would cumulatively result in extensions that would not be sympathetic to the size, scale, massing and appearance of the existing dwelling and would not be subservient to the host property, further elongating the side elevations and resulting in disproportionate extensions to the dwelling. As such, by reason of size, scale and massing, the proposal would be out of keeping with the dwelling and harmful to the character of the conservation area, contrary to Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD, Policies BD1 and CH1 of the Langham Neighbourhood Plan and the SPD Extensions to Dwellings. The proposed enlarged dwelling would require a minimum of 3 allocated parking spaces in accordance with Appendix 2 of the Site Allocations & Policies DPD. These are unachievable within the site with the garage in the proposed location. Furthermore, given the constraints of the site, it would not appear feasible for independent manoeuvring and turning of vehicles. As such, the increase in the size of the dwelling over the extant approval would cumulatively result in additional traffic generation with insufficient parking and turning space within the site to satisfactorily accommodate the vehicles or allow turning so that vehicles can enter and leave the site in a forward gear. The proposal is therefore contrary to Policy SP15 of the Rutland Local Plan Site Allocations & Policies DPD 2014.

2.4 APP/A2470/W/23/3318651 – Peter and Polly Keightley and Rubinstein – 2022/1290/FUL

Land North of Uppingham Road, Caldecott

The conversion of a redundant building to form a single dwelling with new access gate.

Delegated Decision - The application site is located outside the Planned Limits of Development for Caldecott. 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).

The proposed development would result in a change in the character of the site from one that is currently agricultural in appearance to an overtly domestic character. The appearance and modernisation of the proposed dwelling and positioning in relation to the adjacent open countryside would result in an undesirable change in character in this part of the village which would harm and diminish the rural appearance of this locality having a negative impact

Taking the above into account, it is considered that, by virtue of the design, scale and location the proposal would have a detrimental impact upon the character or appearance of the open countryside and local area contrary to NPPF 2021 (Section 12), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

2.5 APP/A2470/D/23/3322423 - Rachael Jaques – 2023/0163/FUL

18 Cresswell Drive, Cottesmore, Rutland, LE15 7DY

Two storey side extension (with the first floor element to be flush with the house) and single storey rear extension. Resubmission of application 2022/0628/FUL.

Delegated Decision - The proposed two-storey extension, by reason of size, scale, massing and siting, would not be subservient to the host dwelling and would result in a terracing effect on the streetscene, infilling the space between two evenly sited dwellings without incorporating any setback or lower ridge height. As such, the proposal would be out of keeping with the dwelling and harmful to the streetscene, contrary to Policy CS19 of the Core Strategy, Policy SP15 of the Site Allocations and Policies DPD and Policy COT H5 of the Cottesmore Neighbourhood Plan.

3. DECISIONS

3.1 APP/TPO/A2470/8653 – Mrs Farmer – 2021/0407/PTA

3 Chapel Lane, Barrowden, Rutland, LE15 8EB

T1 – Cedar – fell and replace with tree of moderate growth habit.

Delegated Decision

Appeal Allowed – 11 April 2023

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

Hazel Hill Farm, Wing Road, Morcott, Rutland, LE15 9DA

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

Delegated Decision

Appeal Allowed – 11 April 2023

Costs Application – Partial Award of Costs Allowed – 11 April 2023

3.3 APP/TPO/A2470/9194 – Lea Dawson – 2022/0032/PTA

4 Spinney Lane, Stretton, LE15 7RB

1 no. Wellingtonia - Reduce by 20 metres.

Delegated Decision

Appeal Dismissed – 3 May 2023

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

24 Main Street, Empingham, LE15 8PS

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

Delegated Decision

Appeal Dismissed – 4 May 2023

3.5 APP/A2470/W/22/3290466 – Mr William Ashmore – 2020/0818/FUL

1 Wheatsheaf Lane, Greetham, LE15 7NS

Proposed erection of 1 no. dwelling. Single storey side and rear extension and new porch to existing dwelling.

Delegated Decision

Appeal Dismissed – 16 May 2022

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 APP/A2470/C/22/3295642 – Mr Paul Bird

Hazel Hill Farm, Wing Road, Morcott, Rutland, LE15 9DA

Appeal against Enforcement Notice issued 25 February 2022

Appeal Decision – The Enforcement Notice is Quashed – 11 April 2023

Costs Application – Partial Award of Costs Allowed – 11 April 2023

5.2 APP/A2470/C/22/3295643 – Miss Louise Holland

Hazel Hill Farm, Wing Road, Morcott, Rutland, LE15 9DA

Appeal against Enforcement Notice issued 25 February 2022

Appeal Decision – The Enforcement Notice is Quashed – 11 April 2023

Costs Application – Partial Award of Costs Allowed – 11 April 2023

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.