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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2023/0279/FUL	ITEM 4	
Proposal:	Retrospective change of use from annexe to holiday let (to include letting to the general public).		
Address:	14 Main Street, Barrowden		
Applicant:	Mr L Gosson	Parish	Barrowden
Agent:	RAW Architecture Ltd	Ward	Ketton
Reason for presenting to Committee:	Objections received from public and Parish		
Date of Committee:	8/8/2023		
Determination Date:	25/5/2023		
Agreed Extension of Time Date:	11/8/2023		

## EXECUTIVE SUMMARY

The proposal is a retrospective application for the change of use of the building from its permitted use as an annexe associated with the occupation of the host dwelling, to use as a holiday let including for letting to the general public.

The principle of the use is accepted due to the previous permission allowing it to be used as a residential annexe, and the amenity considerations associated with use as a holiday let would not be so significantly different to the permitted use as an annexe to justify refusal of the application.

The proposal however makes no provision for off-street parking associated with the holiday let and on that basis the Local Highways Authority has objected to the application, noting that it would be detrimental to highway safety, and raising a secondary concern that accepting this application would make it difficult to resist other similar proposals where no off-street parking provision is made contrary to the relevant planning policy requirements.

## RECOMMENDATION

### **REFUSAL, for the following reason:**

The proposal is for the creation of letting accommodation but does not make provision for off-street parking of vehicles associated with this use. This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), Policy BW12 of the Barrowden and Wakerley Neighbourhood Plan, The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

## Site & Surroundings

1. The application site is located within the historic core of the settlement of Barrowden, accessed from its Main Street but via the rear of the building rather than its front elevation.

2. The property has an outbuilding located to its west, detached from the main dwelling. The main amenity space associated with the dwelling is located to the southwest of this outbuilding, to the side of the property. The site lies within the Barrowden Conservation Area and is a grade II listed building.
3. To the rear of the site lies the neighbouring dwelling, which gains access through the application site from Main Street. Further dwellings lie to the northwest and the northeast of the site.

## **Proposal**

4. The proposal is a retrospective application for the use of the outbuilding as letting accommodation, including letting to the general public.

## **Relevant Planning History**

5. Permission was granted in 2007 (FUL/2007/0728) for the conversion of the outbuilding to a residential annexe, indicated on the floorplans at the time as comprising an office/study and adjoining wc created by demolition of an existing lean-to extension and the creation of a new opening into the western elevation of the outbuilding.
6. A further extension to the outbuilding to provide dog kennel and implement shed was granted in 2008 (FUL/2008/0027) and a subsequent permission (FUL/2009/0077) granted to for a window in the extension.

## **Planning Guidance and Policy**

### **National Planning Policy Framework (NPPF) 2021**

Chapter 2 – Achieving Sustainable Development.

Chapter 16 - Conserving and enhancing the historic environment.

### **Site Allocations and Policies DPD**

SP1 - Presumption in Favour of Sustainable Development

SP5 – Built Development in the Towns and Villages

SP15 - Design and Amenity

SP20 - The Historic Environment

### **Core Strategy DPD**

CS01 - Sustainable Development Principles

CS02 - The Spatial Strategy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS15 - Tourism

CS22 - The Historic and Cultural Environment

### **Neighbourhood Plan**

BW13 – Bed and Breakfast Accommodation

## Officer Evaluation

### Principle of the use and impact on neighbouring amenity

7. The proposal is for the use of the outbuilding as a holiday let, specifically one available for letting by the general public not necessarily associated with the occupation of the main dwelling.
8. Permission was previously granted for use of the outbuilding as a residential annexe, and although the plans at the time showed the internal space to be used as an office, no restrictions were placed on the permission to prevent additional residential accommodation being provided within the building at that time. Consequently the 2007 permission allows for use of the building for the accommodation of visitors associated with the dwelling, it is the commercial letting aspect of the scheme that requires permission and is sought by the current application.
9. The consideration of the application therefore must focus on the potential differences between accommodation of visitors to the property in association with its occupation, and visitors on a commercial basis and the impacts those differences may have on the property and its surroundings, including the amenity of neighbouring dwellings.
10. Policy CS15 of the Core Strategy sets out the position in relation to tourism development, and states the following:

*The strategy for tourism is to:*

  - a) allow provision for visitors which is appropriate in use and character to Rutland's settlements and countryside;*
  - b) support the enhancement of existing tourist and visitor facilities in Oakham, Uppingham and villages in line with the Locational Strategy in Policy CS4;*
  - c) support the retention and enhancement of existing overnight accommodation and the provision of new overnight accommodation in Oakham, Uppingham and the villages in line with the Locational Strategy in Policy CS4;*
  - d) allow new tourism provision and initiatives in Oakham and Uppingham and villages where these would also benefit local communities and support the local economy; and;*
  - e) allow new tourism development of an appropriate scale and use which utilises existing historic buildings in the countryside (adjacent or closely related to the towns, local services centres and smaller services centres) while respecting their character.*
11. The Site Allocations and Policies Development Plan Document contains no specific policies relating to holiday lets such as the application site, instead noting in section 8.58 that the policy framework within CS15 and SP5 is considered

sufficient to manage such proposals within the limits of the Towns and Villages. Policy SP5 states the following.

*Sustainable development within the Planned Limits of Development of Oakham, Uppingham and the villages will be supported provided that:*

*a) it is appropriate in scale and design to its location and to the size and character of the settlement;*

*b) it would not adversely affect the environment or local amenity;*

*c) it would not individually or cumulatively with other proposals, have a detrimental impact upon the form, character, appearance and setting of the settlement or neighbourhood and its surroundings;*

*d) it would not be detrimental to features and spaces which contribute to the important character of the settlement and the locality.*

12. The policy framework in relation to the proposal and the principle of the development is therefore one of support, subject to assessment of its impacts not resulting in unacceptable harm to its surroundings, and the proposal is of a type that would be likely to result in support to existing local facilities such as the village pub and shop.
13. In this regard the impacts will be twofold. First, from the use of the building and any outdoor space by guests and the potential for amenity impacts to arise to the neighbouring properties, and second from the additional vehicular movements and parking implications generated by the use in this location.
14. Taking first the matter of amenity, the main impact here is in relation to the use of the site by paying guests, and consideration therefore needs to be given to the scheme on the basis of whether or not the use of the site in this way would give rise to materially different or greater impacts than the use of the site purely in association with its main role as a residential dwelling.
15. The outbuilding accommodates a single bedroom, shower/wc and kitchenette. It is therefore capable of accommodating at most two guests, and the kitchenette is such that it would be unlikely to be used for the preparation of significant meals. There is no sitting room or similar space within the building for daytime living beyond the bedroom.
16. On this basis, the proposed use would not be materially different to occupation of the building in association with the main dwelling and there is no justification for concluding that its use as a holiday let would lead to harm to neighbouring amenity as an inevitable consequence of that use.
17. In principle therefore, it is considered that the proposal is in accordance with the relevant policies of the development plan.

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

18. In terms of the impact of the proposal on the character of the area, the proposed use is of no materially different character to the permitted scheme for an annexe associated with the occupation of the main house. Consequently the character impact is considered to be acceptable.

### Heritage

19. In terms of the impact of the proposal on the heritage assets, the proposed use has no materially different impact on the Conservation Area or the Listed Building than the permitted scheme, and therefore there is no harm to be weighed in the balance of the decision.

### Highway issues

20. The second of the main impacts arising from the proposed use is that relating to impacts on the highway and parking in the area as a result of the proposal. The applicant has confirmed in writing that the proposal does not seek to add parking spaces within the curtilage of the property as shown on the originally submitted plans.
21. The situation therefore in respect of parking at the property is that there are no practical parking spaces available within the curtilage of the dwelling, either for use of the occupier(s) of the main dwelling or for visitors to the holiday let. There are no restrictions to parking on Main Street in front of the property, with areas approximately 22m and 9m in length available for the parking of vehicles to either side of the site entrance. A typical parking space would be in the region of 5.5m long, meaning there is sufficient parking in front of the property to accommodate 4 vehicles, although this space is not allocated parking for the application property and the proposal would result in additional demand on this space whilst in occupation.
22. Policy BW12 of the Barrowden and Wakerley Neighbourhood Plan states the following:

*A material change of use of existing residential or commercial development to provide bed and breakfast accommodation of a small scale will be supported provided that the proposal:*

  - i. Will not have a significant adverse impact on the character of the surroundings;*
  - ii. Will not have a significant adverse impact on the amenities of the occupiers of neighbouring properties or the wider area; and*
  - iii. Includes adequate provision for on-site parking, servicing and manoeuvring.*
23. The host dwelling if constructed today would have a requirement to provide 2-3 off-street parking places and therefore there is a current underprovision of parking in this location. The proposed holiday letting unit would also have a requirement for a minimum of 1 further parking space, and as such exacerbates

the underprovision of parking present, and is therefore contrary to the above policy.

24. The Local Highways Authority has stated that they have an objection to the proposal in relation to this underprovision of off-street parking, noting that it considers the requirement to park any associated vehicles within the highway would be detrimental to highway safety. The LHA also notes concern regarding the principle of allowing this accommodation without off-street parking provision and the implications this may have for future developments of a similar nature in other locations.

#### Section 106 Heads of Terms

25. Not applicable

#### Crime and Disorder

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

#### Human Rights Implications

27. 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.
28. It is considered that no relevant Article of that act will be breached.

### **Consultations**

29. Local Highways Authority

The location and site plan shows 3 x car parking spaces within the site curtilage however it should be noted that there is no parking proposed for the annexe.

Outside No.14 Main Street there are a number of vehicles parking on street. These vehicles are parked on the bend which reduces the visibility of vehicles traveling east.

If the proposed development is approved an additional vehicle will be required to park on the highway which will be detrimental to highways safety. Additionally if this development is approved it could set a precedent in rural villages, whereby properties could use an annexe for an Airbnb without suitable parking facilities.

The LHA therefore recommend refusal of this application for the following reasons:

The proposed development would not provide adequate facilities within the curtilage of the site for parking of vehicles and turning of vehicles

Reason: This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

If this proposal were permitted, the Local Highway Authority would find it difficult to resist similar proposals on other nearby sites, the cumulative effect of which would be to increase in vehicles parking dangerously, partly on the footways, so impeding the free flow of other road users and increasing the risk of accidents and endangering pedestrians and other highway users.

Reason: This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

### 30. Barrowden Parish Council

Barrowden Parish Council reviewed this application when they met on 12th April 2023 .

Existing planning consent is for a home office and dog kennel , approved in 2009, however the retrospective application presents a completed change into a bedroom , shower room and kitchen which has been used for holiday accommodation.

Councillors were unanimous in their recommendation to REFUSE permission to the proposed application for the following reasons:

Barrowden and Wakerley Neighbourhood Plan, which still takes precedence over the County Local Plan documents, states:-

#### Policy BW12

A material change of use from a residential or commercial development to provide bed and breakfast accommodation of a small scale will be supported provided that the proposal :

- i) Will not have a significant adverse impact on the character of the surroundings
- ii) Will not have a significant adverse impact on the amenities of the occupiers of neighbouring properties or the wider area; and
- iii) Includes adequate provision for on-site parking, servicing and manoeuvring

BW12 (ii) The proposed development does have a significant and adverse impact on the occupiers of especially 16 Main Street whose only access to their house is through a footpath in the centre part of the area shown for parking. The front garden and main front door of No 16 are directly overlooked from the bedroom window and entrance door to the proposed holiday let. The proximity is very close and there is clearly potential for significant disturbance with no



obvious way to mitigate that.

BW12 (ii) The parking arrangements depicted on the plan for the proposed development shows 3 cars parked within the gravelled area between and around No 14 and the proposed holiday let.

We have reviewed the site and conclude that to be completely unrealistic, there is simply not enough space for 3 vehicles and extremely limited manoeuvring room even for 1 vehicle. The entrance to the proposed parking area is on a particularly congested part of Main Street and it seems that any vehicle entering would need to reverse in between parked vehicles or reverse out , again onto a narrow section of road with poor visibility splays.

There are also 2 policies in the Site Allocation and Policies Development Plan Document October 2014 with which this proposal fails to comply:-

SP15 (c) states that

The development should protect the wider environment , neighbouring uses'.in terms of overlooking, loss of privacy,'. noise and other forms of disturbance.

As explained in BW12 (ii) above, the impact on the residents of No16 Main Street would be significant in that there will be a loss of privacy due to the immediate proximity of the application building to the front garden of No16 which they use as a seating area. There is also the risk of increased noise from the development's guests, exacerbated by the frequent changeover of those guests .

SP15 (L) states that:-

Adequate vehicle parking facilities must be provided to serve the needs of the proposed development.

The two parking places shown to the rear of No14 do not in fact exist as this is a constructed patio area with a step up of around 200mm high and even if this were to be removed it is highly questionable if any car could be manoeuvred into the spaces as suggested.

The one parking space which does exist in front of the proposed development should be used by the occupant of No 14 Main Street as their off-street parking space to meet the requirements of SP15 (L) and is therefore not available for the holiday let

Finally the layout of the unit is unconventional with the bed /sitting area connecting to the kitchen through a shower and toilet area, and we suspect that there was no building regulations approval sought as the modifications were done without planning consent.

We therefore conclude that the building is only suited for use in line with the approval granted in 2009 as a home office /kennel and is unsuitable for use as self-contained accommodation for holiday letting.

With regard to the additional door opening which has been added since 2009, this does not appear to harm the fabric of the building nor the appearance of the curtilage of the listed building. We would not expect enforcement action to be taken to re-instate it to its 2009 condition unless it significantly impacts the historic nature of the interior of the building.

## **Neighbour Representations**

31. Responses were received from two neighbouring properties in respect of the proposal, raising the following matters:
  - Concern over the increase in numbers of cars parking on the street.
  - The annexe is in close proximity to the neighbouring garden, with the bedroom window overlooking that amenity space.
  - There is no way of knowing the character of potential occupants of the holiday let, and the potential for occupants to move back and forth from the building impinges the neighbouring right to privacy in their own garden.
  - The potential for guests to play music, stand or sit outside the building eating meals, drinking and/or smoking would impact on the enjoyment of the neighbouring garden without being imposed upon by random strangers.
  - Previous guests at the premises have demonstrated anti-social behaviour.
  - Parking on the land could not happen without impeding access to the neighbouring dwelling (the applicant has confirmed the on-site parking is to be removed from the application).
  - Concern over harm to the security of the neighbouring dwelling from occupants of the holiday let.
  - Obscure glazing of the bedroom window within the unit is not considered to address the privacy impact, which relates not only to the window but also the proximity of the building to the neighbouring garden.
  - Use of the access is currently for the sole use of the owners and visitors of 14 and 16 Main Street, not paying guests.
  - The neighbour has no confidence that the applicant would comply with any terms set out for the usage of the holiday let if it were granted planning permission.
32. Officers consider there is a need to clarify certain aspects of the proposal in relation to the neighbouring comments received.
33. First, the previous application did not grant permission specifically for an office and dog kennel. Permission was granted for a residential annexe and such a building could be used to accommodate private guests of the owner/occupier of 14 Main Street without the need for planning permission.
34. Secondly, in planning terms there are no grounds to assume that paying guests will behave in a way likely to cause anti-social behaviour – the proposed use as a holiday let is considered to have the same amenity impacts as would a residential use as part of the existing dwelling.

35. Thirdly, the right or otherwise for the applicant to have paying guests using the access is not a matter for the consideration of the Local Planning Authority, this is a private matter.
36. Finally, should planning permission be granted then non-compliance with any planning conditions imposed would be a matter for the consideration of taking enforcement action and suspicion that conditions will not be complied with is not justification for refusal of a scheme.
37. Applicant response to comments received.

The applicant provided a statement following the initial comments received in relation to the proposal, which stated the following. No judgement is made regarding the veracity of the comments within the response.

- The property was bought in 2020 and was bought as a 4-bedroom house with an annexe, which contained a wet room, wc and utility room as well as space for a bedroom.
  - The applicant discussed the potential for letting with neighbours prior to undertaking the works to facilitate this.
  - A guest in the premises was asked to leave by the applicant following concern being raised. At this time the applicant sought retrospective planning permission having been advised by RCC Officers that it was required.
  - The applicant is willing to have a restriction on there being no visiting pets allowed and is willing to provide obscure glazing to the bedroom window.
  - There is no intention to provide parking within the curtilage of the property and this aspect of the application should be removed.
38. Again, Officers consider it necessary to clarify elements of the consideration of the application in respect of these comments.
  39. First, whether the matter was discussed with neighbours prior to the use being implemented is not material to the consideration of the application.
  40. Secondly, again the behaviour of potential guests is not a material consideration.
  41. Thirdly, should members consider there is a need to provide obscure glazing to the bedroom window this could be required by condition, however it would need to be justified in planning terms as mitigating an identified impact. This would also be the case should members wish to consider a condition restricting the accommodation of pets within the building (and taking into account there is no mechanism for preventing the occupant of the dwelling from having pets at the premises).

## Conclusion

42. On the matter of the principle, it is clear that an existing permission was granted for the use of the building as a residential annexe to the main house. In planning terms, there is no method by which the use of that annexe could have been restricted to office/dog kennel use only and as such the principle of providing additional accommodation within the building is established by the earlier permission. What is not established is the use of the building as letting accommodation and the additional parking requirements associated with that use in comparison to its occupation as accommodation subservient to the main house.
43. The second conclusion to be reached in relation to the proposal is in relation to the matter of the impact of the development on on-street parking in Barrowden. The proposal makes no provision for off-street parking of vehicles, which is specifically required by the Neighbourhood Plan policy BW12 and the Site Allocations and Policies Development Plan Document policy SP15. The Local Highways Authority has confirmed that it considers such lack of provision to constitute harm to highway safety and therefore this reason is considered to justify refusal of the application in its own right.