

# PLANNING AND LICENSING COMMITTEE

8<sup>th</sup> August 2023

## APPEALS

### Report of the Strategic Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Paul Browne - Portfolio Holder for Planning and Property	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 <a href="mailto:psharp@rutland.gov.uk">psharp@rutland.gov.uk</a>
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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/23/3323586 – Mr Philip Davies – 2022/1213/MAO

Land to the East of Normanton Road, Edith Weston, Rutland

Outline application for up to 62 no. dwellings, landscaping and open space with all matters reserved except access.

**Non-Determination Appeal (Decision not yet made)**

**2.2 APP/A2470/W/23/3319472 – Mrs Laura Green – 2022/0866/MAF**

Big Pit Quarry, Bidwell Lane, Clipsham, Rutland

Change of use from disused quarry to a sustainable holiday site including the installation of 6 no. holiday cabins and an honesty shop and associated works to provide vehicular parking and pedestrian access.

**Appeal against Refusal**

**Delegated Decision – Refusal for the following reason:** The proposal is considered to be unsustainable tourist 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 holiday cabins. 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 (Feb 2021).

**2.3 APP/A2470/W/23/3319653 – Miss Rebecca Patiniotis – 2023/0054/FUL**

Stone Cottage, Ketton Road, Hambleton, Rutland, LE15 8TH

Creation of a new vehicular access with metal estate fencing and gates with new driveway. Alterations to the existing access to include widening the access.

**Appeal against Refusal**

**Delegated Decision - Refusal for the following reasons:**

1. The proposed development 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 widening the existing vehicular access, changes to the enclosure of the front boundary, the creation of a new vehicular access and hardstanding for parking and turning of vehicles in the front and side garden area 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.

2. 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.

**2.4 APP/A2470/Y/23/3319654 – Miss Rebecca Patiniotis – 2023/0055/LBA**

Stone Cottage, Ketton Road, Hambleton, Rutland, LE15 8TH

Creation of a new vehicular access with metal estate fencing and gates with new driveway. Alterations to the existing access to include widening the access.

**Appeal against Refusal**

**Delegated Decision - Refusal for the following reason:**

The proposed development 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 widening the existing vehicular access, changes to the enclosure of the front boundary, the creation of a new vehicular access and hardstanding for parking and turning of vehicles in the front and side garden area 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.

**3. DECISIONS**

3.1 None

**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.