

# PLANNING AND LICENSING COMMITTEE

24<sup>th</sup> October 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>
	Justin Johnson, Development Control Manager	Tel: 01572 720950 <a href="mailto:jjohnson@rutland.gov.uk">jjohnson@rutland.gov.uk</a>
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/23/3321470 – Mr Fred and Mrs Anne Hutton – 2022/0778/FUL**  
Land South of Lodge Trust, Main Street, Market Overton  
Erection of 8 dwellings, comprising 5 no. bungalows and 3 no. two-storey houses.  
Formation of a new access onto Main Street.  
**Committee Decision – Refusal for the following reasons:**

Policy CS4 of the Core Strategy (2011) identifies that development beyond the planned limits of the villages requires special justification in order to gain planning policy support, identifying a number of types of development considered appropriate to the countryside. The application proposes the construction of 8 market housing units on a parcel of land that lies beyond the planned limits of development within a countryside location. The proposal does not accord with any of the exceptions to development within the countryside set out in the Core Strategy or Site Allocations and Policies Development Plan Document (2014) and therefore is contrary to policies CS4 and of the Core Strategy (2011) and SP6 of the Site Allocations and Policies Development Plan Document (2014). There are no material considerations that outweigh these policies to justify approval of the application.

Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) requires development to be designed so as to provide appropriate and adequate parking facilities for the development, as well as to ensure that it does not have an unacceptable adverse impact on the highway network. The proposed layout indicates unacceptable access proposals to the parking arrangements for plots 4 and 5, and fails to demonstrate adequately how a refuse vehicle/fire appliance would be able to enter and leave the site in a forward gear. The development is therefore contrary to the provisions of policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) requires development proposals to meet the requirements for good design as set out in policy CS19 of the Core Strategy (2011) as well as addressing a number of specific criteria set out in policy SP15. Plots 1-4 of the development have outlooks to the west where their main amenity spaces are located. The western boundary of the current site is formed from a row of mature deciduous trees that have been assessed during the consideration of the application and deemed worthy of protection under a Tree Preservation Order. The rear gardens of these plots are located under and immediately to the east of the canopies of these trees, and as a consequence will experience heavy shade once the sun passes the midday point. This will also result in shading of the rear elevation of the dwellings, and the combination of these effects will restrict the amenity levels experienced by residents of the proposed dwellings contrary to the provisions of policy CS19 of the Core Strategy (2011) and SP15 of the Site Allocations and Policies Development Plan Document (2014).

The documentation accompanying the application states that the scheme falls below the threshold for providing an affordable housing contribution. The location of the site however is a designated rural area and therefore the threshold for provision of an affordable housing contribution is 6 units and above. The proposal also involves the removal of a tree from the site with a calculated value of £4088. The proposal does not allow for a new tree to be planted that could reach this value within the site. The proposal is not accompanied by a completed S106 agreement detailing an appropriate contribution towards affordable housing, nor compensatory tree planting elsewhere within the county, both of which are matters that would be required to make the development acceptable in planning policy terms.

**2.2 APP/A2470/W/23/3323957 - Mr Giles Gilbey – 2021/1450/FUL**

Land to the West of Uppingham Road, Seaton

Change of Use of land from agricultural to equestrian use and the erection of a stable building.

**Committee Decision – Refusal for the following Reasons:**

The proposed equestrian use of the site would utilise the vehicular access that by reason of substandard visibility splays, the intensification of the use of the access above the extant agricultural use of the site, the likely size and nature of vehicles accessing the site and the highway being subject to the national speed limit of 60 mph, would have a detrimental impact on the highway safety. The application is therefore contrary to Policy SP13 f) of the Site Allocations and Policies Development Plan Document 2014 which requires development to have an adequate, safe and convenient access.

**2.3 APP/A2470/W/23/3323746 – Mr and Mrs Brand – 2022/1286/MAO**

Field to the North of Brooke Road, Braunston-In-Rutland

Outline planning application for up to 30 dwellings including access and associated infrastructure on land at Brooke Road, Braunston-in-Rutland.

**Appeal against Non-Determination within the appropriate period**

**3. DECISIONS**

**3.1 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**

**Appeal Dismissed – 4<sup>th</sup> September 2023**

**No application for costs**

**3.2 APP/A2470/W/22/3305249 – Mr Brian Sampson – 2021/1417/FUL**

Clonmel Farm, Cold Overton Road, Langham

Retrospective planning application for construction of an agriculture building and solar panels.

**Committee Decision**

**Appeal Allowed – 11<sup>th</sup> September 2023**

**Application for costs awarded to Appellant**

**3.3 APP/A2470/W/23/3318651 – Mr Peter Keightley & Polly 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**

**Appeal Dismissed – 2<sup>nd</sup> October 2023**

**No application for costs**

- 3.3 APP/A2470/D/23/3314943 – Mr Cassa Miller, David Miller Homes Limited**  
Stone Cottage, Ketton Road, Hambleton  
Proposed erection of garage, new vehicular access and alterations to the existing access and associated works, including alterations to the boundary treatment  
**Delegated Decision**  
**Appeal Dismissed – 25<sup>th</sup> September 2023**  
**No application for costs**

**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.