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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2023/0762/FUL	ITEM 3	
Proposal:	Retrospective change of use of a single dwelling to two separate dwellings known as The Bungalow and Meadow View.		
Address:	Belmesthorpe Lane Ryhall		
Applicant	Mr Philip & Mrs Dawn Wilkinson	Parish	Ryhall Parish Council
Agent:		Ward	Ryhall And Casterton Ward
Reason for presenting to Committee:	Development is a departure from adopted local plan		
Date of Committee:	7 November 2023		
Determination Date:	2 October 2023		
Agreed Extension of Time Date:	10 November 2023		

## EXECUTIVE SUMMARY

**The application proposes the sub-division of the existing house into two dwellings and subdivision of rear garden and onsite parking and garaging. They would not have an adverse impact on neighbouring residential amenities and/or the character of the surrounding area This application is being reported to the Committee as the proposed development would be contrary to Adopted Local Plan Policies and represent a Departure from the Adopted Local Plan.**

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Block Plan received 11 September 2023, Drawing No 002 Rev A, Drawing No 004 Rev A, Drawing No 006 Rev A, Drawing No 008 Rev A, Drawing No 010 Rev A,  
Reason - For the avoidance of doubt and in the interests of proper planning.
2. The rear garden areas for The Bungalow and Meadow View shall be subdivided in accordance with details shown on Block Plan received 11 September 2023, prior to the occupation of property known as The Bungalow, Belmesthorpe lane Ryhall.  
Reason: To provide adequate amenity space to serve both dwellings.
3. The property known as the Bungalow shall not be occupied until details of the design and materials of rear boundary fence/wall have been submitted to and approved in writing by the Local Planning authority. The approved wall/fence shall be erected prior to the dwelling known as 'The Bungalow' being occupied and thereafter retained in the approved form.  
Reason: In interest of residential amenity.

## **Site & Surroundings**

1. The property is located on the western side of Belmesthorpe Lane situated between the villages of Ryhall and Belmesthorpe outside the planned limits of development for both Ryhall and Belmesthorpe. The front existing single storey element (the bungalow) is set back approximately 9m from Belmesthorpe Lane with the adjoining the two-storey element (the annex) being set back approximately 6m from Belmesthorpe Lane. The property is served by 2 No existing vehicle accesses and has separate parking and garaging to serve both dwellings.

## **Proposal**

2. The current application is retrospective change of use of a single dwelling known as the Bungalow into two separate dwellings now known as The Bungalow and Meadow View, Belmesthorpe Lane Ryhall. Planning permission granted under reference No FUL/20070037/CN for alterations to annex to create a first-floor accommodation was granted approval subject to a condition (No 4) that stated 'The use hereby permitted shall be solely ancillary to the principal dwelling and shall not be sold, let or occupied separately from the principal dwelling house.'

## **Relevant Planning History**

FUL/2000/0216/9/REH Construction of single storey extension to east and south elevations of dwellinghouse Approved 12 June 2000

FUL/2003/0565 Re-site existing shed. Erect building to be used for storage/domestic stable and cattery for up to 20 cats. Approved 19 November 2003

FUL/2007/0037 Alterations to annex to create first floor accommodation. Approved 19 March 2007

2021/1092/FUL Change of use from cattery to self-contained holiday let. Approved 24 December 2021(not implemented to date)

## **Planning Guidance and Policy**

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

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 - Achieving well-designed places

### **Site Allocations and Policies DPD (2014)**

SP6 - Housing in the Countryside

SP15 - Design and Amenity

### **Core Strategy DPD (2011)**

CS3 - Settlement Hierarchy

CS4 - Location of Development

CS19 - Promoting Good Design

### **Neighbourhood Plan**

There is no adopted neighbourhood plan for the parish.

### **Officer Evaluation**

#### Principle of the use

3. The main issue is the principal of allowing the subdivision of one dwelling in the open countryside in to two dwellings. Therefore, creating a new dwelling within the open countryside.

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

4. The proposed subdivision of the existing detached dwellinghouse into a semi-detached property would not be obvious and there would be no extension to the existing enclosed curtilage of the property, as due to its size it is easily subdivided. No external alterations are necessary to the existing property to enable to function. The property has to vehicular accesses as two separate dwelling. by reason of their design would not have an adverse impact upon the character of the surrounding area

#### Impact on the neighbouring properties

5. The nearest property is a holiday let property called 'Elderflower Cottage' approximately 54m to the north and is in the ownership of the applicants. There are no other nearby properties that could be affected by the changes.

#### Planning Policy

The Rutland Core Strategy (2011)

Policy CS3 – The settlement Hierarchy

6. Policy CS3 states that open countryside and villages not identified in settlement categories are classified as Countryside. This proposal is situated in an isolated location, devoiced from the planed limits of any nearby settlement. Policy CS3 in the adopted Core Strategy identifies the application site as being in open countryside.

Policy CS4 – The Location of Development

7. Policy CS4 states that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11.

Site Allocations & Policies DPD 2014

Policy SP6 - Housing in the Countryside

8. The Bungalow and Meadow area is located in open countryside where residential development is only acceptable 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
9. Development in the open countryside is not normally considered to be a sustainable location for further development, unless it is development normally acceptable in the countryside. The 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 subdivision of existing properties or to new build unless it is to meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11.
10. In light of the above, the proposal for the subdivision of the existing property into two dwellings would not accord with the above-mentioned policies within the existing adopted plan.
11. NPPF (2021) paragraph 79, states housing should be located where it will enhance or maintain the vitality of rural communities. The settlement hierarchy in Rutland ensures new development is located in a sustainable way, where local services will be available and the need to travel is reduced.
12. However NPPF (2021) paragraph 80 states that, planning policies and decisions should avoid the development of isolated homes in the open countryside unless one or more of the following circumstances apply;
  - a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) The development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) The development would involve the subdivision of an existing residential property ; or
  - e) The design is of exceptional quality, in that it:
    - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural area; and
    - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
13. Although the proposed development would not accord with current Adopted Local Plan Policies it would comply with paragraph 80 (d) of the NPPF (2021).

It is considered that in this instance planning permission would be approved at appeal should the application be refused due to be being contrary to the Councils Adopted Local Plan due to the NPPF being support of the subdivision of existing properties.

14. There are no proposed alterations to the external appearance of the existing property. The front garden areas were already subdivided and relate to each property. A revised block plan has been submitted showing an acceptable size of rear garden area to sever each property.

#### Highway issues

15. Separate garaging and parking facilities already exist for each property so that they can coexist with no loss of amenity for either party. Off street car parking would comply with the Councils adopted standards for both dwellings.

#### Crime and Disorder

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

#### Human Rights Implications

17. 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.
18. It is considered that no relevant Article of that act will be breached.

### **Consultations**

#### **19. Parish Council**

The Ryhall and Belmesthorpe Planning Committee have had an opportunity to consider the above application. In principle we have no objection to the above application

#### **20. RCC Highways**

The LHA note that the revised block plan now correctly shows the area of the entire original dwelling including both areas of parking. It is furthermore noted that the dwelling already appears to have two separate accesses to serve each plot post approval, should that be the case. Each plot has sufficient parking and turning individually.

Given this, the LHA raise no highway objection to the proposal.

#### **21. Environmental Protection**

No objection

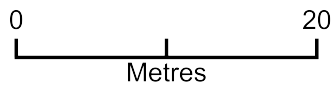
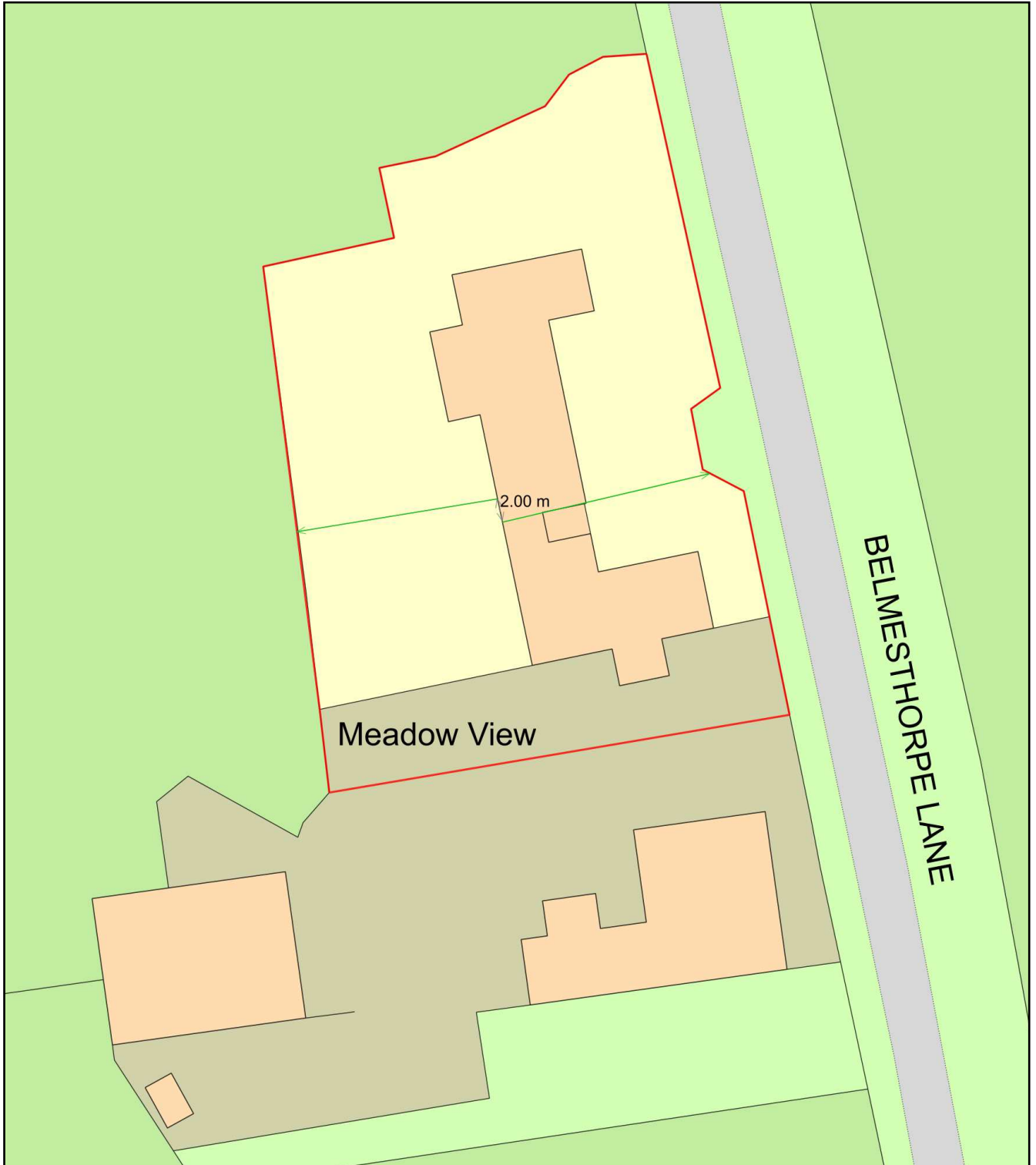
### **Neighbour Representations**

None

## **Conclusion**

22. The proposed development would be in accordance with National Planning Policy Framework. No external alterations have been made to the design of the existing property. Off Street car parking would comply with the Councils adopted standards. It is recommended that that application is approved subject to conditions.

Meadow View - Application 2023/0762/FUL



Plan Produced for: Rutland CC - Planning

Date Produced: 11 Sep 2023

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Scale: 1:500 @ A4