

PLANNING AND LICENSING COMMITTEE

21st November 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 psharp@rutland.gov.uk
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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/23/3325242 – Mr Andrew Clover – 2023/0470/OUT

Land off, Willoughby Drive, Empingham

Outline application for 4 no. dwellings (all matters reserved)

Reason for Refusal:

- 1. The site is located beyond the planned limits of development of the village of Empingham. The proposed location of the dwellings provides an attractive and valuable transition between the distinguishable edge of the built-up area to this side of the village of Empingham and the wider, open area to the south and east. The proposal would negatively impact on the edge of the settlement and would hamper the assimilation of the settlement into the surrounding landscape, eroding the rural transitional nature and character of the site, harming the character and appearance of the local area. Furthermore, the siting and built form of dwellings in this location are not appropriate for the sensitive landscape and heritage context of the application site and would visually and physically encroach into the open countryside, interfering with views of the Empingham Conservation Area from within the surrounding countryside.**

The benefits of the scheme are therefore limited and significantly outweighed by the harm. As such, in accordance with paragraph 11(d), the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework as a whole.

The presumption in favour of sustainable development does not therefore apply and material considerations do not justify a decision otherwise than in accordance with the development considered as a whole.

The proposal therefore would be contrary to Sections 5, 12, and 16 of the NPPF (2021), Policies CS4, CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP6, SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

- 2. The proposal for just 4 dwellings is considered to be under-development of the site and lower to what can be delivered on the site based on the developable area of the site. As such, the proposal for 4 dwellings on this site is contrary to Policy CS10 - Housing Density & Mix of the Rutland Core Strategy. The policy states on sites of more than 0.3 ha or more, will be expected to achieve 30 dwellings per hectare in the villages.**
- 3. Sites of 6 to 10 dwellings in villages are liable to pay an affordable housing commuted sum, calculated according to the Planning Obligations SPD 2016. The proposal is also contrary to Policy SP9 of the Rutland Site Allocations & Policies Development Plan Document as the applicant has under-developed the site in a way that is likely to reduce the affordable housing contribution and/or promote off-site provision." The proposal for 4 dwellings is a particularly low density and not reflective of the surrounding development in the village and not the best use of land. There is little supportive evidence for the justification for such a low density and how this accords to both national and local policy.**

4. It is considered that the development does not meet the requirements of the NPPF Section 15 (180 d) to secure measurable net gains for biodiversity together with Policy CS21 of the Core Strategy (2011) and Policy SP19 of the Site Allocations and Policies Development Plan Document (2014).

2.2 **APP/A2470/W/23/3321168 – Mr & Mrs Garrity – 2022/0846/FUL**

22 & 24 Northgate, Oakham

Installation of 4 no. conservation type velux windows to the front elevations of the properties.

Reason for Refusal:

The proposal to install conservation-type roof lights would result in the unjustified loss of historic fabric, to the detriment of the historic significance of the listed building. The harm, although less than substantial, would not be outweighed by wider public benefit, as required by paragraph 196 of the National Planning Policy Framework (2021). The proposal would also be contrary to Policy CS19, CS22 of the Rutland Core Strategy (2011) and Policy SP15, SP20 of the Rutland Site Allocations & Policies Development Plan Document (2014), Supplementary Planning Document - Design Guidelines for Rutland (2022), and Policy 6 of the Oakham and Barleythorpe Neighbourhood Plan (2022).

3. **DECISIONS**

3.1 **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.

Original Refusal: Committee Decision

Appeal Withdrawn – 30 October 2023

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

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