

PLANNING AND LICENSING COMMITTEE

27th February 2024

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	
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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/23/3331018 - Mr Mel Evans - 2022/0861/FUL**
 Land off Main Street, Cottesmore
 Erection of no. 8 dwellings on land to the southeast of Main Street, Cottesmore
Committee Decision (recommendation overturned)

1 - The application site is located outside the planned limits of development of Cottesmore village. Policy CS4 of the Rutland Core Strategy 2011, policy SP6 of the Site Allocations and Policies DPD 2014 and policy H1 of the Cottesmore Neighbourhood Plan 2016 restrict development outside of the planned limits of the villages to those types of development suitable to a countryside location. Housing is not identified within those policies as being an appropriate use in a countryside location without there been an essential need. No essential need has been demonstrated that would justify the acceptance of housing in this countryside location as such acceptance of the proposal would be contrary to the policies CS4, SP6 and H1 set out in the development plan. There are no material considerations that outweigh these policies to justify approval of the application.

2 - The development proposes the erection of eight dwellings comprised of three house types. 3 x Type A 3 bedroom bungalows, 3 x Type B 4 bedroom dwellings and 2 x Type C 6 bedroom dwellings. Policy COT H2 of the Cottesmore Neighbourhood Plan 2016 requires developments to be predominantly a mix of three-bedroom and 1/2 bedroomed starter homes. Policy COT H2 also states that developments for larger dwellings over 3 bedrooms should only be considered acceptable if applicants can show exceptional circumstances, particularly in proving that they are meeting an identifiable shortfall in accommodation. It is the Local Planning Authority's opinion that no such exceptional circumstances have been demonstrated and therefore acceptance of the proposal would be contrary to Policy COT H2 of the Cottesmore Neighbourhood Plan 2016.

3 - Policy COT H3 of the Cottesmore Neighbourhood Plan 2016 requires the provision of affordable housing and states that on all rural exception sites and for sites of more than 5 dwellings the affordable housing should be provided on site. Where affordable housing is not provided on site, an equivalent commuted sum payment should be made towards the provision of affordable housing as a first priority elsewhere within the Cottesmore parish, or not as a pooled contribution to provide affordable housing located as close as possible.

The supporting text to Policy COT H3 states that affordable housing is seen as essential in helping to provide a range of housing to facilitate access to market housing. There may be exceptional circumstances where the development may not be economically viable with an affordable housing contribution, but it would fall upon the developer to provide at their expense evidence to support this position. In these circumstances, the on-site affordable housing requirement may need to be modified to improve viability or alternatively a commuted sum payment would need to be made depending on the merits of the application.

The applicant has indicated a willingness to provide an off-site contribution towards affordable housing but has not provide evidence of exceptional circumstances to justify an off-site affordable housing contribution above the normal on-site requirement. Acceptance of the proposal would therefore be contrary to the requirements of Policy COT H3 and the Councils adopted Planning Obligations Supplementary Planning Document 2016. The proposal is not therefore accompanied by a satisfactorily completed S106 agreement

detailing an appropriate contribution towards on-site affordable housing provision.

2.2 APP/A2470/W/23/3332580 – Mr J Gibbison, Hereward Homes Ltd – 2023/0736/FUL

Land adjacent to 17 Whitwell Road, Empingham

Construction of 1 No. stone dwelling

Delegated Decision

The proposed new dwelling and triple garage block would by virtue of their scale, design and form in relation to their location in the open countryside and defined Rutland Water Area show little regard for any local distinctiveness in relation to Empingham and the surrounding landscape and would appear as an incongruous element in its landscape setting, dominating views from the surrounding area and neighbouring land uses. Taking the above into account, it is considered that the development would be contrary to Policies CS3, CS4, CS19 and CS24, of the Adopted Core Strategy Development Plan Document (2011), and Policies SP6, SP15 and SP23, of the Site Allocations Development Plan Document (2014), Sections 5 and 12 of the NPPF (2021), The Design Guidelines for Rutland (SPD) and The National Design Guide, 2021

2.3 APP/A2470/W/23/3332952 – Mr Charles Haynes on behalf of The Bowmen of Rutland Archery Club Committee – 2023/0855/FUL

Land South of Barrowden Road, Ketton

Change of use from agriculture to a sports field (Archery) under Class F2 Local Community F2(c) Outdoor Sport. Erection of 2 No. Steel Shipping Containers, Prefabricated Steel Container Toilet Block and Wooden Clubhouse.

Delegated Decision

1 - The site is located beyond an existing settlement in a location not well served by public transport and without access by a footpath.

The manoeuvring of vehicles likely to be generated by the proposed development would have an unacceptable impact on local roads. The proposed development does not include any proposals to make the location more sustainable.

As a result the proposed development is considered to be an unsustainable leisure development contrary to Policy SP7 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014 and Section 6 of the National Planning Policy Framework (2021).

2 - The manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety of users of the narrow country lanes leading to and from the site to the strategic road network. The routes are unsuitable in their present condition and geometry to take the type and amount of traffic likely to be generated by the proposal.

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).

3 - 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 putting pressure on narrow country lanes which are too narrow for two vehicles to pass, so impeding the free flow of other road users and increasing the risk of accidents.

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).

4 - The site edged red does not abut the public highway at the proposed site access position.

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).

2.4 APP/A2470/W/23/3328979 – Emma Watts – Paws for Play – 2023/0227/FUL

Land At Braunston Road, Oakham, Rutland

Retrospective erection of a temporary wood shed to provide shelter for dogs during dog walking activities.

Delegated Decision –

1 - The building is not considered essential development in the countryside. Policies CS4 and SP7 seek to strictly limit development to that which has an essential need to be in the countryside and as such, the principle of the siting of the building is not supported and is deemed contrary to Policy CS4 of the Rutland Core Strategy (2011) and Policy SP7 of the Site Allocations and Policies DPD which seek to restrict development to that which is essential in the rural area.

2 -The proposal, by reason of size, scale, materials, design and siting, is harmful to the character and appearance of the countryside, contrary to Policy CS19 of the Rutland Core Strategy (2011), Policies SP7 and SP15 of the Site Allocations and Policies Development Plan Document (2014) and Policy 2 of the Oakham and Barleythorpe Neighbourhood Plan.

2.5 APP/A2470/W/23/3327484 – Mr Andrew & Mrs Allison Hinch – 2022/1165/FUL

Glebe Farm, Empingham Road, Tinwell, PE9 3UL

Change of use of land to residential (Use Class C3) and construction of a new residential annex on the site of a former agricultural building.

Delegated Decision

Based on the size, location and access the proposed annexe is considered tantamount to the erection of a new dwelling. Furthermore, given the extent of the residential curtilage serving the existing dwelling which is considered capable of accommodating the proposed annexe, the proposal is not deemed to have an essential need to be located as proposed, on land classed as countryside beyond the residential curtilage of the dwelling. The additional residential curtilage is not required to provide adequate levels of amenity for the occupancy of the dwelling.

As such, the proposal is contrary to Policy CS4 of the Core Strategy which strictly limits development in the countryside to that which has an essential need to be located in the countryside and Policy SP6 of the Site Allocations and Policies DPD which seeks to limit new housing in the countryside and which only allows extensions to the curtilage of dwellings where necessary to provide adequate levels of amenity for the occupancy of the dwelling.

2.6 APP/A2470/W/23/3329311- Mr T Fiducia – 2023/0502/FUL

New Quarry Farm, Holywell Road, Clipsham

Removal of condition 11 (access track shall not be brought into use until the grain store has been fully constructed) attached to 2022/0440/FUL (Proposed grain store and access track)

Delegated Decision

The justification for the access works being the construction of the grain store and the main reason why application 2022/0440/FUL was approved, is proposed to be removed. As such the local authority do not consider that condition 11 of the original approval should be removed and that the use of the access should only commence once the grain store to which it was to serve is constructed.

The construction of the grain store goes to the heart of the original permission.

If the grain store is not built and taking into account of the limited amount of time before the rights of the applicant to farm the surrounding land cease, the local authority now considers that the impacts of the development, in terms of the nature and level of the works to the access track, outweigh the benefits as the original benefits of the proposal are now being removed.

The removal of condition 11 is therefore considered contrary to Policy SP1 of the Site Allocations and Policies Development Plan Document (2014) and Paragraph 11 d) of the NPPF (2021).

2.7 APP/A2470/W/23/3332528 – Mr Cristian Durant – 2022/1000/FUL

Land to the West of Applegate House, Bull Brigg Lane, Whitwell

Erection of 3 dwellings on Land West of Apple Gate House, Bull Brigg Lane, Whitwell.

Delegated Decision

1. The application site lies outside the Planned Limits of Development of the village of Whitwell and is therefore in Planning Policy terms to be considered as countryside. Policies CS4 of the Core Strategy (2011) and SP6 of the Site Allocations and policies Development Plan Document (2014) state that development in the countryside will be strictly limited to that which has justification for being so located, and open market housing such as that proposed does not have such justification. The proposal is therefore contrary to the aforementioned policies. Paragraph 11d of the National Planning Policy Framework is not considered to be engaged as the Five Year Land Supply and Developable Housing Land Supply Report (May 2023) confirms that the Local Planning Authority can demonstrate a 7.5 year housing land supply, and there are no other material considerations that justify departing from the adopted planning policies stated above.

2. The proposal is for the construction of three new two-storey dwellings on land to the west of the village of Whitwell, adjacent to the Whitwell Conservation Area. The site has an important role to play in establishing the rural character of the village when approaching it from the west, as the majority of the village is not visible from this direction due to the topography of the land hiding it from view. Development of the site would be prominent within the landscape and would have a detrimental impact on the character of the village and the approach to the Conservation Area (as concluded in appeals T/APP/V2445/A/89/126528 and more recently APP/A2470/A/10/2142191). That harm would be contrary to policies CS22 of the Core Strategy (2011), SP20 and SP23 of the Site Allocations and Policies Development Planning Document (2014) as well as the duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the benefits of the application would not outweigh that harm.

3. DECISIONS

3.1 APP/A2470/W/23/3325242 – Mr A Clover, Andrew Clover Planning and Design Ltd – 2023/0470/OUT

Land Off Willoughby Drive, Empingham

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

Delegated Decision

Appeal Dismissed – 23rd January 2024

Application for Costs Refused – 23rd January 2024

3.2 APP/A2470/W/23/3321470 – Mr & Mrs Fred and Ann Hutton – 2022/0778/FUL

Land South of Lodge Trust, Main Street, Market Overton

Erection of 8 dwellings, comprising 5 bungalows and 3 two-storey houses and the formation of a new access onto Main Street.

Committee Decision

Appeal Dismissed – 31st January 2024

3.3 APP/A2470/W/23/3328643 – Manor Oak Homes Ltd – 2022/0066/MAF

Land off Manor Green, Ketton

Residential development of up to 41 no. dwellings including open space, allotments, improved site access including off-site highway works and ecological enhancements.

Delegated Decision

Appeal Dismissed – 2nd February 2024

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

22 and 24 Northgate, Oakham

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

Delegated Decision

Appeal Dismissed – 7 February 2024

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.