
Appeal Decision

Site visit made on 3 August 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2020

Appeal Ref: APP/A2470/W/20/3245832

6 -7 The Green, Caldecott, Rutland LE16 8RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin Weston against the decision of Rutland County Council.
 - The application Ref 2019/1104/FUL, dated 30 September 2019, was refused by notice dated 21 November 2019.
 - The development proposed is change of use from dwelling in multiple use classes C1 and C3 to two separate dwellings: Nos 6 and 7 The Green.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling in multiple use classes C1 and C3 to two separate dwellings: Nos 6 and 7 The Green at 6-7 The Green, Caldecott, Rutland LE16 8RR in accordance with the terms of the application, Ref 2019/1104/FUL, dated 30 September 2019, subject to the following conditions: -
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 847/19/2A & 847/19/s1B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials stated on the Application Form.
 - 4) Prior to the first occupation of either property, the windows/doors in the west elevation of 7 The Green shall be blocked up or installed with obscure glazing, as shown on approved plan: 847/19/2A. Details of the type of obscured glazing shall first be submitted to and approved in writing by the local planning authority before any window is installed and once installed the obscured glazing shall be retained thereafter.

Procedural Matters

2. I have taken the site address as listed on the Appeal Form, as this correctly identifies both 6 and 7 The Green.
3. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the appeal was lodged by Mr I Millar (E Surv Chartered Surveyors), acting under Power of Attorney as appointed by E Surv Ltd. Nevertheless, as the appeal cannot technically be transferred to another person, it must continue in the

original name of the applicant. I have therefore considered the appeal on this basis.

4. Given that listed building consent has been granted by the Council¹, this appeal only relates to the refusal of planning permission, as described in the banner heading above.
5. As part of the appeal, the appellant provided the original drawings that accompanied the planning application the subject of this appeal and subsequent amended drawings for the proposal². The Council has confirmed that the application was determined based on the amended plans and the appellant was invited to comment on this matter. The Decision Notice refers to the visibility in connection with proposed parking to serve 6, The Green. However, the amended plans indicate that there would be no car parking provision off-street within the site for No 6. I have therefore contained my assessment of the effect of the proposed development as identified in the main issue below, to the second part of the Council's reason for refusal.

Main Issue

6. The main issue is the effect of the proposed development on highway safety, with particular regard to the provision of parking.

Reasons

7. The appeal site concerns two properties situated at 6 and 7 The Green, which is a two-way single-width carriageway with a footpath to the west/northern side. The properties in The Green are primarily arranged close to the footpath or carriageway. However, there are opportunities for off-street parking within the grounds of many of the properties, including No 7, and parking on-street in The Green and Church Road is unrestricted.
8. Policy SP15 of the Rutland Local Plan Site Allocations and Policies Development Plan document (Adopted October 2014) (SAPDPD), seeks to ensure that adequate vehicle parking facilities are provided to serve the needs of proposals, in accordance with the parking standards set out in Appendix 2 of the SAPDPD. The minimum parking requirement for dwellings is based on the number of rooms therein³.
9. In terms of the appeal scheme, the application drawings for No 6 illustrate an open plan kitchen/sitting room arrangement at ground floor and one bedroom at first floor. Based on the Council's parking standards, one parking space would be required, either on a shared/communal or allocated basis.
10. Given that the off-street parking area and garaging associated with No 7 would be retained solely for the use by occupants of that property, parking for the occupants of No 6 would need to be met on-street.
11. The Council has suggested that the proposed provision of parking would be likely to lead to conditions detrimental to highway safety. However, the evidence before me does not demonstrate that there is a local parking issue or that the proposals would result in a material shortage in parking provision on-street in this location. Nor has it been demonstrated that even if

¹ Planning Reference: 2019/1103/LBA, which was decided by the Council on 21 November 2019.

² Drawing Numbers: 847/19/2A and 847/19/s1B.

³ This excludes bathrooms, toilets, halls or landings, or rooms that can only be used for storage.

there was a material deficiency it would be bound to have a detrimental effect on highway safety. I am also mindful that the use of No 7 as a guest house and No 6 as a holiday let is likely to have resulted in some on-street parking demand.

12. Moreover, given the narrow nature of The Green and the close proximity of buildings to the carriageway edge, the speed of vehicles travelling in the carriageway would be unlikely to significantly affect the safety of pedestrians and other users of The Green, were there to be parking in the carriageway associated with No 6. Furthermore, parking for the occupants of No 6 could also be accommodated in Church Road which is, for the most part, a wider carriageway than The Green. Nevertheless, I understand that there is an hourly bus service, Monday to Saturday, which offers return journeys to Corby, Uppingham, Oakham and Melton Mowbray. There are therefore opportunities for the future occupants of No 6 to travel by means other than private vehicle, which should be encouraged.
13. For these reasons, I conclude that the parking provision for the proposed development would not have a significant effect on highway safety. Hence, the proposal would not conflict with Policy SP15 of the SAPDPD or Section 9 of the National Planning Policy Framework. The latter states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

Other Matters

14. I have had regard to the statutory duty contained in Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and note that the Council had no objections to the effect of the proposed development on the significance of the Grade II listed building, known as '6, The Green'. Given the nature of the proposal, I have no reason to come to a different conclusion. In particular, the increased size of the external space to be provided for No 6, by the removal of the link building to No 7, would better reveal the significance of the listed building and enhance its setting, whilst also providing improved living conditions for future occupants of No 6.

Conditions

15. In the interests of clarity and preserving the special interest of the listed building, I have specified the approved plans and a condition to control the materials of construction set out in the application. I have, however, amended the Council's planning condition with respect to privacy to refer to the existing windows and doors in the west elevation of No 7. Accordingly, these should be blocked up, or obscure glazing installed, as shown on the approved plans, prior to occupation, with details of the obscure glazing submitted for agreement, as there may be suitable solutions other than those set out by Pilkington.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR