
Appeal Decision

Site visit made on 8 February 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/A2470/W/21/3288785

Land to the rear of 30A Main Street, Cottesmore

- 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 J Gibbison against the decision of Rutland Council.
 - The application Ref 2020/0906/FUL, dated 9 August 2020, was refused by notice dated 4 May 2021.
 - The development proposed is the erection of 2 detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The updated version of the National Planning Policy Framework (the Framework) published in July 2021 after the determination of the planning application. However, the submission of appeal statement's for both main parties and comments from interested parties all postdate the publication of the new Framework. Therefore, I am therefore satisfied all parties have had the opportunity to consider the changes to the most recent version. I have proceeded with reference to the 2021 Framework in my decision.
3. Both main parties refer to the emerging local plan (ELP) in their appeal statements. I was not provided with copies of the relevant policies. In any event, I understand that this document was withdrawn from examination in September 2021 after the determination of the planning application subject to appeal. Following its withdrawal, these policies are no longer material considerations and so I have not had regard to them in determining this appeal.

Main Issues

4. The main issues are as follows:
 - whether the appeal site would be a suitable location for housing;
 - whether the proposed development would provide appropriate accommodation required to meet local housing needs; and
 - the effect of the proposal on the character and appearance of the area with particular regard to the Cottesmore Conservation Area (CCA).

Reasons

Whether Suitable Location

5. Policies COT H1 and COT H8 of the NP¹ state new housing development in Cottesmore should be located within the Planning Limits of Development, the extent of which was established in the DPD². COT H8 adds a caveat of exceptions where special circumstances can be proved. The appeal site is therefore classed as being in the countryside for the purposes of the development plan.
6. Policy CS3 of the CS³ outlines the settlement hierarchy for the plan area. 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.
7. There is no disputing that the appeal site adjoins the settlement given the Limits of Development runs past the southern boundary. I also agree that the location would not be isolated. Although I understand this is a fine margin, it is still outside of this boundary and there are no special circumstances demonstrated to allow this exception, nor is the housing proposed to be secured as affordable, although there would be some socio-economic benefits to the rural economy from residents' spending in the village. Therefore, the proposed development would fail to accord with Policies COT H1 and COT H8 of the NP, SP6 of the DPD and CS4 of the CS. These seek, among other things, for all future development in Cottesmore to be contained within the Planning Limits of Development.

Whether Appropriate Accommodation for Local Needs

8. Policy COT H2 states developments of larger dwellings (over 3 bedrooms) should only be considered if applicants could show exceptional circumstances, including where an identified shortfall in this type of housing. The proposal would include 2 no 5-bedroom properties.
9. The supporting text of this policy refers to the local need for smaller properties in Cottesmore (1/2/3-bedrooms). Although the density proposed would be well within the limits of COT H2, the provision of larger properties would be contrary to the identified need for smaller and starter homes in the village. There are no exceptional circumstances or identified need for larger homes in this instance of which I have been made aware.
10. I note the appellant refutes the relevance of this policy in the decision notice. While it is included in the spatial considerations of the appeal site, I see no reason to discount the assessment of the housing types given this requirement in the NP. Moreover, it is clearly of concern in the Council's officer report.
11. As such, the proposal would be contrary to Policy COT H2 of the NP, which seeks, among other things, to provide an appropriate mix of housing, particularly for smaller dwellings.

¹ Cottesmore Neighbourhood Plan 2015 – 2031 (Modified November 2016)

² Site Allocations and Policies Development Plan Document (adopted October 2014).

³ Rutland Local Development Framework Core Strategy (adopted July 2011)

Character and Appearance

12. Main Street contains the historic core of Cottesmore, with older dwellings fronting this road in a linear arrangement and secondary layers of houses positioned behind accessed by numerous perpendicular tracks and streets. The appeal site comprises a parcel of land which includes a redundant barn located behind both the main frontage and houses behind. There is an expanse of open countryside to the north and west of the site, which is partially bound by mature trees. Access is provided by a track leading from Main Street past several houses.
13. The extent of built development behind the frontage of Main Street between the access track and The Spinney forms a distinct and definable boundary to the village. Despite there being no formal designations on the land, the proposed location of the dwellings therefore provides an attractive and valuable transition between the distinguishable edge of this built-up area and the wider, open area to the north and west.
14. The proposal would erode the rural transitional nature and character of the appeal site. Although the site would not be visible from Main Street and there is a lack of public rights of way nearby, this incursion would be compounded by inevitable domestic paraphernalia, hardstanding and parking of vehicles which would reinforce the incursion in the countryside. While it is claimed the development would appear as one dwelling from the north, in views from the access track and other dwellings nearby there would be a clear distinction between the two buildings particularly formed by boundary treatments.
15. I note the further concerns of the Council with regards to the appearance of the dwellings. However, the proposed development would largely reflect the materials, form and layout of the more modern properties in the vicinity, which themselves are reminiscent of the houses fronting Main Street.
16. In spite of a lack of harm through the design of the dwellings, in light of my findings above, the proposal would negatively impact on the edge of the settlement and would hamper the assimilation of the settlement into the surrounding landscape, harming the character and appearance of the local area despite some screening provided by the trees lining the boundary.
17. Most of the appeal site is not located within the CCA, although I note part of the access would be. In any event, the appeal site immediately adjoins the CCA boundary and is clearly within its setting. I do not have an appraisal or assessment of the significance of the CCA before me. From my own observations and the submissions of the main parties, this largely derives from its historic form, particularly the pattern of development along Main Street, and its vernacular architecture comprised of stone-built dwellings.
18. The incursion of built form into the countryside would harm the form and layout of the village and given this forms part of the significance of the CCA, the proposal would harm the setting of the heritage asset. However, given the limited changes required to the access, this part of the proposal would not harm the significance of the CCA.
19. In the context of the Framework, the level of harm I have identified is less than substantial. Paragraph 202 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal.

20. To conclude, the proposal would harm the character and appearance of the area and setting of the CCA. This would be contrary to Policies COT E&C1, COT E&C2, COT H4 and COT H5 of the NP, SP15 and SP20 of the DPD and CS19 and CS22 of the CS. Amongst other things, these seek to ensure new development is appropriate and sympathetic to its setting, including its relationship to adjoining landscape features. Furthermore, all developments will be expected to protect and where possible enhance historic assets and their settings. The proposal would also conflict with the Framework which seeks development that is sympathetic to local character and history, including the surrounding built environment and landscape setting while great weight should be given to the conservation of heritage assets.

Planning Balance and Conclusion

21. Following the withdrawal of the ELP, the Council concurs in its appeal statement that it cannot currently demonstrate a 5-year supply of deliverable housing sites. This figure is put at 3.5 years in the 'Five Year Land Supply & Developable Housing Land Supply Report'. Accordingly, as per paragraph 11(d) of the Framework the policies which are most important for determining the application are out-of-date and the 'presumption in favour of sustainable development' as set out in Paragraph 11 and footnote 8 is engaged. This is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
22. The proposal would add 2 dwellings to the Council's housing stock. However, while every dwelling makes a contribution to housing supply and is therefore of benefit, including smaller and unallocated windfall sites, set against a significant deficit in the Council's housing land supply the positive attributed weight of 2 units to this shortfall would be limited.
23. From my observations on the site visit, Cottessmore has a range of services, including pubs, a post office, shops and a church. There are also bus links to larger towns, such as Oakham and Melton Mowbray. As such, future residents would not be entirely reliant on private vehicles to meet their day-to-day needs. Although the site's accessibility to these services and facilities would be neutral in the balance, the socio-economic benefits through initial construction of the dwellings, the introduction of new residents into the area and the sustaining of local services and facilities would be of some benefit.
24. A lack of harm from the proposal to Listed Buildings, highway safety, living conditions of occupiers of nearby dwellings and flood risk is cited in support of the proposal. However, the Council has not disputed these matters and a lack of harm or objection would be neutral in the planning balance rather than carrying positive weight in favour.
25. Conversely, I have identified harm to the character and appearance of the area, less than substantial harm to the setting of the CCA, conflict with the spatial strategy for the area and housing types contrary to an identified local need. Although it is considered to be of benefit to remove the dilapidated barn from the site, the harmful effects of the proposal itself would cancel any

improvement to the existing appearance of the site. These factors attract substantial weight against granting permission.

26. 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.
27. 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. For the reasons identified, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Conclusion

28. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR