



Appeal Decision

Site visit made on 31 May 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JUNE 2022

Appeal Ref: APP/A2470/W/22/3293770

The Rutland Point, 5 Glaston Road, Morcott, Oakham, LE15 9DL

- 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 Alan Freeman against the decision of Rutland County Council.
 - The application Ref 2021/0485/FUL, dated 15 April 2021, was refused by notice dated 17 February 2022.
 - The development proposed is the change of use of one staff flat and one guest house manager's flat to short-term letting accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reason for refusal of planning permission refers to the provision of chalets. However, it is clear from the evidence before me that the proposal was for the change of use of parts of the existing building to short-term letting accommodation. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue relevant to this appeal is the suitability of the site for additional short-term letting accommodation.

Reasons

4. The appeal site is located near to the village of Morcott. The site is also next to the A47. The appeal site is adjacent to a further hotel, a garage and a convenience store. Beyond the appeal site is open countryside.
5. Although the appeal proposal would not be permeant dwellings, the evidence before me is indicative that the occupiers of the development could be potentially resident for notable periods of time. In any event, even if people were to occupy the development for shorter periods, travel to other areas in order to undertake day-to-day activities, or recreation could be reasonably anticipated.
6. This poses a concern as the surrounding area features a level of public transport provision commensurate with that normally expected in rural areas. This means that, for the most part, occupiers of the proposed development would not be able to use public transport to access such services.
7. Furthermore, the proposed development is located alongside a relatively busy road. In addition, the speed limit of the A47 is 50 miles per hour (mph), rising

- to 60mph. It does not feature street lighting and has limited environments for pedestrians and cyclists.
8. Although the road network features grass verges, these are often uneven in nature and feature planting. In consequence, these are unlikely to be well-used locations for walking. This is likely to dissuade any such travellers from using them. In consequence, the absence of welcoming environments for pedestrians is likely to encourage travel by other means.
 9. My attention has been drawn to a network of public footpaths in the wider area. However, the nearest access point is a notable distance away from the appeal site. This means that it is unlikely to be an attractive alternative as a means of travel. Therefore, even though the proposed development would be sited near to other commercial activities, there would be an absence of suitable alternatives for travel other than by private car.
 10. I understand that the proposed development would replace staff accommodation. However, there is a distinction to be made between the existing use of the premises and the proposed development. This is because there is an operational reason for the provision of staff accommodation and, for potentially significant amounts of time, such individuals would be contributing to the running of the business.
 11. In contrast, a guest within the appeal site is likely to be able to undertake leisure activities throughout the duration of their stay. Therefore, there are notable differences between the existing and proposed uses. This means that there is likely to be more journeys made to and from the appeal site, which given the previous concerns, would result in more journeys being made by car.
 12. My attention has been drawn to relatively new Permitted Development rights. These allow for the creation of dwellings in certain commercial properties without requiring an application for planning permission to be submitted and approved. However, the evidence before me is indicative that the current lawful permitted use of the appeal site falls outside of the types of use to which the aforementioned permitted development rights are conferred upon.
 13. Therefore, such permitted development rights do not represent a realistic fall-back position given that the use of the appeal site could not change in the manner proposed, without requiring planning permission. This suggestion does not, therefore, overcome my previous concerns.
 14. The appeal site is adjacent to an existing hotel. However, the proposed development, in unison, would result in an increase in the number of guests resident within the vicinity. This would result in an overall increase in the likely number of journeys being made, particularly by private car.
 15. I am aware that the Council has suggested that future economic development should, in part, be located near to the A47. Although a matter of note, the precise location of the proposed development is such that increased vehicle movements would be encouraged. This would amount to harm arising from the proposal.
 16. The proposed development would support the local economy. However, such benefits, by reason of the scale of the proposed development would be of a relatively limited nature. In consequence, they would be outweighed by the previously described adverse effects.

17. I therefore conclude that the proposed development would be located in an unsuitable location. The development, in this regard, would conflict with the requirements of Policies CS1, CS4 and CS15 of the Rutland Core Strategy (2011) and Policies SP7 and SP25 of the Rutland Development Plan Document (2014). Amongst other matters, these seek to ensure that developments be located where it minimises the need to travel; would not result in an unacceptable increase in the amount of car travel; be directed towards the most sustainable locations; and make provision for visitors which is appropriate in use.

Conclusion

18. The proposed development would be located in an unsuitable location. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR