



Appeal Decision

Site visit made on 23 August 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

Appeal Ref: APP/A2470/W/23/3318651

Land North Of Uppingham Road, Rutland, Caldecott LE16 8RX

- 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 Peter Keightley and Polly Rubinstein against the decision of Rutland County Council.
 - The application Ref 2022/1290/FUL, dated 10 November 2022, was refused by notice dated 5 January 2023.
 - The development proposed is the conversion of a redundant building to form a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have advised, in their Statement of Case, that the proposal is conversion of the building as a self-build dwelling. Given that this change to the description of development does not alter the development to an extent so as to deprive those who should have been consulted on it the opportunity of such consultation, my consideration of this additional information would not prejudice the interests of any party.

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development having regard to the Council's strategy for the location of residential development; and
 - The effect of the proposed development on the character and appearance of the existing building and the area.

Reasons

Location of development

4. The appeal site relates to two timber storage buildings situated behind other buildings and set back from the road. The buildings and adjacent land within the appellants ownership are enclosed with well-established trees and hedges and served by an existing vehicular access.
5. The appeal buildings are timber clad with sheet roofing. The smaller building is proposed to be demolished to provide a parking area. The larger building is proposed to be converted to residential use. Internally the larger building has

blockwork pillars and a blockwork gable end wall. The three existing window openings on the front elevation are tall and narrow and there is large door in the gable end.

6. Policy CS3 of the Rutland Local Development Framework Core Strategy Development Plan Document, 2011 (CS) sets the settlement hierarchy for the area and notes Caldecott is a 'Smaller Service Centre'. However, the appeal site lies outside the planned limits of development for Caldecott and is, therefore, considered as 'countryside'.
7. Policy CS4 of the CS seeks to restrict development in the countryside. However, Policy CS4 does allow for the conversion and re-use of appropriately located and constructed rural buildings in the countryside. The Policy advises that such development would be considered where it is adjacent to, or closely related to, amongst other settlements, the smaller service centres.
8. Policy SP6 of the Rutland Local Development Framework Site Allocations & Policies Development Plan Document, 2014 (SA&P) is similar to Policy CS4 of the CS in that it seeks to restrict development in the countryside, resisting new housing but allowing for re-use or adaption of buildings for residential use, subject to satisfying a number of relevant criteria.
9. The Structural Survey submitted by the appellants indicates that the building is capable of conversion without extensive re-building. The proposed works would include replacement of the roof, alteration of existing openings and insertion of new openings. The works proposed would not be tantamount to a complete re-build. As such, the proposed development comprises a conversion as opposed to a new build dwelling. Moreover, the building is a permanent structure capable of being converted without major re-construction. The proposal would, therefore, comply with criteria 3a of Policy SP6 of the SA&P.
10. Although the appeal site lies outside the planned limits of development for Caldecott and is separated from other built development by an open field, the site is not isolated from the village. There is a dwelling on the opposite side of the road from the appeal site and a footpath outside that dwelling which leads to the village. Moreover, the appeal site lies within the 30mph zone for the village, after the village sign and is read with the backdrop of the village when entering from the North. From within the village the adjacent field does provide a visual break in development, but the appeal site is not isolated.
11. In my judgement the appeal site relates well to the smaller service centre of Caldecott. It is not remote, inaccessible, or far from the services within the village. Furthermore, it is significantly below the 500 metres guideline distance detailed within the supporting text at paragraph 5.27 of Policy SP6 of the SA&P. I, therefore, find that the proposal would comply with criteria 3c of Policy SP6 of the SA&P.
12. Although the buildings subject of this appeal are currently in use, this appeared to be general domestic storage rather than for any business or commercial use. I also acknowledge that the appellants have not sought to secure an alternative business or commercial use, contrary to the requirements of criteria 3b of Policy SP6 of the SA&P. However, given the existing use of the buildings and based on the evidence before me and without any substantive evidence to the contrary, there are no strong economic reasons why the proposed conversion of the appeal building would be inappropriate. As such, although there would

be conflict with criteria 3b of Policy SP6 of the SA&P the proposal complies with the overall aims of the policy to support conversion of suitable buildings to residential use.

13. In location terms, when taken together, the policies within the development plan seek to restrict new development in the countryside but would not prevent conversion of existing buildings, subject to criteria. The appeal building is capable of being converted and is closely associated with Caldecott. As such the proposal would comply with the Council's strategy for the location of residential development.
14. For these reasons, I find that the appeal site is a suitable location for the proposed development having regard to the Council's strategy for the location of residential development and, in regard to this main issue, the development would not conflict with Policies CS3 and CS4 of the CS or conflict with Policies SP6 and SP23 of the SA&P which, taken together, seek to restrict development in the countryside.
15. In regard to this main issue, the proposal would also comply with the guidance set out in Sections 5 and 12 of the National Planning Policy Framework (the Framework), specifically paragraphs 60 and 79 in contributing towards the housing supply for the area, contributing towards the viability of Caldecott and paragraph 130 in being an appropriate location for the development proposed.
16. As I have found no conflict with the restraint policies, I have, therefore, not needed to consider whether the proposal would provide an affordable exception site under Policy CS11 of the CS.

Character and appearance

17. The proposed conversion of the building would not significantly alter the scale, bulk, or orientation of the building. However, the proposal would include external changes including a new roof and additional window and rooflight openings.
18. The new roof covering would not alter the pitch, shape, or overhang of the roof and although rooflights are proposed these could be of a type which would not project significantly above the roof slope. The timber cladding to the walls is proposed to be treated, however the cladding would remain timber. As such, the changes to the roof and timber cladding would maintain the existing appearance of the building.
19. However, the conversion also proposes the alteration of the existing three window openings in the front elevation. These are currently tall and narrow windows, and the proposal would alter these to a shape which is wider and, in the case of the kitchen window, significantly shallower in design. Overall, the changes to these three windows would not respect the rural character of the existing building, would alter its appearance and result in an overly domestic character. For these reasons, the changes proposed to the front elevation windows would not result in a sympathetic conversion of the building to residential use, would not maintain the appearance of the building and would be detrimental to its appearance and its rural character.
20. The windows in the rear elevation, albeit all new openings, have been designed to relate well to the form and design of the existing windows in the front elevation. The glazing of the gable end opening would respect the scale and

form of the existing opening. However, these design features, and that there are fewer openings proposed than the originally submitted scheme, would not justify the alterations to the openings on the front elevation.

21. I have considered the other appeal examples referred to by the appellants. However, from the evidence before me, these other appeals have been designed to take into account the appearance and proportions of the existing buildings and their rural character and would not have a harmful effect on the host buildings. The appeal before me would not respect the appearance and character of the existing building in the same way and is therefore materially different to the appeals referred to by the appellants.
22. The curtilage of the proposed dwelling would comprise the driveway from the access to the site, the area shown for parking, which currently contains a storage building, and a narrow strip of land to the front and side of the building. The proposed curtilage is small, and the extent of domestic paraphernalia would, therefore, likely to be limited.
23. The car parking and bin storage would be between existing buildings. The converted building and proposed curtilage would be set behind existing trees and hedges which are not shown as being removed. Moreover, the existing vehicle access track to the front of the buildings and existing use already has associated vehicle movements and parking and the proposed conversion would not likely result in a significant increase in the number of vehicles present on site.
24. Therefore, whilst I accept that there would be parking of vehicles and general domestic paraphernalia within the curtilage of the building and, as a permanent conversion to a residential dwelling, the vehicles and paraphernalia would have a degree of permanence. However, due to the screening of the site and the limited size of the curtilage the visual impact of the creation of the residential curtilage would be limited.
25. For the above reasons, although the creation of the proposed curtilage would not adversely affect the character or appearance of the area, the changes proposed to the existing windows in the building are not sympathetic and would adversely affect the appearance of the building and the rural character of the area. The proposal, in regard to this issue, conflicts with Policies CS4 and CS19 of the CS which, taken together seek to ensure that conversions maintain and enhance the environment and contribute positively to local distinctiveness.
26. In this regard the proposal would also conflict with policies SP15 and SP23 of the SA&P which, amongst other matters, expects development in the countryside to be sensitive, be of good design, high quality and complement the character of the local area by responding to distinctive features and building traditions of the area.
27. For the same reasons, in regard to this main issue, the proposal would conflict with Section 12 of the Framework, specifically paragraphs 126 and 130, which seek to ensure that development is of high quality and visually attractive.

Planning Balance

28. The development would provide one additional house with energy efficiencies and associated social and economic benefits both during and post construction.

However, given the small scale of the development these benefits carry limited weight.

29. The Council, within the Planning Officer report, has advised that they are not able to demonstrate a five-year supply of housing. Paragraph 11(d) of the Framework therefore applies. In this case, from the evidence before me, there are no specific policies in the Framework relevant to footnote 7 which indicate that development should be restricted. As such, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. In addition, the revised description of development now seeks to provide the proposal as self-build housing. The Self Build and Custom Housebuilding Act 2015 (the 2015 Act) requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period. Authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
31. The Council have not provided any evidence of meeting their duties in respect of the 2015 Act. However, the appellants have provided evidence of communication with the Council regarding this matter. Whilst there is broad support for new housing within the development plan, which would also support self-build housing, there are no specific policies relating to this issue. The appellants have drawn my attention to two other appeals¹ where the lack of specific relevant development plan policies for self-build housing both engaged paragraph 11(d) of the Framework and the appeal before me is directly comparable in that regard.
32. However, although the appellants submitted an example of an appeal² where a condition was used to secure the development as self-build that appeal scheme is materially different to the scheme before me. Firstly, in that case the condition was agreed by both main parties at the Hearing and I have not been given any agreed wording for the appeal before me. Moreover, the other two appeal decisions referred to above both provide evidence of the use of a Legal Agreement as the most appropriate means to secure self-build. A condition lacks the certainty or security of a legal agreement. Given these uncertainties I am not persuaded that a condition would be an appropriate means to secure the appeal before me as self-build.
33. As such, although as a self-build dwelling it would accord with Paragraph 62 of the Framework through providing housing for different groups in the community, without an appropriate means to secure the development as self-build, I am not able to give this benefit any weight in the decision.
34. There would be adverse environmental impacts from the proposed alterations to the building, contrary to paragraphs 126 and 130 of the Framework which

¹ APP/R1845/W/21/3284761 & APP/H1840/W/21/3283391

² APP/R3650/W/22/3300262

seek to ensure that development is of high quality and visually attractive. This harm is afforded significant weight.

35. The proposal would make a small contribution towards the housing supply in the area and would accord with paragraph 60 of the Framework in that regard. The proposal would also positively contribute to the viability of Caldecott as a small village and, in my judgement, the development would be suitably located in accordance with paragraph 79 of the Framework, and not conflict with paragraph 80.
36. However, the significant environmental impact that I have identified, in relation to the changes to the external appearance of the building, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this. Therefore, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR