



Appeal Decision

Site visit made on 5 March 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/A2470/W/3331018

Land to the southeast of Main Street, Cottesmore LE15 7DH

- 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 Evans against the decision of Rutland Council.
 - The application Ref 2022/0861/FUL, dated 28 July 2022, was refused by notice dated 14 August 2023.
 - The development proposed is erection of no. 8 dwellings on land to the southeast of Main Street, Cottesmore.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to this appeal being determined, I can confirm that a Section 106 agreement has been completed and signed by both parties.

Main Issues

3. The main issues in this appeal are :-
 - The location of the appeal site from a local planning policy perspective.
 - The housing mix of the proposed development, and meeting affordable housing need.

Reasons

4. The appeal site is a roughly rectangular parcel of land approximately 1.26 hectares, located off Main Street, and is reached by the utilisation of an access that already serves a number of properties. It is bordered by a combination of these properties, an existing community building, and a football pitch. It is proposed to erect eight dwellings on the site.

Planning Policy

5. The appeal site is located adjacent to, but outside of the limits of development of the village, and as such is classified as a countryside location. The policy position at local level restricts development within a countryside location to that which meets certain criteria. Both parties agree that the site does not meet those criteria.
6. It has come to my attention that the appeal site was allocated for housing for eight dwellings in the replacement Local Plan that was withdrawn. I must consider this allocation as part of my wider assessment.

7. Given the status of Cottesmore as a local service centre, as allocated in the Local Plan, it is apparent that there are appropriate services in the locality to cater for this modest number of additional dwellings.
8. Reference is made to an Interim Position with regard to housing development, and the Council have alluded to the fact that as the proposal is not in outline form, it could be delivered to a short timescale and make a contribution to the five-year housing supply. This again is another factor that would generate weight in its favour.
9. There is some dispute between the parties with regard to the housing position, and I have been made aware of another appeal with similar context that the Council relied upon with regard to their case, but this has recently been quashed at judicial review which does weaken the Council's position.
10. Given the previous allocation, its location immediately adjacent to the development limits, and the sustainable nature of the development, I consider that the appeal site is an acceptable site in principle, and despite its "countryside" location, the benefits of the site outweigh this designation and I consider these the material considerations that outweigh policies CS4, SP6 and H1 of the Rutland Local Development Framework Core Strategy (2011) and the Site Allocations & Policies Development Plan Document (2014).

Housing Mix

11. The mix of dwellings on site is proposed to be 3no. 3 bedroomed homes, 3no. 4 bedroomed homes and 2no. six bedroomed homes. Policy COT H2 of the adopted Cottesmere Neighbourhood Plan (the CNP) seeks to ensure that development should predominately be a mix of three bedroomed homes, and one to two bedroomed starter homes. Developments of larger homes should only be considered if exceptional circumstances are demonstrated.
12. The restriction to eight dwellings relates to the nature of the access. The appellant has forwarded the argument that due to the size of the site and the restriction in the number of dwellings by the nature of the access, the proposed dwellings set out for development would be in line with the advice given in the National Planning Policy Framework with regard to making effective use of land, and has compounded this argument by questioning the weight that can be attributed to the CNP due to its age.
13. I cannot agree with this position and find weakness in the arguments of the appellant. The CNP dates from 2016 but is still a formally adopted document, and as such can be attributed significant weight. The remaining site could easily be made use of by open space provision or landscaping/biodiversity enhancements. It does not have to be spaced out to maximise the residential areas. Cottesmere has a mix of development and smaller, more affordable properties would not look out of place.
14. As such, I find conflict with policy COT H2 of the CNP, which sets out the preferential housing mix for development in the area.
15. With regard to the provision of affordable housing, policy COT H3 states that affordable housing should be provided on site for five dwellings or above. The appellant has agreed a payment in-lieu of this provision.

16. I find that I cannot accept the arguments of the appellant in respect of the non-provision of on-site affordable housing, which is tied to the parallel argument of housing mix discussed above. The appellant states that the provision of on-site affordable housing would mean that the affordable units would have an unmanageable plot size, which is somewhat condescending and patronising toward potential occupants and that no provider would take on such a small-scale provision. However, no evidence has been provided to back up that assertion, and as such I cannot be convinced that this is the case.
17. As such, I find conflict with policy COT H3 of the CNP where it relates to the provision of on-site affordable housing.

Planning Balance and Conclusion

18. Whilst I find in favour of the principle of development with regard to the first main issue, I also find that the appeal proposal in its current form, is not acceptable with regard to the lack of affordable housing, and the overall housing mix.
19. As a result, given the conflict with the neighbourhood plan on these matters, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR