



Appeal Decision

Site visit made on 25 April 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/A2470/W/23/3332580

**Land to the North Side of Whitwell Road, Empingham, Rutland, Oakham
LE15 8PX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jon Gibbison of Hereward Homes Ltd against the decision of Rutland County Council.
 - The application Ref is 2023/0736/FUL.
 - The development proposed is one new stone dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's refusal reason alleges conflict with Policies CS3, CS4 and CS24 of the Core Strategy Development Plan Document 2011 (Core Strategy) together with Policy SP6 of the Site Allocations and Policies Development Plan Document 2014 (SAP). While it is not clear from the refusal reason, the delegated report sets out that the provision of new housing in this location would be contrary to the spatial strategy for the area. I have therefore defined the main issues accordingly.

Main Issues

3. The main issues in this appeal are:
 - whether the appeal site would provide a suitable location for housing having regard to the Council's spatial strategy and its position within the Rutland Water Area (RWA); and,
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitability of the site location

4. Policies CS3 and CS4 of the Core Strategy set out the Council's spatial strategy for the area. This seeks to distribute development to the most sustainable locations. Those areas which lie outside the Planned Limits of Development (PDL), as is the case here, are deemed to be located within the countryside for the purpose of SAP Policy SP6. In such locations, new housing development will only be permitted where it is essential to the operational needs of agriculture, forestry or an established rural enterprise or provides affordable housing to

meet an identified need. The proposal would not fall within any of these exceptions.

5. In addition, Policy CS24 seeks to ensure that development in the Rutland Water Area is carefully designed and located to ensure that it respects, amongst other aspects the landscape of the Rutland Water. Outside the five defined recreation areas, new development will be restricted to essential, small-scale development for recreation, sport, and tourism facilities. As a new dwelling, the proposal would not comply with the above.
6. Accordingly, the appeal site would not provide a suitable location for housing having regard to the Council's spatial strategy and its position within the Rutland Water Area. It would therefore conflict with Policies CS3, CS4 and CS24 of the Core Strategy together with SAP Policy SP6, the aims of which are set out above.

Character and appearance

7. The appeal site comprises a spacious parcel of undeveloped, agricultural land which is slightly elevated above the main road and lies between a pair of semi-detached houses and a small cemetery. A bridleway runs parallel to the eastern site boundary. The village comprises predominantly of ribbon development on both sides of the road and is characterised by buildings of varying form, age, size, and appearance. However, those properties within the immediate vicinity of the appeal site, on the northern side of the main road are semi-detached and lie within modest, linear plots whilst their associated outbuildings are of limited proportions and occupy inconspicuous locations within the respective plots. These factors, together with the abundance of soft landscaping provide for a relatively open, verdant, and spacious street scene which positively contributes to the rural character and appearance of the area.
8. Whilst the evidence does not indicate that the surrounding landscape is subject to a statutory or special designation, in approaching the appeal site from the west, the panorama is principally green and open which provides a pleasant, rural setting to the village. The overriding character is that of countryside and the open aspect of the site, and the views of the surrounding countryside which are permitted across it are an important part of this.
9. The adjacent cemetery provides a transition between the main built-up area of the village and its boundary marks a distinct change in character from built form to open countryside. Whilst located outside of the PDL, the proposal would be physically contained between the existing houses and cemetery and would thus visually relate to the existing built form of the settlement rather than the surrounding open countryside. There is limited evidence before me in relation to the landscape characteristics of the RWA. However, given my findings regarding the site's relationship to the existing built form, I do not consider that the proposal would be harmful in this regard.
10. A dwelling of this height and scale would not be wholly uncharacteristic of more recent development in the wider village and the housing density would be largely in keeping with the locality. There are also several examples where garages have been sited forward of the host dwelling. However, in this case, the cumulative scale and massing of the dwelling and detached garage would be disproportionate to the neighbouring built form. In the context of the appeal site, the proposal would read as a visually intrusive and imposing form of

development which would erode the open aspect of the site and its contribution to the spaciousness of this area of the village.

11. The visual effects of the proposal would be relatively localised and softened to some extent by the existing boundary treatments which are to be retained. New planting could also be secured by condition. Nevertheless, the overbearing scale and abrupt, bulky appearance of the proposal would dominate views on the approach to the village, from the bridleway, and the cemetery.
12. In coming to this view, I accept that the appeal site is not located within the Conservation Area and that the design approach, including vernacular detailing and use of locally sourced, natural stone would be generally in keeping with the locality. Unlike the previous scheme¹, the orientation of the proposed dwelling would respond to the established development pattern and would not appear unduly cramped within the plot given its generous proportions and reduced density. These factors however would not adequately address the harm arising from the discordant and overbearing scale.
13. My attention has been drawn by the appellant to a recent planning permission² on the adjoining site. Whilst of a similar scale and massing to the proposal, the proposed dwelling is nevertheless larger than the permitted dwellings. Further, the garages, although located forward of the dwellings are of a smaller scale and alternative orientation. Thus, they would not be unduly dominant. Turning to the other examples referenced at Figure 4 of the appellant's appeal statement, I observed at my site visit that the context and site characteristics vary for these sites, and thus, unlike the proposal before me, they are not conspicuous or dominant features in the street scene.
14. For these reasons, the proposed development would significantly harm the character and appearance of the area. It would conflict with Policy CS19 of the Core Strategy together with SAP Policies SP15 and SP23. Collectively, and amongst other aspects, these policies seek to ensure that new development contributes positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale. It would contradict the expectations of The Design Guidelines for Rutland Supplementary Planning Document 2022 where it seeks to secure a high level of design and would be inconsistent with the design objectives of the National Design Guide 2021 and the National Planning Policy Framework (the Framework).

Other Matters

15. There is a grade II listed War Memorial which occupies a prominent and central position in the neighbouring cemetery. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building or its setting, or any features of special architectural or historic interest which it possesses. The significance of the War Memorial lies in its historic and architectural importance, which bears witness to the impact of world events on the local community. Its setting is informed by the immediate grounds of the cemetery which provide a tranquil and pleasant space to appreciate the Memorial, contributing to its significance. The proposed dwelling would be visible from within the cemetery. However, it

¹ APP/D3505/W/18/3196882

² 2021/0951/FUL

would not disrupt its tranquillity or effect the immediate grounds. The setting of the heritage asset would therefore not be harmed.

16. The appellant indicates that the land on the opposite side of the road has been identified as a 'reserve site' for up to 40 houses in the Emerging Local Plan (ELP). I appreciate the suggestion that this is indicative that a substantial amount of development could be accommodated at the edge of the village. However, the two sites are materially different in terms of the scale of development and the specific site characteristics. Thus, they do not strictly compare. In any case, the ELP is not at an advanced stage. Therefore, I afford this limited weight in my considerations.
17. Within the now discarded Local Plan, the Council identified the appeal site as being suitable for the development of up to 5 dwellings which I am told was supported by the Parish Council. Although this would suggest that the appeal site could be developed to a greater scale, it does not follow that the proposal is acceptable. Even so, as the Local Plan has been discarded, it carries limited weight.
18. I have had regard to the appeal decisions³ referenced by the appellant, both of which were located outside of the authority area. Like the appeal proposal, these schemes related to new housing in the countryside. However, in both cases, no harm to the character and appearance of the area was identified. Therefore, they do not compare to the appeal proposal or indeed lead me to a different conclusion.
19. The Parish Council did not object to the planning application and no objections have been raised by the Council in relation to flood risk, heritage, highway safety, living conditions, or ecology. The proposal also received support from residents and the appellant is agreeable to those conditions recommended by the statutory consultees. These however are neutral factors and do not weigh in favour of the proposal.
20. As a Local Service Centre, future occupiers of the development would have good accessibility to local services in Empingham including public transport. The proposal would contribute to the mix and supply of housing within the area and support the local economy and viability of services in the village. Further, it could be delivered promptly without the need for enabling off-site infrastructure. However, as the proposal would provide one extra household, the economic and social benefits would be limited.

Planning Balance

21. The Core Strategy and SAP pre-date the Framework. However, the policies most relevant to the determination of the appeal are broadly consistent with the Framework's housing and design objectives where they seek to promote sustainable development and achieve well-designed spaces. Accordingly, I have no reason to conclude that these policies are out of date.
22. The evidence before me indicates that the Council can demonstrate a five-year housing land supply. Although the appellant is critical of the housing supply figure, and notwithstanding the findings of the referenced appeals⁴, there is no

³ APP/L2630/W/18/3197272 and APP/D3505/W/18/3196882

⁴ APP/A2470/W/22/3301737 and APP/A2470/W/22/3312763

substantive evidence to indicate that the Council's statement⁵ is inaccurate. Even if I were to accept the appellant's submissions regarding the volatility of the housing land supply given the current cost of living crisis, rising interest rates, and plummeting house building rates, the proposal would conflict with the Council's spatial strategy and would significantly harm the character and appearance of the area. The harm identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

23. For the reasons set out above, the appeal proposal would conflict with the development plan read as a whole and no material considerations, including the Framework indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

H Wilkinson

INSPECTOR

⁵ Five Year Land Supply & Developable Housing Land Supply Report 2023/24-2027/28 (May 2023)