
Appeal Decisions

Site visit made on 11 February 2025

by **R Catchpole BSc (hons) PhD MCIEEM IHBC**

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

Appeal A: APP/A2470/W/24/3348694

3-5 Northgate, Oakham LE15 6QR

- 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 P Bland against the decision of Rutland County Council.
 - The application reference is 2024/0397/FUL.
 - The development proposed is 1 new dwelling and a change of use of commercial property to a dwelling.
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Appeal B: APP/A2470/Y/24/3348692

3-5 Northgate, Oakham, Rutland LE15 6QR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Tony Bland against the decision of Rutland County Council.
 - The application reference is 2024/0398/LBA.
 - The works proposed comprise 1 new dwelling and a change of use of commercial property to a dwelling.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appellant maintains that the resumption of a lawful use as a builder's yard is a viable fallback position. In order for this to be the case there needs to be a real prospect of this occurring rather than just a theoretical possibility. In this respect, I note that this use has ceased and that there is no evidence before me to conclude that the land would realistically be used as a builder's yard again. As such, I find that it cannot be considered a true fallback position.
4. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
5. The Council does not find any harm relating to the direct works to the listed building. After having carried out a thorough inspection, I am also satisfied that

this element of the proposal would not harm its special interest. As such, the determinative matters in these appeals relate to the yard to the rear of the building and the indirect effect of the proposed external works.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the setting, as it relates to the special interest, of the nearby Grade II listed buildings, known as “Stabling Adjacent to Number 1 to West” (Ref:1073258) (the LB) and “1, Northgate” (Ref:1177999) (No 1); the extent to which it would preserve or enhance the character or appearance of the Oakham Conservation Area (the CA); and whether there would be sufficient parking provision.

Reasons

Background

7. The appeal site is located in Oakham town centre and comprises a former commercial property with a plot of land to the rear which has an oblique access onto Northgate. The plot is previously developed land (PDL) which still contains the remnants of a former builder's yard and some ruderal vegetation. It is bounded by a high wall and also has high, boarded gates.
8. The proposal seeks to convert the building to residential use and create a two-bedroom dwelling whilst also constructing a two-bedroom house in the northwestern corner of the builder's yard. The proposal would also create on-site car parking for four vehicles.

Heritage

9. The CA covers the historic core of this market town, which is centred around the castle, but also encompasses more open areas to the southeast which were formerly associated with Catmose House. The northern part of the CA is dominated by the early 14th century spire of All Saints' Church and contains the majority of its listed buildings. The main building materials comprise coursed stone and brick with most buildings being two stories in height. Iron-stained limestone gives a pleasing dappled brown and golden palette to some of the buildings and is characteristic along the eastern reaches of Northgate, where the appeal site is situated. I observed that vernacular forms dating from the 17th century are interspersed with more classically proportioned 18th and 19th century buildings. Their materiality stands out, particularly along Northgate.
10. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with the use of traditional materials and the 17th century vernacular architecture of its historic buildings.
11. The nearby listed buildings date from the 17th century and are constructed from coursed rubble with thatched roofs. The LB is single storey and originally functioned as the stable for No1 which was also known as the Deanery or Old Manor House. There is a pleasing, progressive increase in height from the clearly ancillary LB to the main range of No 1 at its easternmost extent. An intermediate connecting structure with an eyebrow dormer adds to the charm and obvious group value of these two buildings.

12. The historic context of these buildings would have clearly incorporated a yard where horses and carriages could be managed and manoeuvred. The current context in which it is experienced still comprises a yard which preserves a degree of historic openness. I find that this contributes to the special interest of these buildings because it has evidential value which relates to the former function of the LB as a stable.
13. Given the above, I find that the setting of the buildings, insofar as it relates to these appeals and their special interest, to be primarily associated with the open yard and how that supported the day-to-day lives of past occupants. This directly contributes to its special interest for the reasons given.
14. Notwithstanding a mature street tree, I observed that existing views over the site, when approaching it from the west along Northgate, are predominantly open with clear views of the Church and its verdant curtilage. This is apparent from multiple viewpoints. Unlike the flat-roofed storage unit that was previously present, I note from the plans that more than 50% of the massing of the proposed building would be visible above the existing wall and that this would be directly juxtaposed with the diminutive gable end of the LB. This would also erode views of the Church and the appearance of the CA, thus failing to preserve its significance.
15. The appellant notes a significant amount of 'non-frontage development' between Northgate and Station Road. Nearby, I observed such development between 24 and 26 Northgate and in Trafford's Yard. However, the scale of the buildings fronting onto Northgate were considerably larger and views of this backland development were only glimpsed, unlike the appeal site where there would be sustained views as individuals move east along Northgate. I note the set back and unfortunately designed telecommunications building that is adjacent to the site. However, existing harm to the CA is not a justification for further harm.
16. Although set against one corner of the yard, I find that the scale and massing of the proposed building would visually overwhelm the LB and lead to a significant loss of openness. The intensity of use would lead to the cramped, overdevelopment of this backland area. It would erode the diminutive form of the LB as well as the legibility of its functional relationship with No 1. The erosion would be apparent in views from Northgate and to a more limited extent across the adjacent car park, over the top of the walling, from multiple locations. This would be detrimental to their setting and thus fail to preserve their special interest.
17. The appellant has highlighted a number of heritage benefits, I note that the conversion of the existing building would reconstruct the rear wall, by removing all the common brickwork and blockwork and replacing this with coursed rubble ironstone. The existing flat roofed toilet extension would be demolished and the original external wall line would be reinstated. The detritus of the builder's yard would also be removed and the existing blockwork boundary walls would either be demolished or 'lined-out' with stone. A historic opening on the rear façade would also be re-instated. I accept that these heritage benefits would accrue but find that they would not outweigh the harm that would be caused by the overdevelopment of the site.
18. Given the above, I find that the proposal would not only harm the special interest of the LB and No1 through changes to their settings but also the significance of the CA through the harm that would be caused to the listed buildings and open views

of the church spire. Consequently, the proposal would fail to preserve the special interest of the listed building and the significance of the CA.

19. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development in their setting and that any such harm should have a clear and convincing justification.
20. Given the scope of the works, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. As these public benefits are also planning benefits I will consider this within the overall planning balance.

Parking

21. The local Highway Authority has objected to the proposal because the new build requires a minimum of 3 car parking spaces and the conversion requires a minimum of 2 car parking spaces based on habitable room uses. This gives a total of 5 rather than 4 spaces. Although revised plans were subsequently submitted to show an increased provision, as well as the minimum dimensions, this still fails to meet the necessary standards.
22. The appellant notes that the site is located within the centre of Oakham and in easy walking distance of the town centre services and facilities which includes the bus and railway stations. As such, the proposal would not be entirely reliant on cars. The appellant has drawn Policy 2 of the Oakham and Barleythorpe Neighbourhood Plan 2018 – 2036 (2022) (the NP) to my attention which only requires 'parking adequate for the needs of the development'. Policy SP15(l) of the Rutland Local Plan Site Allocations DPD (2014) (the DPD) is also highlighted which enables parking provision to be reduced in locations, such as Oakham town centre, to reflect the accessibility of a site by 'non-car modes'.
23. Bearing in mind the sustainable location and accessibility of alternative transport modes I am satisfied that the proposal is consistent with Policy 2 of the NP and Policy SP15(l) of the DPD and that a lower parking provision would be acceptable in this instance.

Planning Balance

24. The appellant is of the opinion that the proposal would be beneficial because it would: lead to the development of PDL; be in a sustainable location; improve the unkempt appearance of the site; and meet an identified housing need. I give limited weight to meeting a housing need because of the scale of the proposed development and the fact that the Council has a deliverable 5-year housing land supply. I give moderate weight to the use of PDL and the sustainable location given the importance of encouraging development in such circumstances. I give limited weight to the improved appearance of the site as its clearance would be no more than what would be necessary for the development to occur. Although not

mentioned by the appellant, I give moderate weight to the more viable use of the appeal property that would result from its conversion to residential use. However, I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance and such harm carries great weight.

25. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the II listed buildings and that the appearance of the Oakham Conservation Area would be neither conserved nor enhanced.
26. This would fail to satisfy the requirements of the Act, paragraph 210(a) of the Framework and conflict with Policies CS19 and CS22 of the Rutland LDF Core Strategy (2011) and Policies SP5, SP15 and SP20 of the DPD. These seek, among other things, to ensure that all new development contributes positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density and its relationship to adjoining buildings. Specifically, development should respond to surrounding buildings and the distinctive features or qualities and not have a detrimental impact upon the form, character, appearance and setting of a settlement or neighbourhood and its surroundings. They also seek to protect historic assets and their settings as well as the character of identified features.

Conclusion

27. For the above reasons and considering all other matters raised, I find that these appeals should be dismissed.

R Catchpole

INSPECTOR