



Appeal Decision

Site visit made on 19 March 2025

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2025

Appeal Ref: APP/A2470/W/24/3349791

Land East of Holywell Road, Pickworth Easting: 499568 and Northing: 313808

- 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 Mrs D Gilman against the decision of Rutland County Council.
- The application Ref is 2023/0960/FUL.
- The development proposed is described as the “erection of a single self-build dwelling, accessed via Holywell Road.”

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and amended it on 7 February 2025. I have had regard to comments received in respect of this matter in reaching my decision.
3. Revised plans have been submitted as part of this appeal¹, which include an amended point of access. The Procedural Guide for Planning Appeals² is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered is essentially what was considered by the Council, and on which interested people’s views were sought.
4. Having regard to the principles established in Holborn Studios Ltd³, which refined the Wheatcroft principles⁴, I consider that the relocation of the appeal site access would be a substantive difference to the original application, beyond, for example, what could reasonably be required by condition. Procedurally this could prejudice interested parties by depriving those who should have been consulted on the changes the opportunity of such consultation. For this reason, I have determined the appeal using the plans that were considered by the Council and upon which the views of interested parties have been sought.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for the development proposed, having regard to the development plan,
 - the effect of the proposed development on the character and appearance of the area, and

¹ Drawing numbers P003 Rev I and P003 Rev J

² Procedural Guide: Planning Appeals – England 2024

³ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWCH 2823 (Admin)

⁴ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- whether a safe and suitable access is capable of being provided.

Reasons

Whether a suitable location

6. Pickworth is identified as a Restraint Village within the development plan. The appeal site adjoins the Planned Limits of Development of Pickworth, and therefore lies within the countryside.
7. Policy CS4 of the Core Strategy Development Plan Document 2011 (CS) states, among other things, that the Restraint Villages are not considered sustainable locations to accommodate further development unless it is development normally acceptable in the countryside.
8. Policy SP6 of the Site Allocations and Policies Development Plan Document 2014 (SAP) states that new housing development will not be permitted in the countryside except where the proposal meets one of the exceptions listed.
9. The appeal scheme comprises one self-build property. As such, it does not meet the requirements of these policies for development within the countryside. There is no dispute between the parties in this regard.
10. Consequently, the appeal site is not a suitable location for the development proposed, contrary to CS Policy CS4 and SAP Policy SP6, as set out above.

Character and appearance

11. Pickworth is a small, rural village, surrounded by countryside. The built form is typically modest and largely set back from the highway, with grassed verges, hedges and trees giving a spacious and verdant feel. While adjacent to the village, the appeal site forms part of the surrounding countryside. It comprises a relatively open parcel of land, which the evidence indicates is in agricultural use. It therefore contributes towards the rural character and appearance of the area.
12. The appeal site is prominent, due to its proximity to Holywell Road, and its land levels which rise upwards away from the village. While the rear of the properties along The Drift are visible when approaching Pickworth along Holywell Road, their prominence is reduced due to existing land levels.
13. The appeal scheme seeks to erect a large two storey, detached dwelling with detached double garage on an otherwise undeveloped parcel of land. The dwelling would be orientated with its frontage broadly facing Holywell Road.
14. While the appellant assert that the proposal would use appropriate materials and detailing, in order to comply with the Framework, the proposed dwelling, due to its siting, size, scale and massing would be highly prominent, particularly when approaching the village along Holywell Road. Its prominence would be further exacerbated due to the land levels within the appeal site. Consequently, the appeal scheme would result in an imposing and dominant form of development, at odds with, and detrimental to, the rural character and appearance of the area.
15. The appellant asserts that the proposal provides an opportunity to soften key views into the village from northern viewpoints and the new settlement edge would look more attractive. While a landscaping scheme, secured by a condition, may offer some benefits, it is unlikely to completely screen the development. It would

not, therefore, outweigh the harm identified. In any case, I am not persuaded that the proposal is the only way to achieve these outcomes.

16. For these reasons, the proposed development would result in unacceptable harm to the character and appearance of the area. This is contrary to CS Policy CS19 and SAP Policy SP15. Collectively, these seek, among other things, to ensure new development meets the requirements for good design, is appropriate and sympathetic to its setting and shall not cause unacceptable effects by reason of visual intrusion.

Highway safety

17. The appeal scheme seeks to create a new access onto Holywell Road to serve the proposed property. The new access would be located on a section of highway subject to a 30mph speed limit, but close to its transition to 60mph. While there are no footpaths to the front of the appeal site, there is an existing footway on the opposite side of Holywell Road to the northwest.
18. Street furniture, including a telegraph pole and street sign, is located within the grass verge close to the proposed access. These structures are not annotated on the submitted plans, nor do the plans show the full extent of the vehicle to vehicle visibility splay to the northeast. Therefore, it is not clear whether the visibility splay could be achieved on land within the appellant's control, or whether the existing street furniture would restrict driver visibility when exiting the appeal site.
19. In addition, the submitted plans do not show the x distance of 2.4m and the pedestrian visibility splays correctly. The x distance should be measured from the channel line of the carriageway and the pedestrian visibility splays have been handed.
20. The footpath opposite the appeal site terminates to the southwest of the proposed access. To ensure safe pedestrian access to and from the appeal site, the Highway Authority have requested a pedestrian gate opposite this footpath, together with the provision of a short length of footway over the verge. No such details are included within the appeal drawings.
21. Consequently, in the absence of the information identified, I cannot be certain that a safe and suitable access for all users can be achieved as part of the appeal scheme. The proposal conflicts with SAP Policy SP15, which states, among other things, that development should make provision for safe access.

Other considerations

22. While noting the lack of development plan policies in respect of self-build plots and a recent appeal decision⁵, following the publication of the revised Framework, the Council has confirmed that they are unable to demonstrate a Framework compliant supply of housing land. The appellant asserts a housing supply of 2.96 years, which the Council does not dispute.
23. Set against this shortfall, the proposal would make a meaningful contribution towards the areas housing supply, with the appellant highlighting the acute and entrenched housing crisis. The Government's objective is to significantly boost the supply of homes, with a commitment of 1.5 million new homes this parliament. The

⁵ Appeal decision reference: APP/A2470/W/23/3323746

Framework supports the development of windfall sites and recognises that small sites can make an important contribution to meeting the housing requirement. The proposal would lead to some social and economic benefits through the construction of the property and the activities of the future residents of the scheme.

24. In addition, the proposed development is a self-build project. Irrespective of whether or not the Council has a shortfall of self-build plots, the appeal scheme would contribute towards self-build provision in the area. Although a condition would not be sufficient to secure the dwelling as a self-build unit, I note that the appellant has indicated that a Unilateral Undertaking could be supplied to secure its provision on that basis. If that had been provided, the provision of a self-build dwelling would have been a benefit of the scheme.

Planning Balance

25. Paragraph 11 d) of the Framework states that where the policies which are most important for determining an application are out-of-date, which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As the Council is unable to demonstrate a Framework compliant five-year supply of deliverable housing sites, paragraph 11 d) of the Framework is engaged.
26. The proposal conflicts with CS Policies CS4 and CS19 and SAP Policies SP6 and SP15. As such, the appeal scheme does not accord with the development plan as a whole. CS Policy CS4 and SAP Policy SP6 are broadly consistent with the Framework in respect of seeking to safeguard the countryside and direct growth to areas which have good access to services and facilities. However, the Framework does not impose a blanket restriction on residential development. In view of this and given their restrictive nature, I place reduced weight on the conflict with this element of these policies.
27. CS Policy CS19 and SAP Policy SP15 are broadly consistent with the aims of the Framework, in respect of ensuring that development reflects local character and provides safe and suitable access for all users. As such, the weight to be given to this conflict is significant.
28. Noting the support for new housing and the extent of the shortfall in housing supply, even if the dwelling were appropriately secured as a self-build unit, the benefits in respect of the appeal scheme would be limited, given the scale of development proposed. Therefore, the harm identified in respect of the main issues would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

29. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce INSPECTOR