



Appeal Decision

Site visit made on 15 April 2025

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Appeal Ref: APP/A2470/W/24/3357365

Land on the East side of 9a London Road, Uppingham LE15 9TJ

- 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 Kris and Lisa Van Den Heuvel against the decision of Rutland County Council.
 - The application Ref is 2023/1101/FUL.
 - The development proposed is described as the “conversion of a stable building to one self-build dwelling”.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Kris and Lisa Van Den Heuvel against Rutland County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and amended on 7 February 2025. Those parts of the Framework most relevant to the appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no parties interests would be prejudiced by my taking this approach.
4. Following the determination of the planning application, the appellants have submitted a revised proposed site plan¹, which includes a car turning area (the revised plan). While the additional information has not been subject to wider publicity, the Council has had opportunity to comment on this additional information. Moreover, the revised plan does not substantially alter the location or nature of the scheme, which was subject to wider publicity. Therefore, I am satisfied that interested parties have not been unduly prejudiced by my acceptance of this late evidence.

Main Issue

5. The main issue is the effect of the proposed development on highway safety.

Reasons

6. The stable building, the subject of this appeal, was granted planning permission under reference FUL/2000/0327/9/CC (the previous permission). The site address of the previous permission is Woodlands, 9a London Road, Uppingham

¹ Drawing number 221126_004_Revision E

(Woodlands). Neither the access associated with Woodlands, or the access proposed as part of the appeal scheme were included within the red line application site boundary for the previous permission.

7. The evidence indicates that the appellants have a permanent and unrestricted right of way over the access track included within the appeal scheme. The aerial photos show access to the stables via the access track and Woodlands. This is consistent with my observations during my site visit.
8. Within the previous permission it was confirmed that the stable building would not generate any additional trips, and the description of development stated the building was for private use. However, the conditions attached to the previous permission do not seek to tie the use of the stable building to the personal use of the occupiers of the parent property, Woodlands, nor restrict which access is utilised. Consequently, providing the stables are in private use, there is no restriction in place on the user of the stable building or its accesses.
9. Having regard to this, the evidence indicates that the stable building has been managed for some time by the appellants, not the applicant of the previous permission. The Transport Statement, dated September 2024, states that access to the appeal site will continue to be provided via the existing entrance from Red Hill. It states that there are 6 vehicular movements per day associated with the stable building. In respect of the daily vehicular movements associated with the proposed use, a one-bedroomed dwelling, the evidence states that such movements are likely to be minimal. Therefore, the Transport Statement concludes the appeal proposal would result in a slight reduction in vehicular movements when compared with the existing use.
10. Consequently, given that the use of the stable building will cease, there would be no intensification in vehicle movements to and from the appeal site as a result of the appeal scheme. On this basis, there is no requirement to provide mitigation in respect of the site access, visibility splays and passing bays.
11. Notwithstanding this, the Council have requested details in respect of a turning area. While the appellants state that a variety of large vehicles, including cars and vans towing trailers, access the site at present, the land associated with the stable building is much larger than the relatively modest appeal site.
12. To address this, the appellants submitted the revised plan. The Council consider that turning should be provided for the largest vehicles to access the site and a food delivery truck. While the appellants state that on completion of the proposal the types of vehicles accessing the site would be limited to cars and occasional delivery vans, the revised plan shows tracking for a car only.
13. The revised plan clearly demonstrates that there is insufficient space within the appeal site for a vehicle to turn, irrespective of whether other vehicles are parked within this area. Given that delivery vehicles are typically larger than an average sized car, it follows that larger vehicles would also be unable to turn within the appeal site.
14. While the encroachment into the neighbouring blue line land would be minor, the red line boundary should include all land necessary to carry out the proposed development. In view of this, it would not be appropriate to address such matters through an appropriately worded condition.

15. The access track serves several residential properties, and a storage shed, in addition to the appeal building, and provides access from Red Hill. A footpath runs along Red Hill, to the front of the appeal site access. Vehicle speeds along the access track are likely to be low, due to its narrow width and alignment. While only a snapshot in time, during a quieter part of the day, I observed a moderate flow of traffic along Red Hill. In addition, a public footpath runs through part of the appeal site.
16. The lack of space to manoeuvre a vehicle within the appeal site would be likely to result in vehicles reversing along the access track, either to enter or exit the site. While noting there are some passing points, the length and alignment of the access track would result in drivers reversing for a significant distance, with restricted views along part of the track. Moreover, vehicles attempting to enter or exit the site in reverse gear, would have to undertake manoeuvres within the highway, Red Hill.
17. Consequently, while CrashMap data confirms there have been no vehicular accidents reported near or at the access point in over 20 years, such manoeuvres are likely to result in conflict between pedestrians and other vehicles, to the detriment of highway safety.
18. Moreover, in the absence of a bin storage area, it is unclear how refuse collections would be undertaken. This further adds to the concerns raised in respect of the main issue.
19. The appellants contend that the access track in its current condition is adequate to accommodate vehicles both during and after construction. Be that as it may, and noting the recommended condition in respect of a condition survey of the access track and remediation works, such measures do not overcome the harm identified.
20. For the reasons given, I conclude that the proposed development would result in unacceptable harm to highway safety. This is contrary to SP15 of the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (SAP), which states, among other things, that development should make provision for safe access by vehicles.

Other Matters

21. There is no dispute between the main parties in respect of the principle of development, whether the stable building can be converted without major reconstruction and the location of the proposal with regard to Uppingham. Having regard to the evidence before me, I see no reason to disagree with these findings.

Other considerations

22. While noting the lack of development plan policies in respect of self-build plots and an appeal decision², following the publication of the revised Framework, the Council are unable to demonstrate a Framework compliant supply of housing land. The appellants assert a housing supply of 2.96 years.
23. Set against this shortfall, the proposal would make a meaningful contribution towards the areas housing supply. The Government's objective is to significantly boost the supply of homes, with a commitment of 1.5 million new homes this

² Appeal decision reference: APP/A2470/W/23/3318651

parliament. The appellants have also highlighted the acute and entrenched housing crisis. The 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 appeal scheme is a self-build project, with the appellants confirming they are on the self-build register. The appeal scheme would therefore contribute towards self-build provision in the area. The appellants have indicated that they would be prepared to secure the dwelling as a self-build through a planning obligation. No such mechanism has been provided as part of the appeal. 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 SAP Policy SP15. As such, the appeal scheme does not accord with the development plan as a whole. SAP Policy SP15 is broadly consistent with the aims of the Framework, which seeks to ensure development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. As such, the weight to be given to this conflict is significant.
27. 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 issue 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

28. 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