



Appeal Decision

Site visit made on 9 September 2025

by A Robinson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Appeal Ref: APP/A2470/W/25/3367693

29 Normanton Road, Edith Western, Rutland LE15 8HD

- 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 Arabella Reilly against the decision of Rutland County Council.
 - The application Ref is 2024/1259/FUL.
 - The development proposed is a new house and alterations to existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the Council and appellant advised in their submissions that following the Council's determination of the application, the Edith Weston Neighbourhood Plan (2023–2041) (EWNP) was formally made by Rutland County Council in March 2025. It forms part of the statutory development plan.
3. The Council initially submitted a copy of the neighbourhood plan adopted in 2014. Following my request, they provided a copy of the recently adopted plan. As the main parties to this appeal had previously drawn my attention to this document and the key relevant policies, there was no need for me to seek comments on the submission. I am satisfied that no party has been prejudiced by this approach.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and provision of Biodiversity Net Gain.

Reasons

Character and appearance

5. The appeal site relates to a two-storey semi-detached dwellinghouse occupying a corner plot in the village of Edith Weston in Rutland. It is situated on a side of Normanton Road that is characterised by two-storey semi-detached dwellings constructed of a similar form and materials. Dwellings are set within spacious plots with a building line set back uniformly from Normanton Road. Normanton Road splits in two at the appeal site where a subsidiary section serves similar semi-detached dwellings before rejoining the main section of Normanton Road. The host dwelling fronts the main section of Normanton Road and comprises a side garden and detached garage fronting the subsidiary section of Normanton Road. Boundary treatment comprises tall hedge planting. The opposite side of Normanton Road comprises detached dwellings set within larger plots.

6. The proposed two-storey dwelling would be attached to the side of the existing dwelling subdividing the existing plot, resulting in a terrace of 3 properties. Its arrangement has sought to create a dual frontage dwelling with a gable end facing both the existing front and rear of the plot with the front gable protruding slightly forward of the existing front building line. The main elevation would predominantly read as facing the subsidiary section of Normanton Road, rotated 90 degrees from the present arrangement.
7. The creation of a terrace would be at odds to the original semi-detached form of properties clustered on this side of Normanton Road, such that the proposal would not respect this established local context.
8. In addition, whilst acknowledging the dual frontage approach, the proposed arrangement would nevertheless introduce a fundamental change to the typical semi-detached linear form and appearance of the host dwelling fronting the main section of Normanton Road. It would significantly contrast with rather than complement or enhance this established character, which would be compounded by the protrusion beyond the existing front building line. Despite tying in with the eaves and ridgeline and using matching materials, the proposal would appear as a discordant and prominent feature which detracts from the existing character, appearance and orientation of the host and adjoining properties it reads as forming part of. The prominent corner location of the site near the entrance to the village would intensify this harm.
9. I carefully observed the character and appearance of neighbouring dwellings and their relationship to Normanton Road on my site visit. I recognise that the proposal has sought to replicate the arrangement and dimensions of numbers 19 and 43 (semi-detached with numbers 21 and 45 respectively). However, I am not persuaded that the proposal would continue the original pattern of building orientation of these dwellings. If the original intention of the design of corner plots was to bookend dwellings, then the host dwelling would already likely benefit from this arrangement.
10. Notwithstanding the different orientation of numbers 19 and 43, they nevertheless retain their semi-detached character; even accounting for the modest two-storey extension attached to number 43 and the single-storey extension attached to number 21 which appear as subservient additions. The enlarged form of the proposal when considered in conjunction with numbers 29 and 27 would not be of a similar scale to these properties. They would collectively form a larger terrace of dwellings at odds to the established character of the area.
11. Number 1 Church Lane relates to a large detached dwellinghouse that has been extended to the side by way of a gable fronting feature which appears subservient to the host dwelling. It is therefore different in form and context to the proposal.
12. In the absence of any prescribed guidelines for plot sizes being brought to my attention, a judgement having regard to the individual circumstances of the case needs to be reached. I am mindful of the percentage figures, the proposed plot size with its ability to accommodate parking and amenity space and the proximity to the main section of Normanton Road provided by the appellant. However, the proposed size of the plot and available curtilage space would be considerably smaller than those on adjoining dwellings, resulting in a significantly denser form of development at odds with the spacious layout of dwellings situated in the surrounding area. This

is particularly highlighted by the very close proximity of the main elevation of the dwelling to the site boundary, resulting in a tight arrangement bringing development closer to the subsidiary section of Normanton Road significantly harming the current open and spacious character.

13. I note the design evolution of the proposal although my role is to assess the suitability of the final proposal in front of me. The appellant has drawn my attention to a recent appeal decision granting outline planning permission for a residential development to the east of Normanton Road close to the appeal site. However, there is uncertainty as to the final design of the type and appearance of dwellings as these are matters reserved for future consideration. I therefore give very limited weight to its relevance to the design of the proposal.
14. Taking the above matters together, I conclude that the development would result in significant harm to the character and appearance of the surrounding area. It would fail to accord with Policy CS19 of the Rutland Local Development Framework, Core Strategy Development Plan Document (RCS) (adopted 2011), Policies SP5 and SP15 of the Site Allocations and Policies Development Plan Document (SAPDPD) (adopted 2014), the Design Guidelines for Rutland Supplementary Planning Document 2022, Policies EW-SG01 and EW-DH01 of the EWNP and chapter 12 of the National Planning Policy Framework (the Framework). Amongst other things, these collectively seek to ensure that development contributes positively to local distinctiveness and reinforce the distinctiveness of the wider setting whereby scale, density, layout, appearance and relationship to adjoining buildings must be appropriate to the local context of the site and surrounding streetscape character.

Biodiversity Net Gain

15. The proposal would result in the loss of non-native hedgerow units. This loss would be compensated by either planting a new native hedge on the grass verge just outside the site boundary or purchasing offsite units from a habitat bank. The appellant proposes to secure this by way of a section 106 agreement, which has been submitted in the form of a unilateral undertaking (UU) where a signed and dated copy has been submitted as part of the appeal.
16. The appellant states the UU has been agreed with the Council. The Council has not provided comments on the suitability of the UU in its response to the appeal.
17. I have reviewed the UU against Paragraph 58 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 which sets out three tests that planning obligations must meet. I have also considered the suitability of the UU against the Planning Practice Guidance (PPG) for Biodiversity Net Gain.
18. Fundamentally, the UU provides no commitments securing the maintenance of the off-site habitats for at least 30 years as required by the Environment Act 2021.
19. Overall, I have no doubt that BNG would be achievable as part of the appeal proposal. However, in the absence of an explicit mechanism the UU fails to secure the statutory minimum 30-year period maintenance requirement for the proposed off-site habitat following its creation.

Other Matters

20. The proposal would result in one dwelling which would support the government's aim of increasing housing supply as advocated in the Framework. The site is

located within the planned limits of development in the EWNP and the proposal could help to support local services and facilities in a rural area. The proposal would also generate limited economic benefits through short term construction jobs.

21. The appellant estimates that the Council has a housing land supply of 2.03 years, something which the Council has not disputed. This is a significant shortfall on the required 5-year delivery. Bearing in mind this estimated shortfall has not been disputed, the provision of one dwelling would bring moderate benefits.
22. The Council's appeal statement raises concerns regarding the impact on living conditions with regard to privacy and outlook for the occupiers of the proposed dwelling and existing dwellings. This did not form part of its reasons for refusal. The proposed dwelling would contain one first floor window in the rear gable at an oblique angle to number 29 which would serve a non-habitable shower room. The proposed dormer window to the rear of number 29 would serve a bedroom and also be at an oblique angle to the rear garden of the proposed dwelling. This situation would not give rise to any materially worse overlooking or loss of outlook than presently exists. Noting proposed separation distances from the proposed dwelling, I am also satisfied that no other neighbouring properties would be adversely affected by overlooking or loss of outlook. It follows that I do not find conflict with Policy SP15 of the SAPDPD in this regard.

Planning Balance

23. The appeal proposal would result in significant harm to the character and appearance of the surrounding area by virtue of its scale, density, layout, appearance and relationship to adjoining buildings which would not be appropriate to the local context of the site and surrounding streetscape character.
24. Whilst I have no doubt that BNG is achievable, the UU does not explicitly secure the management and monitoring of created off-site habitats for the required minimum 30-year period.
25. The development plan comprising the RCS and SAPDPD date from 2011 and 2014 respectively but the weight to be attached does not hinge on its age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. Chapter 12 of the Framework states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also requires development to be visually attractive as a result of layout and sympathetic to local character including the surrounding built environment. I have found conflict with Policy CS19 of the RCS and Policies SP5 and SP15 of the SAPDPD in this regard and this should be given significant weight in this appeal.
26. As the proposal would be contrary to the policies referred to, there would be conflict with the development plan as a whole.
27. The Council has not disputed the estimated housing land supply of 2.03 years advocated by the appellant. This is a significant shortfall. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

28. The EWNP does not undertake housing site allocations, leaving this to the adopted Core Strategy. Therefore paragraph 14 of the Framework is not engaged because the EWNP does not include allocations to meet its identified housing requirement.
29. As described above, there would be moderate benefits associated with the provision of one dwelling noting the significant housing shortfall presented to me. However, the Framework is clear that securing well-design places is a key aspect of sustainable development.
30. Consequently, the significant harm to the character and appearance of the surrounding area significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not support the objective of securing well-designed places and as a result, not achieve sustainable development.

Conclusion

31. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

A Robinson

INSPECTOR