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## Appeal Decision

Site visits made on 17 November 2025 and 19 January 2026

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> February 2026

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### Appeal Ref: APP/A2470/W/25/3370334

#### Land off Normanton Road, Edith Weston, LE15 8HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Philip Davies against Rutland County Council.
  - The application Ref is 2025/0492/MAO.
  - The development proposed is for up to 62 dwellings, with associated access, landscaping and open space.
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### Decision

1. The appeal is allowed, and outline planning permission is granted for up to 62 dwellings, with associated access, landscaping and open space at Land off Normanton Road, Edith Weston, LE15 8HD, in accordance with the terms of the application, Ref 2025/0492/MAO, subject to the conditions in the attached schedule.

### Background and Preliminary Matters

2. The planning application was submitted in outline form and included means of access from Normanton Road. Appearance, landscaping, layout and scale are reserved for future consideration. I have determined the proposal on this basis and treated the submitted layout plan as being indicative only.
3. The application is identical to that considered under a previous appeal<sup>1</sup> that was initially dismissed on 21 November 2023, but was subsequently quashed, redetermined, and allowed, resulting in outline planning permission being granted on 25 February 2025. That decision was challenged by Edith Weston Parish Council but was upheld by the High Court<sup>2</sup> in its judgement dated 7 November 2025. Permission to have this case considered by the Court of Appeal was refused on 2 February 2026. In any event, the decision letter relating to the existing planning permission is a material consideration.
4. It is undisputed that the proposed development conflicts with the development plan taken as a whole, which currently comprises the Rutland Local Development Framework, Core Strategy Development Plan Document, July 2011 (CS), the Site Allocations and Policies Development Plan Document, October 2014 (DPD) and the Edith Weston Neighbourhood Plan 2023-2041, March 2025 (EWNP).
5. It is also undisputed that the LPA is unable to demonstrate it has a five-year supply of deliverable housing land, or that the shortfall of such land, with the supply standing at around three years at best, is substantial. Although an emerging local

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<sup>1</sup> APP/A2470/W/23/3323586

<sup>2</sup> Edith Weston PC v SSHCLG [2025] EWHC 2908 (Admin)

plan has recently been examined in public, I understand that this was produced and is based upon housing numbers that have since been significantly increased, and as such, it would not identify sufficient sites to deliver the required number of new homes in Rutland. On this basis, the Council's case indicates that had it determined the application, it would have granted outline planning permission.

### **Main Issues**

6. Having regard to the above, and the outstanding concerns of interested parties, the main issues, are:
  - i. whether the site is an appropriate location for the development having regard to development plan policies and the accessibility of services and facilities;
  - ii. the effect of the development on the character and appearance of the area; and
  - iii. the effect of the development on designated habitats sites.

### **Reasons**

#### *Location*

7. Edith Weston is one of seven designated Local Service Centres (LSC). After the towns of Oakham and Uppingham, these LSC comprise the largest villages in Rutland, which offer a range of facilities and access to public transport.
8. The planned limits of development for Edith Weston are drawn quite tightly around four areas of built development, with open spaces in between them, and exclude the extensive Army Barracks and airfield. The appeal site is located between and adjoining two of these central developed areas of the village but is entirely outside of the planned limits of development, in the countryside.
9. Policies CS2, CS3 and CS4 of the CS seek to focus new development in the most sustainable locations, primarily in the towns and LSC, and where it is accessible by other modes of transport without reliance upon the private car. LSC are intended to accommodate growth through small scale allocated sites, affordable housing sites, infill developments and conversions. In the countryside, residential development is generally restricted to conversions and that with an essential need to be located in the countryside.
10. Policy SP6 of the DPD restricts new housing in the countryside to that required to meet operational needs, affordable housing to meet an identified local need, conversions and replacements.
11. Policy EW-SG01 of the EWNP refers to development within the planned limits identified and policy EW-SG02 relates to the redevelopment of the St George's Barracks site. The appeal site is neither within the planned limits of development nor the St George's Barracks site, and accordingly neither of these policies are directly relevant to my determination of the appeal. However, I acknowledge that the proposal conflicts with the general aims of the EWNP to direct or limit new housing development to such areas. I also note that the proposal, taken either alone or in combination with other planned developments, would exceed the required number of homes identified in the EWNP as being required within the plan period, but such figures are not maximums. Moreover, the number of new

homes required to be built within the county has increased, and this will inevitably have an impact upon the growth of LSC.

12. With regard to policy EW-TM01 of the EWNP, the development would generate additional journeys that could be met by a range of transport choices. The development would incorporate and be directly linked to an existing network of roads and footways, providing safe access to local facilities and public transport. Safe pedestrian access links to Rutland Water for leisure and recreation is also available via the existing footway opposite the site and safe pedestrian crossing points are proposed.
13. In the context of Rutland, which is a very rural area, LSC including Edith Weston, are well served by services and facilities. Within the village there is a primary school, shop and coffee cabin, public house serving food daily, church, village hall, children's play/recreational area, a visitor centre café, and access to a variety of outdoor recreational and leisure activities, which are within safe walking and cycling distance. I acknowledge that for convenience, or as part of linked trips, cars will often be the preferred choice, particularly for school runs, but this applies equally in larger settlements. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
14. The larger towns of Oakham, Uppingham and Stamford are all a short distance away, providing a greater range of employment, education, health care and shopping facilities, together with onward train travel. I am advised that public buses to larger areas operate approximately every two hours throughout the day, in addition to transport to secondary schools. Where cars are used to access a greater range of services, journeys would be relatively short.
15. I therefore conclude that future occupiers of the proposed development would not be wholly dependent upon cars to access all of their day to day needs and, in this respect, I consider the location to be acceptable. Nevertheless, the proposal would conflict with the above mentioned development plan policies, which direct larger scale developments to settlements that offer a wider range of services, facilities and public transport and which restrict development in the countryside to several exceptions, none of which apply in this case. Permitting the development would therefore undermine the spatial strategy for the distribution of new housing and the plan led system. I afford this conflict significant weight.

### *Character and appearance*

16. The site comprises part of an undeveloped arable field, which is bound by hedgerows, other than along its northern edge that crosses the field. As it currently stands, the site contributes to the open character of the rural area, despite the presence of existing housing on two sides. The development would encroach into the countryside and would urbanise the appearance of the settlement in views from the north. This could however be mitigated over the longer term by the provision of a substantial landscape buffer, creating a strong defensible boundary to the edge of the settlement, which could be secured at the reserved matters stage. Views of the development from elsewhere within the village would be seen in context with existing housing or would be buffered by the paddock on the eastern side of Normanton Road, close to its junction with Pennine Drive, which is designated as local green space in the EWNP.

17. Having had regard to the submitted landscape and visual appraisal, the views of the main parties and the previous Inspector, and my own visual observations, I conclude that the proposal would result in some initial harm, which would conflict with policies CS21 of the CS, EW-DH01 of the EWNP and paragraph 187 of the Framework, in so far as they seek to safeguard the character and appearance of the countryside and to ensure proposals respond positively to the site and context. However, I also agree that subject to careful design, layout and the provision of appropriate landscaping at the reserved matters stage, the harm would be moderate and would be reduced overtime as the new landscaping buffer matures.

*Effect on designated habitats sites*

18. As the appeal site itself comprises arable land that is frequently disturbed by ploughing, it is considered to be of low habitat value. Its boundary trees and hedges of native species provide moderate habitat value. These would be retained except for the removal and trimming back of a modest section to create the initial site access, footways and visibility splays. The proposal would include substantial new planting and habitat creation to compensate for this.
19. The site is close to Rutland Water, which is a designated Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. This area is an internationally designated wetland site with importance for wintering and passage wildfowl. Its qualifying features are a range of bird species, specifically Northern shoveler, Eurasian wigeon, Eurasian teal, Gadwall, Tufted duck, Common goldeneye, Mute swan, Common coot, Goosander, Great crested grebe and an assemblage of waterbirds. The designated site is in a favourable condition and conservation objectives exist to ensure its integrity is maintained.
20. Due to its proximity to the designated site, the proposal could potentially have indirect impacts on surrounding habitat resulting from the loss of part of an arable field, which could be used by migratory and overwintering birds for foraging and roosting during the winter. The application was supported by Preliminary Ecological Appraisals (September 2022 and November 2024), a Wintering Birds Survey (March 2023), Biodiversity Impact Assessments (November 2022 and October 2024), Arboricultural Impact Assessment (September 2022) and a Shadow Habitats Regulations Assessment (October 2024).
21. The submitted surveys identify that the northern portion of the wider field (outside the appeal site) is used by roosting Lapwing, which are a species listed as part of the Rutland Water SPA notified waterbird assemblage. This indicates that the off-site arable habitat adjacent to the site may represent functionally linked land to Rutland Water SPA/Ramsar and that Lapwing could be indirectly impacted during the construction and operation of the scheme via disturbance from noise and recreation.
22. To minimise any potential impacts on the adjacent functionally linked land, recommendations have been made to ensure invasive species are not imported to the area, to prevent any water pollution, and to prevent disturbance to birds, both during construction and by future occupiers of the development and their pets.
23. No objections to the application were raised by the LPA's ecological advisor or Natural England. An appropriate assessment undertaken in relation to a previous appeal decision for an identical proposal on this site concluded that subject to appropriate mitigation measures, that could be secured by conditions, the

development would not harm the integrity of the Rutland Water SPA or its qualifying features. No challenge was made to the previous decision on these grounds and there is no new evidence before me to lead me to a different view on this matter following my own appropriate assessment and further consultation with Natural England.

24. I therefore conclude that subject to appropriate conditions, the development would not adversely affect the integrity of the Rutland Water SPA/Ramsar, its qualifying features and assemblage or functionally linked land adjacent to the site.

### **Other Matters**

25. In addition to the main issues above, concerns have been raised regarding highway safety, lack of infrastructure in the village, design issues and views, effects on wildlife and the loss of grade 3 agricultural land.
26. There is no evidence before me to indicate that the development would result in harm to highway safety and no objections have been raised by the local highway authority. The internal road layout and provision of appropriate parking would be addressed at the reserved matters stage. I understand that a Community Infrastructure Levy (CIL) is in place for Rutland, which is used to collect funds from developers to be used to improve infrastructure in the local area, including highways, transport, waste services, education and health care.
27. Design and any effects on the outlook from existing properties would be considered at the reserved matters stage, albeit the loss of an open view is not a reason to withhold planning permission.
28. The development would result in the loss of grade 3 agricultural land that is in farming use. I have not been advised that the land is grade 3a, falling within the category of the best and most versatile land. However, even if this is the case, the area is relatively small in agricultural terms and accordingly any harm resulting from this loss would be very modest. The development of the arable field would have a limited effect on local wildlife, which can be mitigated by conditions.
29. Concerns have been raised regarding the absence of a detailed breeding bird survey, which I am advised has been sought in relation to the development of another nearby site. However, I do not have the full details of that case, and it is not for me to determine what is or isn't required in support of that application. If the applicant in that case considers they are being treated unfairly, this should be taken up with the relevant authorities.
30. No heritage concerns have been raised, and I note that the Inspector dealing with the previous appeal on this site concluded that the development would not result in any harm to the significance of any nearby heritage assets. My own observations and the absence of substantive evidence to the contrary do not lead me to a different view on this matter.
31. The site already benefits from planning permission for an identical proposal, the fallback position of which is a significant material consideration. However, I have determined this appeal on its own particular planning merits.
32. My attention has been drawn to the St George's Barracks site, which was granted outline planning permission for 85 dwellings in 2024. Interested parties consider this to be a better site for development and to meet the identified local housing

needs of the area. This site, although previously developed land, also lies outside of planned development limits, in the countryside, and has the same access to services and facilities. I have not been advised that any detailed applications have been made to the LPA in relation to this site or of any estimated timescales for its delivery. At the time of my latest visit, this site appeared to still be in active use by the armed forces. Furthermore, as already mentioned, housing need figures are not maximums and have recently been increased. This planning permission does not therefore alter my reasoning or conclusions in relation to the proposal before me.

### **Planning Balance**

33. It is undisputed between the main parties that the proposal conflicts with the development plan taken as a whole, on the basis that it would be a large-scale development in the countryside, that would not be particularly well served by services, facilities or public transport, and would result in harm to the character and appearance of the area, particularly in the short term. Approving the development would therefore undermine development plan policies which seek to direct larger housing development to more sustainable settlements and to protect the countryside. This is an important consideration in the context of the plan led system.
34. However, it is also undisputed that the Council's housing land supply is well below the five-year requirement, and that current development plan documents and policies were formulated based on housing requirements that have since increased. Consequently, more housing sites are now required and given the rural nature of the county, some of these at least will inevitably be greenfield sites in the countryside. Under these circumstances, the weight I afford to the conflict with development plan policies is reduced.
35. I have already concluded the development would not harm the integrity of any habitats sites and I agree with the undisputed conclusions of previous decisions that the proposal would not result in harm to heritage assets. Accordingly, there are no protected areas or assets of particular importance that policies in the Framework would indicate provide a strong reason for refusing planning permission in this case.
36. Paragraph 14 of the Framework is not engaged as the EWNP does not allocate any sites for housing. This matter has been agreed by the High Court and is not subject to the further ongoing challenge.
37. The provision of up to 62 homes, at least 40% (5% more than the 35% policy requirement) of which would be affordable and at least 5 of which would be self or custom build, would make a significant contribution to the shortfall of these housing needs. Future occupiers of these homes would have access to some local services and facilities in the adjoining LSC, together with access to public transport and excellent recreational and leisure activities.
38. The development would support the vitality, viability and retention of existing services and facilities in the village, as well as those in nearby settlements, and may also support new ones. Additional shorter term economic benefits would arise from the construction phase, and social and environmental benefits would be created by the provision of public open space and BNG enhancements.

39. When assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission on land outside the planned limits of development, resulting in harm to the character and appearance of the area that can be mitigated in the long term by appropriate landscaping, would not significantly and demonstrably outweigh the benefits I have identified.

### **Planning Obligation and Conditions**

40. A completed Section 106 Agreement has been submitted, which would ensure that a minimum of 40% of the proposed dwellings would be provided as affordable housing, that a minimum of the 5 dwellings would be self or custom-build dwellings, that appropriate levels of public open space and BNG would be provided together with measures to secure their future maintenance and management, and a monitoring fee. The obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind. Therefore, they meet the tests within CIL Regulation 122 and the Framework, and I have taken them into account in reaching my decision.
41. Standard conditions relating to time limits for commencement, the submission of reserved matters, and compliance with the approved site access drawings, are necessary to provide certainty on these matters. A phasing plan condition is reasonable to identify CIL exempt areas of development.
42. Pre-commencement conditions are necessary to ensure that i) satisfactory drainage measures will be installed, managed and maintained; and ii) to protect the living conditions of existing nearby residents, highway safety and ecological and landscape features of importance, throughout the construction stage of the development. Conditions to ensure the provision of approved visibility splays, the pedestrian crossing point, and the surfacing of roads and footpaths at the appropriate stages of development are also necessary in the interests of highway safety.
43. To safeguard potential archaeology, it is necessary to impose a condition requiring further investigation. In the interests of safeguarding the character and appearance of the area it is necessary to secure the protection of existing and proposed landscaping in and around the appeal site. To protect wildlife, biodiversity and the integrity of the Rutland Water SPA, it is necessary to secure the mitigation measures recommended, and to require an updated ecological appraisal to address any potential changes that may have occurred between the submission of the application and the commencement of development.
44. As the provision of electric vehicle charging points is covered by Building Regulations and car parking will be agreed and secured at reserved matters stage, it is not necessary to condition these.

### **Conclusion**

45. The proposal would conflict with the development plan taken as a whole. However, material considerations indicate that the appeal should be determined otherwise than in accordance with the development plan. For the reasons given above, the appeal is allowed.

*R Bartlett* INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
- 4) The development shall be carried out in accordance with the following approved plans: Site Location Plan Rev D Ref. 211055\_001 and Proposed Site Access Plan Ref. AMA/21497/SK003.
- 5) The landscaping scheme to be submitted at reserved matters stage shall be accompanied by a Biodiversity Net Gain matrix to demonstrate that the scheme can achieve the minimum 10% Net Gain. The development shall be carried out in accordance with the approved scheme.
- 6) At or before the reserved matters stage, a detailed phasing plan for the development which identifies each of the self-build plots and the site wide infrastructure as individual phases of development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing plan.
- 7) No development shall take place until both foul and surface water drainage schemes, including ongoing maintenance and management, have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be based on sustainable drainage principles, and the foul water strategy shall identify a sustainable point of connection to the public foul network. The development shall be implemented, maintained and managed in accordance with the approved schemes.
- 8) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and include:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from construction works
  - hours of working on site

- 9) No development shall take place until a Construction Environmental Management Plan for biodiversity (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP.
- 10) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved LEMP.
- 11) No development shall take place until a programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme and will be completed in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the local planning authority. For land that is covered by the approved WSI, no development shall take place other than in accordance with the approved WSI and mitigation, which shall include the statement of significance and research objectives, and
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be satisfied until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 12) No development shall take place until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.
- 13) The carriageways of the proposed estate roads, proposed junction and footways with and in the existing highway shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstruction within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- 14) Prior to the first use of the access the vehicle visibility splays shown on the approved site access plan AMA/21497/SK003 shall be provided and shall thereafter be retained free from any obstruction exceeding 600mm in height above ground level.

- 15) Prior to the occupation of the first dwelling, the pedestrian crossing and tactile paving shall be provided in accordance with approved drawing AMA/21497/SK003.
- 16) No development shall take place until the existing trees and hedges on or adjacent to the site identified for retention in the submitted arboricultural impact assessment have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing by the local planning authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the protected areas, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 17) No development shall commence until an updated ecological appraisal is submitted and confirmed in writing as being acceptable to the local planning authority. Any recommendations made in respect of protection, mitigation and enhancement for biodiversity shall be incorporated into the details submitted for the approval of the local planning authority at reserved matters stage and delivered prior to occupation.
- 18) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the landscaping details to be submitted as part of the reserved matters, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the local planning authority. Any trees or shrubs which, within a period of 5 years (or any other timeframe stated in the LEMP) of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
- 19) No external lighting shall be installed on site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the local planning authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior written permission of the local planning authority.

## **END OF SCHEDULE**