



Appeal Decision

Site visit made on 30 March 2026

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Appeal Ref: APP/A2470/W/25/3375563

1 Wheatlands Close, Ketton, Rutland PE9 3RX

- 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 Gareth Phillipson against the decision of Rutland County Council.
 - The application Ref is 2025/0139/FUL.
 - The development proposed is two semi-detached dwellings with access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Gareth Phillipson against Rutland County Council. This is the subject of a separate decision.

Preliminary Matters

3. The description of development in the banner above is duplicated from the Application Form. However, I have removed the phrase “Full planning application for ...” as this does not refer to an act of development.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of occupiers of 1 Wheatlands Close (No 1), with particular regard to outlook, privacy, and the provision of external amenity space; and,
 - whether the proposal would provide appropriate living conditions for future occupiers of the proposed development, with particular regard to outlook and the provision of external amenity space.

Reasons

Character and appearance

5. Wheatlands Close largely comprises of short, terraced blocks of dwellings which are similar in design. The appeal site is the garden of No 1 which is a corner plot. It is located at the junction of Wheatlands Close and an access road which is to the rear of properties on this side of the road. Most of the dwellings in the area are set within long, narrow plots. Corner plots, including No 1, are large but tend to be wider and shorter. The appeal site is prominent in the street scene due to its wide

site frontage and position close to the entrance of the cul-de-sac. It also contributes to the large gap between dwellings on Wheatlands Close and Capendale Close. This gap creates a spacious character.

6. Most of the dwellings in the area are set back from the road by a modest distance; the proposed dwellings would be set back by a similar distance to others. Furthermore, if the existing building line were to follow the curve of the road, the proposed dwellings would be sited broadly in line with it. The space between No 1 and the proposed dwellings would also be similar in size to other gaps between properties on the road. Notwithstanding this, the footprint to plot ratio of the proposed development would be much larger than neighbouring dwellings. Whilst the proposed dwellings would broadly follow the established pattern of development, when viewed in the street scene they would appear cramped.
7. On the Proposed Site Plan¹, the proposed plots appear similar in size to neighbouring properties. However, during my site visit I observed that neighbouring gardens continue on the other side of a narrow access path and are therefore much larger than shown on the plan and the proposed gardens. For clarity, harm would arise due to the significant difference in the footprint to plot ratio of the proposed dwellings and No 1 when compared to neighbouring development. It would result in the proposed dwellings and No 1 appearing as overdevelopment of their plots and incongruous in the street scene. This harm would be amplified by the appeal site's prominent position.
8. The external finishes of the proposed dwellings would be similar to others in the area. Likewise, the proposed dwellings would include windows and chimneys which are of a similar design to others in the road. The removal of the tall close boarded fence and planting of a low boundary hedge would increase the sense of openness around the front of the site. The proposed hedge would also assimilate with other low boundary treatments. These are all benefits of the proposal.
9. The provision of off-street parking to the front of properties is not a common feature in the area but planning permission² has been granted for a driveway opposite the appeal site. The provision of off-street parking for No 1 and both proposed dwellings would be harmful to the openness of the area. Nevertheless, it would be an improvement on the existing tall close boarded fence which fronts most of the appeal site. Therefore, the provision of off-street parking would not have a harmful effect on the character and appearance of the area.
10. Taking all of the above into account, the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy CS19 of the Core Strategy, Development Plan Document, July 2011 (CS), policies SP5 and SP15 of the Site Allocations & Policies Development Plan Document, October 2014 (SAPDPD), and policies KT1 and KT14 of the Ketton and Tinwell Joint Neighbourhood Plan 2021-2041, July 2023 (NP). These policies indicate that development should have regard to its setting and contribute positively to local distinctiveness, amongst other matters. The proposal would also not be in accordance with the Design Guidelines SPD³ and the National Planning Policy Framework (the Framework). These documents advise that infill development

¹ Project No. WG1313 Drawing No. 03D

² Planning Permission Ref. 2023/0582/FUL

³ Design Guidelines for Rutland, Supplementary Planning Document, March 2022, Rutland County Council

should complement the street scene and the creation of high quality places is fundamental to what the planning process should achieve, amongst other matters.

Living conditions – neighbouring occupiers

11. The proposed development would subdivide No 1's garden. The garden would be further reduced to provide off-street parking for No 1. Nonetheless, the remaining garden would still be of an appropriate size for a three-bedroom dwelling.
12. The proposed dwellings would be two-storey. As such, they would introduce a significant amount of additional built development in proximity to No 1's garden. To reflect the curve of the road, the proposed dwellings would be sited to the side and slightly behind No 1. The gap between the proposed dwellings and No 1 would be at least 3m and much wider to the front of the properties. Given the siting of the proposed dwellings, away and largely to the side of No 1, they would not appear overbearing when viewed from No 1's garden. Also, the garden would be of a sufficient depth to ensure that the fence would not feel oppressive.
13. There would be indirect views of No 1's garden from windows within the proposed dwellings. This would be expected in a suburban area which is defined by terraced blocks of dwellings. Moreover, No 1's garden is already indirectly overlooked by windows in adjoining properties; to a greater extent than they would be through windows in the proposed dwellings. Accordingly, the proposal would not result in No 1's garden being harmfully overlooked.
14. The separation between the proposed dwellings and 27 Wheatlands Close (No 27) would be sufficient to ensure that the proposal would not have a materially harmful effect on the living conditions of occupiers of No 27, with particular regard to privacy, outlook, and the provision of daylight. Furthermore, a condition could be attached to a planning permission to ensure any harmful effects to the living conditions of neighbouring occupiers arising from construction works would be appropriately mitigated.
15. Overall, I conclude that the proposal would not harm the living conditions of occupiers of No 1, with particular regard to outlook, privacy, and the provision of external amenity space. In this regard, the proposal would comply with CS Policy CS19 and SAPDPD policies SP5 and SP15, where they indicate that development should not cause an unacceptable effect by reason of overlooking, amongst other matters. The proposal would also be in accordance with the Framework where it advises that planning decisions should ensure that developments create places with a high standard of amenity for existing users.

Living conditions – future occupiers of the proposed development

16. The proposed dwellings would be one-bedroom and two-bedroom dwellings. The proposed gardens are modest in size and would be enclosed by a close boarded fence. Nonetheless, the size of the gardens would be proportionate to the size of the dwellings. Furthermore, the gardens would be of a sufficient depth so that the fences would not feel overbearing on future occupiers of the proposed dwellings.
17. I conclude that the proposal would provide appropriate living conditions for future occupiers of the proposed development, with particular regard to outlook and the provision of external amenity space. In this regard, the proposal would comply with CS Policy CS19 and SAPDPD policies SP5 and SP15, where they indicate that

development should protect the amenity of occupiers of the proposed development, amongst other matters. The proposal would also be in accordance with the Framework where it advises that planning decisions should ensure that developments create places with a high standard of amenity for future users.

Other Matters

18. The Decision Notice makes an incorrect reference to the 2021 version of the Framework. However, throughout the Delegated Report there are several references to the latest iteration of the Framework. I am satisfied that the reference on the Decision Notice is a typographical error and that the Council considered the latest version when determining the planning application.

Planning Balance

19. Benefits of the proposal include the provision of two dwellings within a settlement, close to services and facilities. The proposal would also have good access to public transport. The proposed dwellings would benefit from electric vehicle charging points and secure cycle parking and would include measures which would help reduce greenhouse gas emissions. The proposal would also provide a biodiversity net gain and there would be economic benefits associated with the construction of the dwellings. These benefits would ensure that the proposal, at least in part, complies with CS policies CS1, CS3, CS4, CS9 and CS20, and NP Policy KT15.
20. The proposal would not strictly comply with the Council's Adopted Interim Position Statement for Housing Development, due to the harm that would be caused to the character and appearance of the area. However, it would accord with the general thrust of the Statement which seeks to ensure that dwellings are provided within or close to settlements, and that developments are viable and quick to deliver and make an effective use of land. The proposed development would also be in general accordance with the "Building the homes we need" written ministerial statement and the objectives of the NP. I also acknowledge the significant contribution that windfall housing makes to the Council's supply of deliverable housing land. Although the proposal would deliver multiple benefits, the modest scale of the proposed development tempers the weight I can ascribe to them. Combined, I ascribe moderate weight to the benefits of the proposal.
21. The proposed development would comply with the nationally described space standard⁴. Also, the appeal site is not subject to any heritage or landscape designations, nor is it in proximity to any heritage assets. Furthermore, the Parish Council did not object to the planning application. Nevertheless, these are neutral factors which neither weigh in favour nor against the proposal.
22. The CS dates from 2011 and the SAPDPD dates from 2014, but the weight attached to the policies within these documents do not hinge on their age. Instead, the Framework outlines that due weight should be given to policies, according to their degree of consistency with the Framework. The creation of high quality places is identified as being fundamental to what the planning process should achieve. The Framework also indicates that decisions should ensure that developments are sympathetic to local character. Accordingly, the conflict between

⁴ Technical housing standards – nationally described space standard, Ministry of Housing, Communities and Local Government, March 2015

the proposal and CS Policy CS19, SAPDPD policies SP5 and SP15, and NP policies KT1 and KT14 should be given significant weight in this appeal.

23. Despite the proposal complying with several policies in the development plan, no policies positively favour development which is harmful to the character and appearance of an area. As such, the proposal would conflict with the development plan when read as a whole.
24. The appellant contends that the Council can only demonstrate 3.0 years supply of deliverable housing land. This is not disputed by the Council. In these circumstances, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. The Framework advises that planning permission should be granted except in specific circumstances.
25. The application of policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing development. I therefore must consider whether the adverse impacts of granting development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The proposal would support the Government's objective to significantly boost the supply of homes, and small sites can make an important contribution to meeting the housing requirement of an area. It would also make an effective use of under-utilised land and due to its location sustainable transport modes would be prioritised. Moreover, the proposal would enhance the natural environment through providing a biodiversity net gain. Notwithstanding this, even when taking account of the Council's housing land supply position, I ascribe moderate weight to the benefits of the proposal due to the modest scale of the proposed development.
27. The footprint to plot ratio of the proposed development would be significantly higher than nearby development. Therefore, despite the proposed dwellings being of a similar design to nearby dwellings, they would appear incongruous and discordant within the street scene. Furthermore, due to the subdivision of its garden, No 1 would also appear cramped. Accordingly, the proposal would not be sympathetic to the character of the area. Given the contrast between the proposed and nearby development, and the fundamental importance the Framework ascribes to high quality design, I ascribe significant weight to the identified harm.
28. Consequently, the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Even when having particular regard to key policies for directing development to sustainable locations and making effective use of land. As such, the presumption in favour of sustainable development does not apply.

Conclusion

29. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs
INSPECTOR