

This matter is being dealt with by
Brian Mullin

One Colton Square
Leicester LE1 1QH

The Planning Department
Rutland County Council
Catmose House
Catmos Street
Oakham
Rutland
LE15 6HP

Our ref: 1181307.5.BM.
Your ref: PP-12592879

12th December 2023

Dear Planning,

**THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND PLANNING
(LISTED BUILDINGS AND CONSERVATION AREAS ACT) 1990 (AS AMENDED)**

**Retrospective planning application for the change of use from annexe to holiday let (to
include letting to the general public) (resubmission of LPA Ref: 2023/0279/FUL)**

At 14 Main Street, Barrowden, Rutland, LE15 8EQ

Introduction

1. This Covering Letter accompanies a resubmission of refused planning application ref: 2023/0279/FUL, which sought to regularise the change of use of a residential annexe to a holiday let at 14 Main Street, Barrowden, Rutland, LE15 8EQ ("the site").
2. This Letter, acting as a Planning Statement, should be read in conjunction with the following drawings and documents, prepared by RAW Architecture unless otherwise stated:
 - Location Plan, Existing and Proposed Block Plan, drawing no. A100 rev A
 - Design, Access and Heritage Statement
 - Highways Note, prepared by ADC Infrastructure Ltd
3. This application is a resubmission of refused application ref: 2023/0279/FUL, made within 12 months of the decision date. This application is therefore a "free go", and no application fee is payable.

Background, Site and Surrounding Area

i. The Site

4. The application site comprises the 3-bed detached dwellinghouse of No.14 Main Street, alongside its associated 1-bed annexe and residential curtilage. The use of the

annexe for such purposes was granted under LPA Ref: FUL/2007/0728 ('Conversion of outbuilding to annex'), in September 2007.

5. The dwelling and annexe both abut the pavement on the northern side of Main Street, with the gated vehicular access for the property separating the two buildings. No.16 Main Street has pedestrian access only to their property through this point of access.

ii. The Surrounding Area

6. Barrowden is classified as a 'Smaller Service Centre' within the Development Plan for the County. The site is located to the south-east side of the village, with residential development to all aspects. To the south of the application site is a village green created via the triangular junction of Main Street, Mill Lane and The Tannery. All of these aforementioned roads have no parking restrictions in place.
7. The entirety of the settlement is designated as a Conservation Area, and the main dwellinghouse is Grade II listed¹. The list entry reads as follows:

"Cottage. C18. Coursed rubble stone and quoins with Welsh slate roof and stone base, buff brick upper, rebuilt end stacks. Stone coped gables. 2 storeys of 2 3-light C20 renewed casements. Blocked 1st floor opening on left end and 1 storey extension with door to rear. Included for group value."

8. The site falls within Flood Zone 1 where there is a low probability of flooding. There is no significant ecological value on the application site, with it comprising two residential buildings in good order alongside associated garden ground.

i. Planning History

9. The relevant planning history for the application site is listed in Table 1 below, as available on the Council's public access page.

Ref No.	Description of Development	Date of Decision	Decision
FUL/2007/0312 (LBC: LBA/2007/0346)	Demolition of existing single storey extension and erection of a new two storey extension to rear (north) of dwelling. Conversion of existing outbuilding forming an annexe to the main dwelling.	27 th June 2007	Withdrawn
FUL/2007/0728 (LBC: LBA/2007/0732)	Conversion of outbuilding to annex	14 th September 2007	Approved
FUL/2007/0885	Retrospective application for erection of dog kennels with run and feed store	19 th December 2007	Withdrawn

¹ List UID: 1307624

FUL/2008/0027 (LBC: LBA/2008/0028)	Construction of dog kennel/implement shed to side (east) elevation of outbuilding, to replace existing timber lean-to	4 th March 2008	Approved
FUL/2009/0077 (LBC: LBA/2009/0076)	Alterations to outbuilding to south-west of dwelling house, including the addition of a window to side (west) elevation, installation of an Oak ring beam, and hard landscaping around driveway	27 th March 2009	Approved
2020/1328/DIS	Discharge of Condition 1 (commencement), 2 (in accordance with approved plans), 3 (materials), 4 (foul and surface water drainage) of application FUL/2009/0077	25 th November 2020	Approved
2020/1329/DIS	Discharge of Condition 1 (commencement), 2 (window details) and 3 (details of joinery) in relation to application LBA/2009/0076	11 th January 2021	Withdrawn
2023/0279/FUL	Retrospective change of use from annexe to holiday let (to include letting to the general public)	11 th August 2023	Refused
2023/0352/LBA	New internal doorway in wall constructed in 2009 adjoining listed outbuilding	11 th August 2023	Approved

Table 1: Relevant planning history for 14 Main Street, Barrowden.

10. The planning history for the application site confirms that the Council has previously considered the use of the building for ancillary residential accommodation as acceptable, via the grant of LPA Ref: FUL/2007/0728. The permission had no restrictions placed on the residential accommodation being provided within the building, only that the accommodation of visitors be associated with the use of the main dwelling.

ii. Reason for Refusal of LPA Ref: 2023/0279/FUL

11. The application to change the use of the annexe to a holiday let (LPA Ref: 2023/0279/FUL) was refused in August for 1no. reason, as follows:

“The proposal is for the creation of letting accommodation but does not make provision for off-street parking of vehicles associated with this use. This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), Policy BW12 of the Barrowden and Wakerley Neighbourhood Plan, The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).”

12. The Committee Report for the refused application (provided at Appendix 1) states within the executive summary that *“the principle of the use is accepted due to the previous permission allowing it to be used as a residential annexe, and the amenity considerations associated with use as a holiday let would not be so significantly different to the permitted use as an annexe to justify refusal of the application” (our added emphasis).*
13. The application was refused solely for highways implications, in that there was *“no provision for off-street parking associated with the holiday let and on that basis the Local Highways Authority has objected to the application, noting that it would be detrimental to highway safety”*. The fact of the matter however is that the annexe accommodation has been utilised by visitors/guests since the completion of the conversion works in 2008; this use in itself has generated a parking demand over the last 15 years. There is no material difference in the parking demand generated by the 1-bed annexe as ancillary accommodation to the main dwellinghouse than as a stand-alone holiday let, at 1no. vehicle each.
14. Section 4 of the accompanying Highways Note, prepared by ADC Infrastructure Ltd, sets out the likely impact of the development proposals in terms of actual requirements for off-street parking, the likely demand for parking, and the practical impact of potential on-street parking associated with the proposed holiday let. The Note only considers the off-street parking requirements for the annexe, as *“the actual parking requirements for the main dwelling would remain the same regardless of whether the planning use for the annexe remains associated with the main dwelling or becomes a holiday let”*. The parking requirements for the main dwelling are therefore not of relevance in the consideration of this application to change the use of the annexe to a holiday let.
15. The key facts are as follows:
 - The existing annexe has a single room and therefore a minimum of one off-street car parking space is required for the existing, approved, residential annexe;
 - The proposed change of use of the annexe to a holiday let would also result in a requirement for one off-street car parking space. It can therefore be seen that, in terms of parking requirements, *there is no material change between the approved and proposed uses.*
 - There is no restriction on the level of use of the existing annexe, meaning that guests of the Applicant can stay overnight as frequently as desired;
 - There are no existing parking restrictions along Main Street or Mill Lane and traffic volumes along Main Street are very low (with measured vehicle speeds

in the vicinity of the site being below the 30mph limit and no history of highway safety issues in the locality);

- There is “*ample available space [on Main Street] to accommodate a single vehicle without presenting a hazard to highway safety*”.

The Proposed Development

16. The proposed development is a retrospective application for the change of use of the annexe to a holiday let. No external or internal changes are required to the building to facilitate the change of use. It should be noted that the LPA had no issue with the principle of development in the refusal of LPA Ref: 2023/0279/FUL, which had one reason for refusal on highways grounds.

The Development Plan

17. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
18. The relevant Planning Policy Framework against which the proposed development is to be assessed comprise the relevant policies of the Core Strategy (adopted July 2011) and the Site Allocations and Policies DPD (adopted October 2014). The National Planning Policy Framework (2023, “the Framework”) is a material consideration in the determination of the application, as are the Design Guidelines for Rutland SPD and the Barrowden and Wakerley Neighbourhood Plan.

i. Core Strategy (adopted 2011)

19. The following policies from the Core Strategy are relevant to the determination of this planning application:
 - Policy CS1 – Sustainable development principles
 - Policy CS2 – The spatial strategy
 - Policy CS3 – The Settlement Hierarchy
 - Policy CS4 – The location of development
 - Policy CS15 – Tourism
 - Policy CS16 – The rural economy
 - Policy CS22 – The historic and cultural environment

ii. Site Allocations and Policies DPD (adopted 2014)

20. The following policies from the Site Allocations and Policies DPD (“SAP DPD”) are relevant to the determination of this planning application:
 - Policy SP1 – Presumption in Favour of Sustainable Development
 - Policy SP5 – Built Development in the Towns and Villages
 - Policy SP15 – Design and Amenity

- Policy SP20 – The Historic Environment

iii. The National Planning Policy Framework (adopted September 2023)

21. The following chapters of the Framework are relevant to the determination of this planning application:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Delivering a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places

iv. Barrowden and Wakerley Neighbourhood Plan

22. The following policies from the Barrowden and Wakerley Neighbourhood Plan are relevant to the determination of this planning application:

- Policy BW12 – Bed and Breakfast Accommodation

Planning Policy Assessment

i. Principle of Development

23. The principle of development has been agreed as acceptable by the LPA within the Committee Report for refused application ref: 2023/0279/FUL. Notwithstanding this, the sub-section will provide a short overview of relevant policy whilst demonstrating the proposed development's compliance for completeness.

24. Policy CS1 of the Core Strategy, Policy SP1 of the SAP DPD and Section 2 of the Framework are all concerned with achieving sustainable development. Paragraph 8 of the Framework elaborates upon the definition of sustainable development, and states that the planning system has three overarching objectives:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising

waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

25. Central to the Framework is a presumption in favour of sustainable development, which means that proposals which comply with an up to date Development Plan should be approved without delay. The adopted Development Plan is aged; paragraph 11d) of the Framework states that where Development Plan policies are out of date, planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*. The weight to be given to policies in the existing local plan within this balance will depend on how closely the policies are aligned with national guidance.
26. In terms of the location of development, the site is within the limits to development of the “smaller service centre” of Barrowden (as designated at Policy CS3 of the Core Strategy). Tourism uses within such locations are accepted (as indicated at Core Strategy Policies CS2 and CS4), with the overarching policy for tourism (Policy CS15) stating the following:

“The strategy for tourism is to:

- a) allow provision for visitors which is appropriate in use and character to Rutland’s settlements and countryside;*
- b) support the enhancement of existing tourist and visitor facilities in Oakham, Uppingham and villages in line with the Locational Strategy in Policy CS4;*
- c) support the retention and enhancement of existing overnight accommodation and the provision of new overnight accommodation in Oakham, Uppingham and the villages in line with the Locational Strategy in Policy CS4;*
- d) allow new tourism provision and initiatives in Oakham and Uppingham and villages where these would also benefit local communities and support the local economy; and;*
- e) allow new tourism development of an appropriate scale and use which utilises existing historic buildings in the countryside (adjacent or closely related to the towns, local services centres and smaller services centres) while respecting their character.”*

27. The Framework seeks to promote a strong rural economy by supporting the sustainable growth and expansion of rural business. This includes the development of rural tourism, with paragraph’s 84 and 85 reading as follows:

“84. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

(our added emphasis)

28. Policy CS16 of the Core Strategy ('The rural economy') broadly follows the themes of the above. The proposals are demonstrably in accordance with paragraph's 84 and 85, as it will involve the straight change of use of the building as a residential annexe to a holiday let (with no internal or external alterations required to the building to facilitate this). The application site is located within the settlement boundary of Barrowden, itself designated as a "smaller service centre" within the Development Plan for the County. The highway impact of the proposal will be discussed in sub-section (ii) of this Assessment section below, but the requirement generated for 1no. off-street parking space cannot reasonably be considered to have "*an unacceptable impact on local roads*", particularly when the existing permitted use of the building also generates the requirement for 1no. off-street parking space.
29. As no changes to the building are required, the building will retain its current residential character and will not therefore alter the character and appearance of the surrounding area, in line with the objectives of Policies SP5 and SP15 (criterion a, b, d and f) of the SAP DPD and section 12 of the Framework.
30. Overall, the principle of development has been established as acceptable, as confirmed at paragraph 17 of the Committee Report for refused application Ref: 2023/0279/FUL (Appendix 1).

ii. Highway Impact

31. Within their consultee response provided to refused LPA Ref: 2023/0279/FUL, the Local Highways Authority issued an objection to the proposal as a result of "*under provision of off-street parking*", noting that it considers the "*requirement to park any associated vehicles within the highway would be detrimental to highway safety*" (our added emphasis). There is no off-street parking provision for No's. 16 nor 14, nor the existing associated annexe. All vehicles associated with these properties therefore park on the highway, and as certified within the Highways Note at paragraph 2.11, there are no records of any accidents within Barrowden during the period of 1999 and

2022. The claim that “any associated vehicles within the highway would be detrimental to highway safety” has therefore been debunked.

32. Significantly, the change of use will not generate any additional parking demand over that already generated by the use of the building as an annexe for guests of the Applicants. This being said, there is sufficient space for an off-road parking space to be provided for the holiday let within the site access, as discussed at paragraph 4.12 of the accompanying Highways Note, prepared by ADC Infrastructure Ltd. The existing access to the application site has a width of approximately 3.7m, with the required width of a “useable” driveway parking space being only 3.3m, which also allows room for a wheelie bin to pass. There is already a dropped kerb in place.
33. Notwithstanding the potential for an off-street parking space to be provided for the holiday let, at paragraph 4.10 of the accompanying Highways Note it is stated that “the site frontage along Main Street can accommodate three or four parked vehicles and there is space for at least six vehicles on Mill Lane, less than 50m to the south of the site”. There is therefore no highway safety implications identified as a result of one additional vehicle parking on the highway.
34. The accompanying Highways Note concludes with the following at paragraph’s 5.3 to 5.5:

“Relevant policy requirements have been reviewed and the proposed holiday let would require a single off-street car parking space to be provided. The application did not propose any off-street car parking provision and hence did not comply with policy requirements. However, a review of the planning background for the existing annexe reveals that the planning consent for the annexe does not contain any restrictions placed on residential accommodation being provided within the building. As a residential annexe, the off-street car parking requirement would also be a single parking space. It is therefore considered that the proposed change of use would not result in a material change in parking requirements for the proposed development. On this basis, it is considered that the reason for refusal is not valid. Notwithstanding the above, a review has been undertaken on the practical impact of not providing the single off-street parking space for the proposed change of use. The review concludes that the impact on the local highway network would not be severe on the basis that there is unrestricted on-street parking in the vicinity of the site, traffic flows and vehicle speeds are low, and demand for parking associated with the proposed change of use is likely to be sporadic.

This note also looks at the potential to provide the single off-street car parking space for the proposed change of use and it is concluded that there appears to be adequate space to provide a single parking space at the existing access and maintain the pedestrian right of way that exists for the access to no. 16 Main Street.”

(Our added emphasis)

36. Policy BW12 of the Neighbourhood Plan states the following:

“A material change of use of existing residential or commercial development to provide bed and breakfast accommodation of a small scale will be supported provided that the proposal:

- i. *Will not have a significant adverse impact on the character of the surroundings;*
 - ii. *Will not have a significant adverse impact on the amenities of the occupiers of neighbouring properties or the wider area; and*
 - iii. *Includes adequate provision for on-site parking, servicing and manoeuvring”.*
37. Even if the Council took the view that the proposals were in conflict with sub-point (iii) of the above, the combined effect of sections 70(2) of the Town and Country Planning Act 1990 (“the 1990 Act”) and 38(6) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) is to create a presumption in favour of the Development Plan. Per Lord Hope in *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 W.L.R. 1447 (at p. 1450B-D)¹ however:

*“it requires to be emphasised ...that the matter is nevertheless still one of judgment, and that this judgment is to be exercised by the relevant decision-taker. The development plan does not, even with the benefit of section [38(6)] have absolute authority. The planning authority is not obliged, to adopt Lord Guest’s words in *Simpson v Edinburgh Corporation*, 1960 S.C. 313, 318, ‘slavishly to adhere to it’. It is at liberty to depart from the development plan if material considerations indicate otherwise”*

38. According to Lord Clyde (at p. 1458E-F):

“...the priority given to the development plan is not a mere mechanical preference for it. There remains a valuable element of flexibility. If there are material considerations indicating that it should not be followed then a decision contrary to its provisions can properly be given”

39. More recently, in *Tesco Stores Ltd v Dundee City Council* [2012] 2 P. & C.R. 92 Lord Reed observed (at para.18):

“As in other areas of administrative law, the policies which [the development plan] sets out are designed to secure consistency and direction in the exercise of discretionary powers, while allowing a measure of flexibility to be retained.”

40. It is trite law that the requirement set out in para.38(6) of the 2004 Act requires any proposed development to be in accordance with the Development Plan looked at as a whole, rather than with every policy in the plan. Sullivan J in *R. v Rochdale Metropolitan Borough Council* (2001) 81 P. & C.R. 27 at [44]-[50]³ regarded as untenable the proposition that if there is a breach of any one policy in a Development Plan, a proposed development cannot be said to be “in accordance with the plan”². The

² *R. v Secretary of State for the Environment Ex p. PF Ahern (London) Ltd* | Practical Law (westlaw.com)

relevance of this approach is highly material to the Council's consideration of the proposals subject of this application.

iii. All Other Matters

41. The proposals will not have any adverse impact upon the residential amenity of neighbouring properties, due to the small-scale nature of the proposals that can accommodate a maximum of 2no. guests. The accommodation comprises a bedroom, wet room and kitchenette. Within the Committee Report for the refused application it is stated that the kitchenette *"would be unlikely to be used for the preparation of significant meals [due to size]. There is no sitting room or similar space within the building for daytime living beyond the bedroom. On this basis, the proposed use would not be materially different to occupation of the building in association with the main dwelling and there is no justification for concluding that its use as a holiday let would lead to harm to neighbouring amenity as an inevitable consequence of that use"*. The proposals therefore do not conflict with criterion c) of Policy SP15 of the SAP DPD.
42. There are no heritage implications of the proposals, as no external or internal alterations are required to the building to facilitate the change of use. The proposals therefore do not conflict with the aims of Policy CS22 of the Core Strategy nor Policy SP20 of the SAP DPD.
43. It is respectfully considered that there are no other material considerations that should prevent planning permission from being granted for the change of use.

Conclusions

44. The principle of development has been previously confirmed as acceptable by the Council within the Committee Report for refused application ref: 2023/0279/FUL. This Planning Statement has set out how the proposed change of use from an annexe to a holiday let would have no adverse implications with regards to residential amenity, heritage and highway safety, the latter of which addresses the single reason for refusal of LPA Ref: 2023/0279/FUL.
45. The accompanying Highways Note, prepared by ADC Infrastructure Ltd, concludes that *"the impact on the local highway network would not be severe on the basis that there is unrestricted on-street parking in the vicinity of the site, traffic flows and vehicle speeds are low, and demand for parking associated with the proposed change of use is likely to be sporadic".* Significantly, *"the proposed change of use would not result in a material change in parking requirements for the proposed development. On this basis, it is considered that the reason for refusal [of LPA Ref: 2023/0279/FUL] is not valid".*
46. We look forward to confirmation of receipt of this application and subsequent validation. We invite the Local Planning Authority to grant planning permission at the earliest opportunity, as it has been demonstrated that the only reason for refusal of LPA Ref: 2023/0279/FUL, relating to highways, was not "valid" due to there being no

material change in parking requirements between the existing permitted and proposed use.

47. Should you have any queries or concerns pursuant to this matter, please do not hesitate to contact either Brian Mullin or Megan Simpson at this office.

Yours sincerely

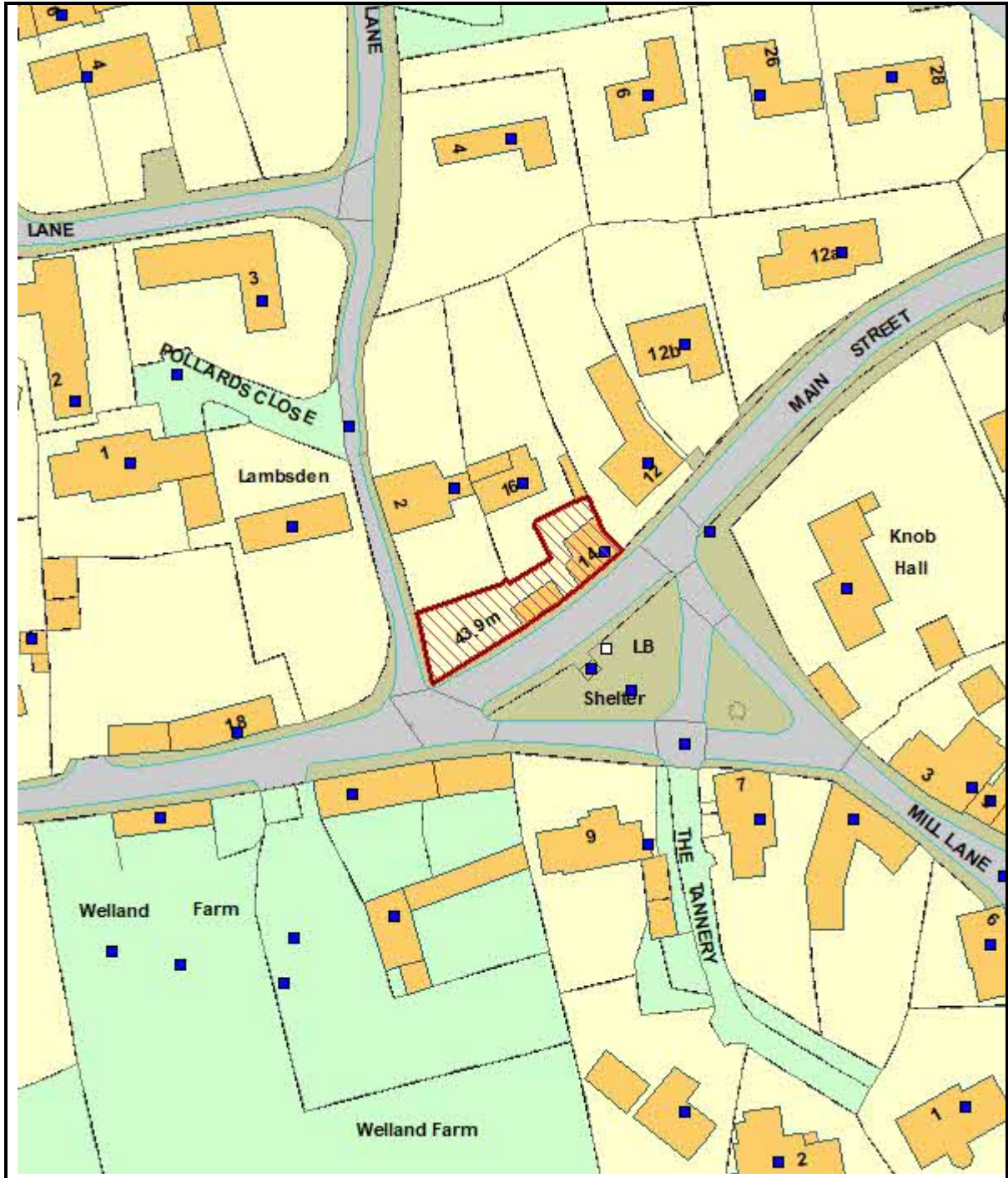
A handwritten signature in black ink, appearing to be the initials 'BM' in a stylized, cursive font.

Brian Mullin MRTPI
Head of Marrons

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2023/0279/FUL	ITEM 4	
Proposal:	Retrospective change of use from annexe to holiday let (to include letting to the general public).		
Address:	14 Main Street, Barrowden		
Applicant:	Mr L Gosson	Parish	Barrowden
Agent:	RAW Architecture Ltd	Ward	Ketton
Reason for presenting to Committee:	Objections received from public and Parish		
Date of Committee:	8/8/2023		
Determination Date:	25/5/2023		
Agreed Extension of Time Date:	11/8/2023		

EXECUTIVE SUMMARY

The proposal is a retrospective application for the change of use of the building from its permitted use as an annexe associated with the occupation of the host dwelling, to use as a holiday let including for letting to the general public.

The principle of the use is accepted due to the previous permission allowing it to be used as a residential annexe, and the amenity considerations associated with use as a holiday let would not be so significantly different to the permitted use as an annexe to justify refusal of the application.

The proposal however makes no provision for off-street parking associated with the holiday let and on that basis the Local Highways Authority has objected to the application, noting that it would be detrimental to highway safety, and raising a secondary concern that accepting this application would make it difficult to resist other similar proposals where no off-street parking provision is made contrary to the relevant planning policy requirements.

RECOMMENDATION

REFUSAL, for the following reason:

The proposal is for the creation of letting accommodation but does not make provision for off-street parking of vehicles associated with this use. This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), Policy BW12 of the Barrowden and Wakerley Neighbourhood Plan, The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

Site & Surroundings

1. The application site is located within the historic core of the settlement of Barrowden, accessed from its Main Street but via the rear of the building rather than its front elevation.

2. The property has an outbuilding located to its west, detached from the main dwelling. The main amenity space associated with the dwelling is located to the southwest of this outbuilding, to the side of the property. The site lies within the Barrowden Conservation Area and is a grade II listed building.
3. To the rear of the site lies the neighbouring dwelling, which gains access through the application site from Main Street. Further dwellings lie to the northwest and the northeast of the site.

Proposal

4. The proposal is a retrospective application for the use of the outbuilding as letting accommodation, including letting to the general public.

Relevant Planning History

5. Permission was granted in 2007 (FUL/2007/0728) for the conversion of the outbuilding to a residential annexe, indicated on the floorplans at the time as comprising an office/study and adjoining wc created by demolition of an existing lean-to extension and the creation of a new opening into the western elevation of the outbuilding.
6. A further extension to the outbuilding to provide dog kennel and implement shed was granted in 2008 (FUL/2008/0027) and a subsequent permission (FUL/2009/0077) granted to for a window in the extension.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 2 – Achieving Sustainable Development.

Chapter 16 - Conserving and enhancing the historic environment.

Site Allocations and Policies DPD

SP1 - Presumption in Favour of Sustainable Development

SP5 – Built Development in the Towns and Villages

SP15 - Design and Amenity

SP20 - The Historic Environment

Core Strategy DPD

CS01 - Sustainable Development Principles

CS02 - The Spatial Strategy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS15 - Tourism

CS22 - The Historic and Cultural Environment

Neighbourhood Plan

BW13 – Bed and Breakfast Accommodation

Officer Evaluation

Principle of the use and impact on neighbouring amenity

7. The proposal is for the use of the outbuilding as a holiday let, specifically one available for letting by the general public not necessarily associated with the occupation of the main dwelling.
8. Permission was previously granted for use of the outbuilding as a residential annexe, and although the plans at the time showed the internal space to be used as an office, no restrictions were placed on the permission to prevent additional residential accommodation being provided within the building at that time. Consequently the 2007 permission allows for use of the building for the accommodation of visitors associated with the dwelling, it is the commercial letting aspect of the scheme that requires permission and is sought by the current application.
9. The consideration of the application therefore must focus on the potential differences between accommodation of visitors to the property in association with its occupation, and visitors on a commercial basis and the impacts those differences may have on the property and its surroundings, including the amenity of neighbouring dwellings.
10. Policy CS15 of the Core Strategy sets out the position in relation to tourism development, and states the following:

The strategy for tourism is to:

 - a) allow provision for visitors which is appropriate in use and character to Rutland's settlements and countryside;*
 - b) support the enhancement of existing tourist and visitor facilities in Oakham, Uppingham and villages in line with the Locational Strategy in Policy CS4;*
 - c) support the retention and enhancement of existing overnight accommodation and the provision of new overnight accommodation in Oakham, Uppingham and the villages in line with the Locational Strategy in Policy CS4;*
 - d) allow new tourism provision and initiatives in Oakham and Uppingham and villages where these would also benefit local communities and support the local economy; and;*
 - e) allow new tourism development of an appropriate scale and use which utilises existing historic buildings in the countryside (adjacent or closely related to the towns, local services centres and smaller services centres) while respecting their character.*
11. The Site Allocations and Policies Development Plan Document contains no specific policies relating to holiday lets such as the application site, instead noting in section 8.58 that the policy framework within CS15 and SP5 is considered

sufficient to manage such proposals within the limits of the Towns and Villages. Policy SP5 states the following.

Sustainable development within the Planned Limits of Development of Oakham, Uppingham and the villages will be supported provided that:

- a) it is appropriate in scale and design to its location and to the size and character of the settlement;*
- b) it would not adversely affect the environment or local amenity;*
- c) it would not individually or cumulatively with other proposals, have a detrimental impact upon the form, character, appearance and setting of the settlement or neighbourhood and its surroundings;*
- d) it would not be detrimental to features and spaces which contribute to the important character of the settlement and the locality.*

12. The policy framework in relation to the proposal and the principle of the development is therefore one of support, subject to assessment of its impacts not resulting in unacceptable harm to its surroundings, and the proposal is of a type that would be likely to result in support to existing local facilities such as the village pub and shop.
13. In this regard the impacts will be twofold. First, from the use of the building and any outdoor space by guests and the potential for amenity impacts to arise to the neighbouring properties, and second from the additional vehicular movements and parking implications generated by the use in this location.
14. Taking first the matter of amenity, the main impact here is in relation to the use of the site by paying guests, and consideration therefore needs to be given to the scheme on the basis of whether or not the use of the site in this way would give rise to materially different or greater impacts than the use of the site purely in association with its main role as a residential dwelling.
15. The outbuilding accommodates a single bedroom, shower/wc and kitchenette. It is therefore capable of accommodating at most two guests, and the kitchenette is such that it would be unlikely to be used for the preparation of significant meals. There is no sitting room or similar space within the building for daytime living beyond the bedroom.
16. On this basis, the proposed use would not be materially different to occupation of the building in association with the main dwelling and there is no justification for concluding that its use as a holiday let would lead to harm to neighbouring amenity as an inevitable consequence of that use.
17. In principle therefore, it is considered that the proposal is in accordance with the relevant policies of the development plan.

Impact of the use on the character of the area

18. In terms of the impact of the proposal on the character of the area, the proposed use is of no materially different character to the permitted scheme for an annexe associated with the occupation of the main house. Consequently the character impact is considered to be acceptable.

Heritage

19. In terms of the impact of the proposal on the heritage assets, the proposed use has no materially different impact on the Conservation Area or the Listed Building than the permitted scheme, and therefore there is no harm to be weighed in the balance of the decision.

Highway issues

20. The second of the main impacts arising from the proposed use is that relating to impacts on the highway and parking in the area as a result of the proposal. The applicant has confirmed in writing that the proposal does not seek to add parking spaces within the curtilage of the property as shown on the originally submitted plans.
21. The situation therefore in respect of parking at the property is that there are no practical parking spaces available within the curtilage of the dwelling, either for use of the occupier(s) of the main dwelling or for visitors to the holiday let. There are no restrictions to parking on Main Street in front of the property, with areas approximately 22m and 9m in length available for the parking of vehicles to either side of the site entrance. A typical parking space would be in the region of 5.5m long, meaning there is sufficient parking in front of the property to accommodate 4 vehicles, although this space is not allocated parking for the application property and the proposal would result in additional demand on this space whilst in occupation.
22. Policy BW12 of the Barrowden and Wakerley Neighbourhood Plan states the following:

A material change of use of existing residential or commercial development to provide bed and breakfast accommodation of a small scale will be supported provided that the proposal:

 - i. Will not have a significant adverse impact on the character of the surroundings;*
 - ii. Will not have a significant adverse impact on the amenities of the occupiers of neighbouring properties or the wider area; and*
 - iii. Includes adequate provision for on-site parking, servicing and manoeuvring.*
23. The host dwelling if constructed today would have a requirement to provide 2-3 off-street parking places and therefore there is a current underprovision of parking in this location. The proposed holiday letting unit would also have a requirement for a minimum of 1 further parking space, and as such exacerbates

the underprovision of parking present, and is therefore contrary to the above policy.

24. The Local Highways Authority has stated that they have an objection to the proposal in relation to this underprovision of off-street parking, noting that it considers the requirement to park any associated vehicles within the highway would be detrimental to highway safety. The LHA also notes concern regarding the principle of allowing this accommodation without off-street parking provision and the implications this may have for future developments of a similar nature in other locations.

Section 106 Heads of Terms

25. Not applicable

Crime and Disorder

26. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

27. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
28. It is considered that no relevant Article of that act will be breached.

Consultations

29. Local Highways Authority

The location and site plan shows 3 x car parking spaces within the site curtilage however it should be noted that there is no parking proposed for the annexe.

Outside No.14 Main Street there are a number of vehicles parking on street. These vehicles are parked on the bend which reduces the visibility of vehicles traveling east.

If the proposed development is approved an additional vehicle will be required to park on the highway which will be detrimental to highways safety. Additionally if this development is approved it could set a precedent in rural villages, whereby properties could use an annexe for an Airbnb without suitable parking facilities.

The LHA therefore recommend refusal of this application for the following reasons:

The proposed development would not provide adequate facilities within the curtilage of the site for parking of vehicles and turning of vehicles

Reason: This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

If this proposal were permitted, the Local Highway Authority would find it difficult to resist similar proposals on other nearby sites, the cumulative effect of which would be to increase in vehicles parking dangerously, partly on the footways, so impeding the free flow of other road users and increasing the risk of accidents and endangering pedestrians and other highway users.

Reason: This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

30. Barrowden Parish Council

Barrowden Parish Council reviewed this application when they met on 12th April 2023 .

Existing planning consent is for a home office and dog kennel , approved in 2009, however the retrospective application presents a completed change into a bedroom , shower room and kitchen which has been used for holiday accommodation.

Councillors were unanimous in their recommendation to REFUSE permission to the proposed application for the following reasons:

Barrowden and Wakerley Neighbourhood Plan, which still takes precedence over the County Local Plan documents, states:-

Policy BW12

A material change of use from a residential or commercial development to provide bed and breakfast accommodation of a small scale will be supported provided that the proposal :

- i) Will not have a significant adverse impact on the character of the surroundings
- ii) Will not have a significant adverse impact on the amenities of the occupiers of neighbouring properties or the wider area; and
- iii) Includes adequate provision for on-site parking, servicing and manoeuvring

BW12 (ii) The proposed development does have a significant and adverse impact on the occupiers of especially 16 Main Street whose only access to their house is through a footpath in the centre part of the area shown for parking. The front garden and main front door of No 16 are directly overlooked from the bedroom window and entrance door to the proposed holiday let. The proximity is very close and there is clearly potential for significant disturbance with no

obvious way to mitigate that.

BW12 (ii) The parking arrangements depicted on the plan for the proposed development shows 3 cars parked within the gravelled area between and around No 14 and the proposed holiday let.

We have reviewed the site and conclude that to be completely unrealistic, there is simply not enough space for 3 vehicles and extremely limited manoeuvring room even for 1 vehicle. The entrance to the proposed parking area is on a particularly congested part of Main Street and it seems that any vehicle entering would need to reverse in between parked vehicles or reverse out , again onto a narrow section of road with poor visibility splays.

There are also 2 policies in the Site Allocation and Policies Development Plan Document October 2014 with which this proposal fails to comply:-

SP15 (c) states that

The development should protect the wider environment , neighbouring uses'.in terms of overlooking, loss of privacy,'. noise and other forms of disturbance.

As explained in BW12 (ii) above, the impact on the residents of No16 Main Street would be significant in that there will be a loss of privacy due to the immediate proximity of the application building to the front garden of No16 which they use as a seating area. There is also the risk of increased noise from the development's guests, exacerbated by the frequent changeover of those guests .

SP15 (L) states that:-

Adequate vehicle parking facilities must be provided to serve the needs of the proposed development.

The two parking places shown to the rear of No14 do not in fact exist as this is a constructed patio area with a step up of around 200mm high and even if this were to be removed it is highly questionable if any car could be manoeuvred into the spaces as suggested.

The one parking space which does exist in front of the proposed development should be used by the occupant of No 14 Main Street as their off-street parking space to meet the requirements of SP15 (L) and is therefore not available for the holiday let

Finally the layout of the unit is unconventional with the bed /sitting area connecting to the kitchen through a shower and toilet area, and we suspect that there was no building regulations approval sought as the modifications were done without planning consent.

We therefore conclude that the building is only suited for use in line with the approval granted in 2009 as a home office /kennel and is unsuitable for use as self-contained accommodation for holiday letting.

With regard to the additional door opening which has been added since 2009, this does not appear to harm the fabric of the building nor the appearance of the curtilage of the listed building. We would not expect enforcement action to be taken to re-instate it to its 2009 condition unless it significantly impacts the historic nature of the interior of the building.

Neighbour Representations

31. Responses were received from two neighbouring properties in respect of the proposal, raising the following matters:
 - Concern over the increase in numbers of cars parking on the street.
 - The annexe is in close proximity to the neighbouring garden, with the bedroom window overlooking that amenity space.
 - There is no way of knowing the character of potential occupants of the holiday let, and the potential for occupants to move back and forth from the building impinges the neighbouring right to privacy in their own garden.
 - The potential for guests to play music, stand or sit outside the building eating meals, drinking and/or smoking would impact on the enjoyment of the neighbouring garden without being imposed upon by random strangers.
 - Previous guests at the premises have demonstrated anti-social behaviour.
 - Parking on the land could not happen without impeding access to the neighbouring dwelling (the applicant has confirmed the on-site parking is to be removed from the application).
 - Concern over harm to the security of the neighbouring dwelling from occupants of the holiday let.
 - Obscure glazing of the bedroom window within the unit is not considered to address the privacy impact, which relates not only to the window but also the proximity of the building to the neighbouring garden.
 - Use of the access is currently for the sole use of the owners and visitors of 14 and 16 Main Street, not paying guests.
 - The neighbour has no confidence that the applicant would comply with any terms set out for the usage of the holiday let if it were granted planning permission.
32. Officers consider there is a need to clarify certain aspects of the proposal in relation to the neighbouring comments received.
33. First, the previous application did not grant permission specifically for an office and dog kennel. Permission was granted for a residential annexe and such a building could be used to accommodate private guests of the owner/occupier of 14 Main Street without the need for planning permission.
34. Secondly, in planning terms there are no grounds to assume that paying guests will behave in a way likely to cause anti-social behaviour – the proposed use as a holiday let is considered to have the same amenity impacts as would a residential use as part of the existing dwelling.

35. Thirdly, the right or otherwise for the applicant to have paying guests using the access is not a matter for the consideration of the Local Planning Authority, this is a private matter.
36. Finally, should planning permission be granted then non-compliance with any planning conditions imposed would be a matter for the consideration of taking enforcement action and suspicion that conditions will not be complied with is not justification for refusal of a scheme.
37. Applicant response to comments received.

The applicant provided a statement following the initial comments received in relation to the proposal, which stated the following. No judgement is made regarding the veracity of the comments within the response.

The property was bought in 2020 and was bought as a 4-bedroom house with an annexe, which contained a wet room, wc and utility room as well as space for a bedroom.

The applicant discussed the potential for letting with neighbours prior to undertaking the works to facilitate this.

A guest in the premises was asked to leave by the applicant following concern being raised. At this time the applicant sought retrospective planning permission having been advised by RCC Officers that it was required.

The applicant is willing to have a restriction on there being no visiting pets allowed and is willing to provide obscure glazing to the bedroom window.

There is no intention to provide parking within the curtilage of the property and this aspect of the application should be removed.

38. Again, Officers consider it necessary to clarify elements of the consideration of the application in respect of these comments.
39. First, whether the matter was discussed with neighbours prior to the use being implemented is not material to the consideration of the application.
40. Secondly, again the behaviour of potential guests is not a material consideration.
41. Thirdly, should members consider there is a need to provide obscure glazing to the bedroom window this could be required by condition, however it would need to be justified in planning terms as mitigating an identified impact. This would also be the case should members wish to consider a condition restricting the accommodation of pets within the building (and taking into account there is no mechanism for preventing the occupant of the dwelling from having pets at the premises).

Conclusion

42. On the matter of the principle, it is clear that an existing permission was granted for the use of the building as a residential annexe to the main house. In planning terms, there is no method by which the use of that annexe could have been restricted to office/dog kennel use only and as such the principle of providing additional accommodation within the building is established by the earlier permission. What is not established is the use of the building as letting accommodation and the additional parking requirements associated with that use in comparison to its occupation as accommodation subservient to the main house.

43. The second conclusion to be reached in relation to the proposal is in relation to the matter of the impact of the development on on-street parking in Barrowden. The proposal makes no provision for off-street parking of vehicles, which is specifically required by the Neighbourhood Plan policy BW12 and the Site Allocations and Policies Development Plan Document policy SP15. The Local Highways Authority has confirmed that it considers such lack of provision to constitute harm to highway safety and therefore this reason is considered to justify refusal of the application in its own right.



REFUSAL OF PLANNING PERMISSION

Applicant Name and Address

Mr L Gosson
14 Main Street
Barrowden
Rutland
LE15 8EQ

Agent Name and Address

Ms Helen Raymond
RAW architecture ltd
3 College Close
Great Casterton
Stamford
PE9 4AW

Date of Validation
30 March 2023

Application Number:
2023/0279/FUL

PROPOSAL: Retrospective change of use from annexe to holiday let (to include letting to the general public).
LOCATION: 14 Main Street Barrowden Rutland LE15 8EQ

REFUSE PLANNING PERMISSION for the following reasons:

- 1 The proposal is for the creation of letting accommodation but does not make provision for off-street parking of vehicles associated with this use. This is contrary to Policy SP15 in the Adopted Rutland Local Plan Site Allocations & Policies DPD 2014, Design Guidelines for Rutland (SPD), Policy BW12 of the Barrowden and Wakerley Neighbourhood Plan, The National Design Guide (2021) and Paragraph 112(d) of the National Planning Policy Framework (2021).

INFORMATIVES:

Proactive Statement – This decision has been reached taking into account paragraph 38 of the National Planning Policy Framework.

Decision Date: 11 August 2023

A handwritten signature in black ink that reads 'J. Johnson'.

Proper Officer of the Council

REFUSAL OF PLANNING PERMISSION

IMPORTANT NOTES

1. Please quote your application reference number (2023/0279/FUL) in all relevant correspondence.
2. **Appeals to the Secretary of State**
 - If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Levelling Up, Housing & Communities under Section 78 of the Town and Country Planning Act 1990.
 - If you want to appeal, then you must do so using a form which you can obtain from The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN. Tel No: 0303 444 5000 <https://www.gov.uk/appeal-planning-decision> The Planning Inspectorate have an online appeal service which you can use to make your appeal. You can find the service through the Appeals area of the Planning Portal <https://www.planningportal.co.uk/planning/appeals>
 - Appeals must be made within **six months** from the date of this decision notice.
 - The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - The Secretary of State need not consider an appeal if it seems to him that having regard to Sections 70 and 72(i) of the Act, to the provisions of the development order and to any directions given under the order, the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed.