



Appeal Decision

Hearing Held on 5 July 2023

Site visit made on 5 July 2023

by Jonathan Edwards DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/A2470/W/22/3312763

Main Road, Barleythorpe, Rutland, Easting 484980, Northing 309476

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by N Beers (Bowbridge Land Ltd) against the decision of Rutland County Council.
 - The application Ref 2022/0325/MAO, dated 9 March 2022, was refused by notice dated 5 December 2022.
 - The development proposed is described as "outline planning application for up to 150 residential dwellings (Class C3), with all matters reserved except for access for the development of land off Main Road, Barleythorpe."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters except details of access reserved for future consideration. Drawings before me include a landscape strategy plan, a density plan and 2 versions of a development framework plan. The appellant's representatives confirmed at the hearing that these have been submitted for illustrative purposes and I have treated them as such in my assessment.
3. I allowed time following the close of the hearing for a completed planning agreement under section 106 of the Town and Country Planning Act to be submitted. Instead of a planning agreement, a unilateral undertaking under section 106 was provided by the appellant. The Council's comments on this undertaking has led to the appellant submitting a second undertaking that is slightly different to the original. Both of the undertakings (the UUs) include planning obligations that require (i) the submission, approval and implementation of an affordable housing scheme so at least 35% of the housing would be affordable, (ii) approval, implementation and maintenance of an open space scheme, and (iii) the approval of a biodiversity impact assessment or other measures to secure a biodiversity net gain of at least 20% measured in biodiversity units. I have taken account of the planning obligations in my determination of the appeal.

Main Issues

4. Having regard to the Council's refusal reasons and the submissions from all parties, I consider the main issues are (i) the effect of the development on the

- character and appearance of the area, (ii) whether it would be in a suitable location having regard to the development plan policies and accessibility, (iii) the aforementioned planning obligations, and (iv) if there is any conflict with development plan policies in respect of main issues (i), (ii) and (iii), whether any other factors exist that justify granting planning permission.
5. The Council's decision includes a refusal reason on the loss of the best and most versatile agricultural land. In light of the appellant's agricultural significance report, the Council advised at the hearing that it no longer objected on these grounds. As such, this matter is not treated as a main issue.

Reasons

Local planning policy

6. The development plan consists of the Rutland Core Strategy Development Plan Document 2011 (the CS), the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (SAP) and the Oakham and Barleythorpe Neighbourhood Plan 2022 (the NP). Reference is made to the Council's Adopted Interim Position Statement for Housing Development January 2023 (IPSHD). This does not form part of the development plan but it is used by the Council as guidance when assessing housing proposals at times when it is unable to demonstrate a sufficient supply of housing land. I have had regard to the IPSHD but at the same time I am mindful it has not been through the formal scrutiny required for development plan documents.

Character and appearance of the area

7. Most of the appeal site is made up of open pastureland, subdivided into paddocks by simple stock fencing. A barn in the northwest corner is on the south side of Pasture Lane, which runs off Main Road. Pasture Lane includes dwellings with those on the south side backing onto the appeal site.
8. Along the entire Main Road boundary of the site is a mature hedgerow. This obstructs views onto the site but the fields can still be appreciated from the roadside pavement through gaps in the vegetation. A row of 2 storey dwellings is on the opposite side of the road towards the northern extent of the site. To the south of the houses a line of mature trees follows the road with an open space area behind. On the other side of the open space and away from Main Road is a recently constructed housing estate. This forms part of the sustainable urban extension to Oakham (SUE), a sizeable area of recent development to the northwest of the town.
9. Catmose College and its grounds adjoin the appeal site to the south with a line of mature trees on the common boundary. On the western site boundary is a hedgerow, which is adjacent to fields on rising land.
10. The site is not in an area formally recognised for its landscape value. Also, the statement of common ground between the appellant and the Council (SOCG) says the site is not a valued landscape as referred to in paragraph 174(a) of the National Planning Policy Framework (the Framework). Furthermore, the SOCG notes that the site's contribution to a wider landscape is limited due to its enclosed nature. Nonetheless, the openness of the pastureland and the natural features on the site make a positive contribution towards the character and beauty of the countryside. It also provides an attractive approach to Barleythorpe. Moreover, the lack of buildings allows views across to the rising

land to the west from the upper floor windows of the houses opposite. As such, the site makes a positive contribution to the visual qualities of the local environment.

11. The introduction of up to 150 dwellings with associated domestic features, gardens, roads and infrastructure is bound to starkly alter the site's appearance and character so as to erode its sense of rurality. The inclusion of public open space and additional planting would not prevent a marked change to the site. Moreover, the introduction of artificial lighting would reinforce these adverse effects during the night-time. The development would be near to the built up extents of Oakham and Barleythorpe and so it would not appear isolated. Even so, it would be read as a clear encroachment of the built form into the countryside.
12. The proposal would be obvious when on the appeal site, from Pasture Lane and the dwellings on its south side as well as from the higher land to the west. All of these vantage points would be from private land. Views from Manor Lane to the north and Catmose College and Cold Overton Road to the south would not be unduly affected due to the screening effects of vegetation and the landform.
13. Also, the proposed housing would be seen from the upper floor windows of the dwellings on the opposite side of Main Road. From these points, the development would obstruct and spoil views of the wider countryside. Furthermore, the removal of hedgerow to allow the proposed access would result in the housing and the encroachment onto fields being apparent from Main Road. Consequently, there would be a noticeable erosion of the pastoral setting to Barleythorpe.
14. The Council raises concern over the scale of the development in relation to Barleythorpe. The SUE already extends around the eastern edge of the village, yet the sense of the original settlement remains as the recently constructed housing is set back and screened from Main Road. Through sensitive layout and landscaping, the proposal would also avoid a dominating visual effect on Barleythorpe. However, acceptability in these regards fails to address the impact of the proposal on the rural setting to the village.
15. The Council is also concerned the development would lead to the physical and visual coalescence of Barleythorpe and Oakham. There is no doubt that the development would significantly reduce the open area on the west side of Main Road from the boundary of Catmose College to the properties on the south side of Pasture Lane. However, on the east side of Main Road, physical coalescence has already occurred through the SUE development. Despite this, the roadside vegetation and intervening open space onto Main Road create a sense of Barleythorpe being separate from Oakham.
16. The southern part of the development away from the proposed access could be laid out and screened in a similar manner to the SUE so a perceived gap between Oakham and Barleythorpe would remain. The northern part of the development would be more obvious due to the proposed access. However, the houses opposite the appeal site already extend further in the direction of Oakham compared to properties on Pasture Lane. Therefore, development on the west side of Main Road that mirrors the line of houses opposite would avoid a sense of the separation between Barleythorpe and Oakham being reduced. As such, the development could be designed so as to prevent a harmful visual effect as a consequence of reducing the gap between the 2 settlements.

17. To summarise, the development would significantly and noticeably undermine the rural character of the site itself and would spoil views of the wider countryside. Where visible, it would be seen as a loss of land that contributes to the inherent beauty of the countryside and that adds to the natural setting to Barleythorpe. As such, it would have adverse impacts on the local environment and it would not reinforce the rural distinctiveness of the site and the locality. Through sensitive layout and landscaping, the proposal would avoid an unacceptable visual effect on the core of Barleythorpe. The physical narrowing of the gap between Barleythorpe and Oakham would not be easily appreciated and so it would avoid detriment to the character of the area. However, the acceptable effects of the proposal would not address nor override the identified harm to the intrinsic character and beauty of the countryside.
18. Therefore, I conclude the development would be detrimental to the character and appearance of the area and in these regards, it would be contrary to policy CS19 of the CS, SAP policy SP15 and NP policy 1. I note the appellant's point that any development of the scale proposed is likely to have a marked effect on the character and appearance of a site and its surroundings. Nonetheless, the harm caused attracts significant weight given the scale of the development and the permanent loss of an area of countryside.

Location of development

19. Through its appeal submissions the Council contends the proposal would fail to accord with CS policy CS4 and SAP policy SP6. At the hearing, I also asked for the parties' views on the acceptability of the scheme having regard to NP policy 1 and its provisions in relation to the location of new housing.
20. The appeal site is deemed as lying in the countryside as it is outside of settlement boundaries as defined in the development plan documents. CS policy CS4 limits development in the countryside to that which needs to be located in such areas and which supports the rural economy or meets affordable housing needs. The development would include some affordable housing but most of the dwellings would be general market units. As such, the proposal as a whole would conflict with this element of CS policy CS4.
21. Moreover, SAP policy SP6 part 1 states that new housing will not be permitted in the countryside unless it accords with defined exceptions, none of which apply in this case. Also, NP policy 1 states proposals for 10 or more dwellings will not be supported outside sites allocated in the Rutland Local Plan (current or future reviews). The appeal site is not allocated and so the development would fail to accord with this policy.
22. Oakham is identified as the key focus for new development under CS policy CS4. The SOCG includes a list of facilities within Oakham that the parties agree would be accessible from the development by foot and by cycle. These include Catmose College and Primary School, Oakham town centre, the nearest convenience store and supermarkets, a hospital, a medical centre and a dental practice. Oakham railway station would also be within reasonable walking distance with a lit footpath along Main Road providing a convenient pedestrian route. The appellant has indicated a willingness to widen the pavement along Main Road as part of the development and so as to allow easier and safer walking. Bus stops that allow access to bus services to Oakham town centre are also near the site on Main Road. Consequently, the location of the development would promote opportunities to walk, cycle and to use public

transport. In these respects, the proposal would accord with the aim to promote sustainable transport as set out in the Framework and CS policy CS1.

23. For the above reasons, I conclude the development would not be in a location deemed suitable for housing under CS policy CS4, SAP policy SP6 and NP policy 1. However, the harm caused by this policy conflict is tempered by the potential for future residents and visitors to the development to travel to and from the site by means other than the private car. Therefore, the identified conflict with policy attracts limited weight.

Planning obligations

24. The Council has confirmed that appropriate planning obligations in respect of affordable housing, open space provision and maintenance and biodiversity net gain would address its third refusal reason. While referred to on its decision notice, the Council accepted at the hearing that required works to the highway could be secured by planning condition rather than by planning obligations.
25. The UUs include planning obligations that would address the development plan policy requirements in terms of affordable housing, open space and biodiversity. The Council has suggested various changes to the wording of the first UU. These seek to assist with the interpretation of the planning obligations but also suggest amendments in respect of the affordable housing scheme requirement, to the terms on monitoring fees and on the maintenance and transfer of open space. The second UU has been amended to address some but not all of the Council's comments.
26. I am satisfied the UUs are sufficiently clear and detailed to ensure the planning obligations are effective. Also, they are worded so as to ensure the proposal would adequately address the provision of affordable housing, open space and biodiversity net gain so that in these regards the proposal would accord with development plan policies.

Other considerations – housing land supply

27. For the reasons set out in respect of the first and second main issues, the proposal would not accord with CS, SAP and NP policies and would be contrary to the development plan when read as a whole. It follows to consider whether other factors justify allowing the appeal contrary to the development plan.
28. There is a dispute between the Council and the appellant as to whether 5 years' supply of deliverable housing land can be demonstrated as required under the Framework. However, at the hearing the parties agreed that there is a housing requirement for Rutland of 646 dwellings for the 5 year period 2023/24 to 2027/28 (including the appropriate buffer). This equates to an annual requirement of around 129 dwellings. This figure has been calculated using the standard method as set out in the Planning Practice Guidance (PPG).
29. The Council claims a housing land supply of 964 dwellings as on 31 May 2023. This represents the equivalent of 7.5 years supply of land for new housing. The supply is made up of major and small sites with planning permission and a windfall allowance. The appellant contends that 9 of the major sites with planning permission should not be included as part of the land supply as they do not comply with the definition of deliverable as set out in the Framework. Also, it is claimed that there is no compelling evidence to include a windfall

- allowance in the supply figures. Therefore, the appellant suggests that only a supply of 475 dwellings or the equivalent of 3.7 years can be demonstrated.
30. As well as the definition within the Framework, there is advice in the PPG on how deliverability of housing sites can be demonstrated. I also note the comments on the issue from other Inspectors in appeal decisions referred to me by the appellant. Whether a site is to be included in the supply figures is a question of planning judgment to be made on the evidence before me.
 31. Of the 9 sites disputed by the appellant, 3 benefit from detailed planning permission: Ashwell Farmyard, land between Barleythorpe and Burley Park Way and land north of Cold Overton Road. The appellant highlights various obstacles to these developments coming forward and in respect of Ashwell Farm and Burley Park Way the time that has elapsed since the original planning permissions were granted. However, to my mind, these comments fail to provide clear evidence that houses will not be delivered on these sites within 5 years. These 3 sites add **39 dwellings** to the supply figures (10 at Ashwell Farm, 11 at Burley Park Way and 18 at land north of Cold Overton Road).
 32. Outline planning permission has been granted for the other 6 sites but at the time of the hearing they did not benefit from reserved matters approval. However, in respect of the site near Stapleford Road, Whissendine a reserved matters application has been submitted. This scheme may be subject of objections but to my mind the application represents clear evidence that housing completions would begin on the site within 5 years. Also, I consider that applications seeking the discharge of conditions is sufficient evidence to show that housing would be delivered on land to the north of Braunston Road. Using assumptions of delivery rates, the Council reckons that these 2 sites together would deliver **132 dwellings** over the 5 year period. This is a fair estimate of delivery that should also be included in the supply figure.
 33. The evidence on the delivery of housing on the other 4 sites with outline planning permission (land off Park Lane, Cold Overton Road, land off Burley Road and land north of Leicester Road) is less clear. In support of including such sites, the Council simply sets out developers' expectations regarding commencement of construction. Without applications seeking approval of details or formal agreement that confirms the developers' delivery intentions there is insufficient evidence to show housing completions will begin within 5 years. As such, it is correct for the appellant to omit any contribution these sites would make to housing land supply.
 34. The Council has included a figure of 75 houses as a windfall allowance over the 5 year period. In support of this approach, it refers to the contribution that small sites with planning permission currently make to its supply figures (145 dwellings out of the 964) and the completions on such sites in 2022/23 (30 dwellings). Also, table 4 of the appellant's report on five year land supply in Rutland County Council February 2023 shows that since 2006/07 there has been housing completions on small windfall sites for each year, ranging from 15 in 2013/14 to 68 in 2007/08. When considered together, this information provides compelling evidence to justify the inclusion of a windfall site allowance in the housing land supply figures.
 35. The appellant contends the Council's methodology for calculating the level of windfall is flawed as it seemingly double counts housing completions that would come forward on small sites that already have planning permission. However, I

am mindful that once a small site is granted planning permission it would be legitimately included as contributing towards housing land supply. The information on previous housing delivery strongly indicates that further windfall sites would be granted planning permission in the next 5 years, over and above those already with planning permission. Having regard to historic completion figures and the number of dwellings on small sites that already contribute to supply, **an allowance of 75 dwellings** over 5 years or 15 dwellings per year as suggested by the Council is appropriate.

36. In summary, I find the appellant has underestimated housing land supply to the extent of the figures in bold in the preceding paragraphs. Adding these to the appellant's suggested supply figure of 475 dwellings would result in a total supply of 721 dwellings (475 + 39 + 132 + 75) or 5.59 years of supply against the annual requirement of 129. It is noted that even if no windfall allowance is included as suggested by the appellant, the total supply would exactly match the 5 year housing requirement of 646 dwellings.
37. Consequently, I find that the Council is able to demonstrate a 5 years' housing land supply. As such, the situation as described at footnote 8 of the Framework does not apply and the relevant development plan policies are not deemed to be out-of-date for this reason.

Other considerations – whether most important development plan policies are out-of-date

38. Notwithstanding the housing land supply position, the appellant contends that the development plan policies most important for determining the appeal are out-of-date. In such circumstances the provisions of paragraph 11(d) of the Framework would apply.
39. Paragraph 5.2 of the SOCG sets out a list of development plan policies that the appellant and the Council consider may be relevant in the determination of the appeal. However, at the hearing the appellant's representative advised that this list is not meant to represent the most important policies in my determination. The Council's officers suggested that CS policies CS1, CS20 and CS22, SAP policy SP20 and NP policies 6 and 8 were not most important policies. This is accepted by the appellant and I find no reason to disagree.
40. In addition, I find that the following policies are relevant but that they are not the most important in the assessment of the proposal:-
- CS policies CS8, CS10, CS18, CS21 and CS23;
 - SAP policies SP1, SP9, SP22 and SP23; and
 - NP policies 2, 3 and 10.
41. In arriving at my views in these regards, I have considered the degree to which the policies have been referred to in support of the appellant's and the Council's cases. Also, contributions towards affordable house provision and biodiversity net gain are agreed and so policies on these matters are not foremost in the assessment of the appeal. Moreover, outline planning permission is sought and so development plan policies that relate to detailed design issues are not the most important.

42. This leaves CS policy CS19, SAP policy SP15 and NP policy 1 from the list at paragraph 5.2 of the SOCG. However, through the appeal process, the Council has advanced the proposal would not accord with CS policy CS4 and SAP policy SP6. As such, these should also be included in the basket of most important policies. In addition, CS policy CS9 relates to the provision and distribution of new housing. This policy is not relied upon by the Council in its objections to the location of the development. Even so, in the assessment of a housing scheme where location has been raised as an issue it is of clear importance. Accordingly, I agree with the appellant's contentions made at the hearing that the most important policies are CS policies CS4, CS9 and CS19, SAP policies SP6 and SP15 and NP policy 1.
43. Neither the Council nor the appellant contend that CS policy CS19 and SAP policy SP15 are out of date. I find no reason to disagree with the parties in this respect. In considering the other policies in the basket, I have had regard to their degree of consistency with the provisions of the Framework.
44. The aim of CS policy CS4 to direct development to the most sustainable locations is not contrary to the Framework. Similarly, by setting out situations where housing in the countryside would be permitted, SP policy SP6 does not depart from the Framework to an extent that it should be deemed out-of-date.
45. NP policy NP1 includes the provision that proposals for 10 or more houses will not be supported outside sites allocated in the Rutland Local Plan (the LP). A submission draft of the LP was withdrawn from examination by the Council and so there is no current adopted version. However, NP policy 1 refers to not just current versions of the LP but also to future reviews. It is not out of date as it allows for major housing schemes outside settlement boundaries should these form part of any future LP. Also, it generally accords with the Framework in identifying types of residential development that would be acceptable in the countryside.
46. The settlement hierarchy approach set out at CS policy CS9 is consistent with the Framework as it aims to direct development to the most sustainable locations. However, the housing requirement set out in the policy is derived from the now revoked East Midlands Regional Spatial Strategy and it is based upon 2004 household projections. The targets are not informed by a local need assessment conducted using the standard method in planning guidance. In these regards, CS policy CS9 does not accord with the Framework and so it is out-of-date.
47. The appellant contends the settlement boundaries as defined in the development plan documents must be out-of-date given that they do not take account of up-to-date housing requirements. I note that a significant proportion of sites that make up the 5 year housing land supply lie beyond settlement boundaries. However, CS policy CS9 allows the release of greenfield sites outside but adjoining the defined planned limits of development at Oakham and other settlements if required to maintain a sufficient supply of deliverable and developable land. Therefore, the planning permissions for housing beyond settlement boundaries demonstrate a flexibility in the CS strategy for the distribution of housing, rather than the CS policies being out-of-date.
48. To summarise, of the basket of 6 most important policies I find that only CS policy CS9 is out-of-date and simply in respect of the target number of houses

to be provided. The other policies are of equal relevance in my determination and they are not out-of-date. Therefore, I conclude that, overall, the most important policies in the determination of the appeal are not out-of-date. Accordingly, the circumstances set out at paragraph 11(d) of the Framework do not apply for this reason.

Other considerations – benefits of the proposal

49. The submissions indicate the scheme would be delivered quite quickly. The appellant has suggested planning conditions that would require reserved matters applications to be submitted and for development to start in shorter time periods than those specified at section 92 of the Town and Country Planning Act 1990. I have already found that the scheme is not required to address a shortfall in general housing land supply. Nonetheless, the proposal would represent a boost to the supply of homes, in line with the objective laid out at paragraph 60 of the Framework.
50. The UUs would ensure that 35% of the houses would be affordable. CS policy CS11 sets a target to provide 40 affordable homes per year from 2009 to 2026. Also, I am advised that a strategic housing market assessment from 2019 identified a need of 44 affordable dwellings per annum from 2019 to 2036. Information provided by the appellant on affordable housing completions is not disputed by the Council and shows a cumulative shortfall of 97 houses against these targets. Also, when considering the overall stock of housing and net change it is advanced by the appellant that there has been an average shortfall of 32 affordable dwellings a year. Within this context, the affordable housing as part of the development is a significant benefit in its own right.
51. The scheme would result in the loss of the best and most versatile agricultural land. However, the appellant's agricultural significance report concludes the economic benefits of the site as it stands are minor. Moreover, the proposal would create employment opportunities both directly and indirectly during construction. Future residents would also support local businesses through their expenditure on goods and services. Overall, the development would lead to a benefit to the local economy, notwithstanding the loss of the agricultural use of the land. This adds weight in support of the proposal.
52. The development would attract a community infrastructure levy payment which would be used towards local infrastructure as required. However, this is primarily aimed to address the needs arising from the development itself. Also, it is unclear how New Homes Bonus or additional Council Tax receipts as a result of the proposal would be used so as to benefit the general public. Therefore, any advantages in these respects are of limited weight.
53. The development would include public open space that would promote outdoor recreation as well as healthy communities. I would envisage that any open space would primarily serve the needs of the occupants of the proposed dwellings rather than the general public. Even so, there would be a minor benefit to the scheme in these respects.
54. The UUs would secure a biodiversity net gain, either through enhancement of land in the appellant's ownership, the purchase of biodiversity units from the owner of a biodiversity gain site or the purchase of biodiversity credits. In any event, the secured gain would also be an advantage to the scheme to which I attach moderate weight.

Other Matters

55. The appellant and Council agree that the proposal would not affect the settings of listed buildings included at paragraph 2.30 of the SOCG and within 150m of the appeal site. I find no reason to disagree with the parties on this matter.
56. Natural England (NE) have commented on the proposal and agree with the appellant's view that there are no impact pathways associated with the development to the Grimsthorpe Special Area of Conservation and the Barnack Hills and Holes Special Area of Conservation. NE identifies potential impacts from surface and foul water discharges from the development on Rutland Water Special Protection Area and Ramsar sites. However, it advises that an impact on the integrity of these sites would be unlikely. I find no reason to disagree with the NE on these issues and so the development would be acceptable in these regards.
57. The appellant's Ecological Appraisal March 2022 states the development would result in the loss of terrestrial, foraging and commuting habitats for great crested newts (GCNs), a protected species. As this may cause risk of harm to GCNs, it would be necessary to implement a licensed mitigation strategy. It was agreed at the hearing that a planning condition could be imposed to ensure the development takes account of an approved mitigation scheme. There is no reason to expect that a license will be withheld and so the development would adequately safeguard GCNs. Conditions could be imposed to ensure the development protects and takes account of other protected species and wildlife in general.
58. Third parties have raised a number of other objections to those forwarded by the Council. There is concern that additional traffic generated by the proposal would lead to unacceptable highway capacity issues and would prejudice highway safety, particularly when considered alongside traffic from recently constructed and other planned housing schemes. I saw that at times the local roads are busy and that traffic queues form on Main Road when the level crossing at Oakham is shut. However, I attach significant weight to the fact that the Council has not objected to the development on highway grounds. Also, I am satisfied the appellant's transport assessment and its addendum demonstrate the generated traffic would be safely accommodated on local roads, even when considering traffic from other developments.
59. The views from nearby houses towards the site would be altered by the proposal. Even so, unacceptable harm to the living conditions of local residents would be avoided through sensitive design. Occupants of the development would put additional pressure on local facilities but the scheme would attract a community infrastructure levy that would be used to mitigate the impacts on services. There is no convincing evidence that the proposal would lead to unacceptable pressure on schools, medical facilities, water supply or drainage systems.
60. None of the above issues lead to reasons to refuse planning permission. Acceptability in all of these regards is a neutral factor in my assessment.

Planning Balance

61. Paragraph 12 of the Framework advises that where a planning application conflicts with an up-to-date development plan permission should not normally

- be granted. In such circumstances, permission should only be granted if material factors indicate the plan should not be followed.
62. The Council is able to demonstrate a 5 year supply of deliverable housing land and the development plan policies most important for the determination of the appeal are not out-of-date. Therefore, the so called "tilted balance" as set out under paragraph 11(d) of the Framework does not apply.
63. I am referred to a number of planning appeal decisions where Inspectors have granted planning permission despite conflict with development plan policies being identified. These decisions reflect the balancing exercise of weighing harm against benefits. However, the weight to be attributed to the various relevant factors is clearly dependent upon the particular circumstances of each case. The decisions relate to sites elsewhere in the country where different planning policies and circumstances would apply. As such, they do not provide a precedent that is bound to be followed in this case.
64. The proposal would bring a number of benefits to which I collectively attribute significant weight. I attach only limited harm to the proposal's conflict with CS policy CS4, SAP policy SP6 and NP policy 1 in terms of the suitability of the location for a major housing scheme. The benefits are sufficient to outweigh the policy conflicts in these regards.
65. However, the overriding factor is the adverse effect that would be caused to the character and appearance of the site and the locality. The harm caused in these respects attracts significant weight. The benefits of the proposal are insufficient to justify granting planning permission contrary to development plan policies referred to under the first main issue.

Conclusion

66. For the above reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Goatley KC	Acting for DLP Planning
Neil Osbourne	DLP Planning
Clare Howe	DLP Planning
Chris Jenkinson	DLP/Aspect Landscaping
Roland Bolton	DLP

FOR THE LOCAL PLANNING AUTHORITY:

Nicholas Thrower	Principal Planning Officer
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Sharon Baker

Senior Planner

INTERESTED PERSONS

Jason Bates

Oakham Action

Hans Zollinger

Rutland County Councillor

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Letter from Savills dated 4 July 2023
2. Letter from David Wilson Homes East Midlands dated 4 July 2023
3. From the appellant wording of suggested planning conditions regarding highway improvements.

Richborough