



Rutland
County Council

REFUSAL OF NOTICE OF PRIOR APPROVAL

(Application for Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3))

Applicant Name and Address

Mrs Lisa Dougherty
C/o Agent

Agent Name and Address

Tony White
White Planning
Wey Bank
Alton Road
Farnham
GU10 5EL

Date of Validation
29 August 2024

Application Number:
2024/0959/PAD

PROPOSAL: Change of use of agricultural building to form 1 No. 1 bedroom dwelling; and building operations reasonably necessary to convert the building to a dwelling.

LOCATION: Land Off Morcott Road Barrowden Rutland

REFUSE to grant prior approval for the following reasons:

- 1 The proposal does not comply with Q1 (a). It has not been demonstrated that the site was solely for an agricultural use as part of an established agricultural unit.
- 2 It has not been demonstrated that a safe and convenient vehicular access with adequate vehicle to vehicle visibility splays can be provided. As a consequence, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of users of the adjoining public highway. This is contrary to Policy SP15 of the Site Allocations and Policies DPD, Design Guidelines for Rutland, The National Design Guide and Paragraphs 114 and 115 of the NPPF.
- 3 The proposed development does not provide a safe means of access for pedestrians accessing the site from the village of Barrowden. As a consequence, pedestrians would be at severe risk of injury walking in or directly adjacent to a carriageway subject to the national speed limit. This is contrary to Policy SP15 of the Site Allocations and Policies DPD, Design Guidelines for Rutland, The National Design Guide and Paragraphs 114 and 115 of the NPPF.

INFORMATIVES:

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

Decision Date: 22 October 2024

Proper Officer of the Council

GENERAL DEVELOPMENT PROCEDURE ORDER 2015
TOWN AND COUNTRY PLANNING ACT 1990

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 under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householders which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000 (Customer Services)

Email: enquiries@planning-inspectorate.gsi.gov.uk

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 the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.