



Appeal Decision

Inquiry held on 17-20 and 26 March 2026

Site visits made on 16, 17 and 19 March 2026

by H Butcher BSc(Hons) MSc PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/A2470/W/25/3375952

Land to the south-east of Brooke Road, Oakham, Rutland LE15 6HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey UK Limited and R L Eayrs & M S Eayrs against the decision of Rutland County Council.
 - The application Ref is 2025/0480/MAO.
 - The development proposed is the erection of up to 140 dwellings, amenity space, provision of land for a school car park, areas for outdoor play, wildlife area, landscaping and all associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 140 dwellings, amenity space, areas for outdoor play, wildlife area, landscaping and all associated infrastructure at land to the south-east of Brooke Road, Oakham, Rutland LE15 6HQ, in accordance with the terms of the application, Ref 2025/0480/MAO, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Taylor Wimpey UK Limited against Rutland County Council during the Inquiry. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is made in outline with only access to be determined at this stage. Various illustrative and indicative plans were submitted with the appeal and I have treated these accordingly.
4. I have removed all words which are not a description of development in the banner heading above. I have also deleted the reference to 'school car park' in the formal decision for the reasons set out in my decision below.
5. The application was accompanied by an Environmental Statement (ES). I am satisfied that the ES reasonably meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. I have had regard to it and all other environmental information submitted in connection with the appeal, including any arising from the Inquiry, in my decision.
6. The latest land supply position, as set out in the Council's Land Supply Report, dated June 2025, is 3.0 years.

Main Issues

7. The main issues are:

- Whether the development would result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios, and;
- The effect of the development on the integrity of Rutland Water.

Reasons

Background

8. The appeal site was considered to be suitable for an allocation of housing under the emerging Rutland Local Plan 2021-2041 (ref: OAK04). This was supported by extensive evidence. However, it was not included as an allocated site in the final draft of the Local Plan because it was no longer considered to be required to meet housing needs in the plan period¹.
9. In the meantime, the application for planning permission, which forms the basis of this appeal, was submitted. This followed pre-application engagement with the Council, and it was subsequently recommended that planning permission be granted. Of particular note, the Local Highway Authority (LHA) raised no objection, subject to conditions ². Network Rail also raised no objection. The recommendation for approval was, however, overturned by the Planning Committee and planning permission was refused on grounds of a severe impact on the highway network and an unacceptable highway safety impact.

Highway safety and the road network

10. The appeal site is located to the south of Oakham in a predominantly residential area, on the edge of the town. Brooke Hill Academy; a primary school, is located at the south-westernmost extent of this residential area along Brooke Road before it meets the countryside. The appeal site access would be located broadly equidistant between the primary school and a level crossing to the north-east.
11. I visited the site multiple times over the course of the week of the Inquiry, at school pick-up and drop-off times, and at peak travel times in the morning and evening. In the vicinity of the appeal site Brooke Road generally experiences low speeds of traffic and is subject to 20mph/30mph speed restrictions. There is informal on-street parking along Brooke Road which narrows the carriageway in places and there are parking/stopping restrictions around the primary school. School traffic is, however, largely managed by parents/carers parking, by previous arrangement, in the adjacent Woodland Trust carpark at Brooke Hill Wood. There is direct access from this car park into the school grounds making it both safe and convenient for parents/carers dropping off and collecting children from the school. The impacts of school traffic on Brooke Road are therefore well managed currently.
12. Near the Brooke Road/Welland Way junction is a level crossing. When the level crossing is closed it causes queuing traffic which extends south along Brooke Road and the adjoining Welland Way. The narrowing of Brooke Road due to on-street

¹ CD 5.36

² CD3.1

parking can exacerbate these queues. However, once the level crossing is open the queues generally dissipate quickly into the surrounding road network. When there are queues this can lead to driver frustration, which in turn can lead to unsafe vehicle manoeuvres to bypass queuing traffic around the Brooke Road/Welland Way junction. However, there is no substantive evidence of any resulting highway safety impacts and I note that the LHA had regard to collision data when consulted on the proposed development.

13. The proposal includes mitigation works, supported by the LHA, to provide allocated parking bays along Brooke Road, thereby widening the carriageway, which would improve traffic flow and ease congestion here. Overall, therefore, whilst the development would add to existing delays and queues in the area associated with the level crossing, I am satisfied, based on the evidence before me, that this would not result in an unacceptable impact on highway safety nor would the residual cumulative impacts on the road network, following mitigation, be severe, even taking into account increases in level crossing closures in the future and other committed development in the area.
14. The Council's highway witness refers to highway safety risks which he has not himself observed in the vicinity of the appeal site, nor provided any evidence of. Furthermore, he stated at the Inquiry that he has not visited the appeal site at peak traffic times, such as school pick-up or drop-off, and was not aware, when asked, about the school's parking arrangement with the Woodland Trust. The criticisms from the Council's highway witness in respect of the appellant's Transport Assessment and modelling are, therefore, not grounded in real-life observations, on-site, at peak times. I therefore do not consider additional junction capacity modelling is justified beyond that already carried out.
15. The proposal also includes the provision of a public car park with 30 spaces intended for use by Brooke Hill Academy. There is no evidence that this carpark is wanted by the school or parents, indeed, this was met with opposition in the extremis in the Inquiry. Given the current school traffic management arrangements I do not consider the provision of an additional carpark is necessary to make the development acceptable in planning terms. I have therefore not taken it into account in my decision.
16. I duly find no conflict with Policy SP15 of the Site Allocations and Policies Development Plan Document (SA), specifically part (m), which requires provision to be made for safe access, and that development should be designed and located so that it does not have an unacceptable adverse impact on the highway network, and where necessary mitigation measures will be required to ensure that any impact is kept within acceptable limits. For the same reasons I find no conflict with Policy CS18 of the Core Strategy Development Plan Document (CS) and Policy 1 of the Oakham and Barleythorpe Neighbourhood Plan (NP).
17. The National Planning Policy Framework (The Framework) is also a material planning consideration of considerable weight and this sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts, on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Based on my findings above I do not consider this to be the case.

Habitat Regulations Assessment

- Likely Significant Effect Screening

18. The appellant has carried out a Shadow Habitats Assessment as part of the submitted ES. Natural England were consulted and they considered that the proposed development would not have significant adverse impacts on statutory designated sites and therefore raised no objection. Notwithstanding this advice, as the Competent Authority, I am required to undertake a formal assessment of the implication of any new plans or projects where there is a credible risk that the conservation objectives of a European Site would be undermined before deciding to permit or authorise any such plan or project.
19. The appeal site is located 1.5km from Rutland Water which is designated as a Special Protection Area (SPA), Ramsar site, and a Site of Special Scientific Interest. The appeal site is also within the penultimate Impact Risk Zone in relation to Rutland Water Site of Special Scientific Interest (SSSI). Rutland Water is of international importance for wetland habitats and ornithological interests. The wintering waterfowl assemblage is a qualifying feature for both the SPA and Ramsar. Additionally, populations of several wintering species are qualifying features for both the SPA and Ramsar:
- Gadwall, *Anas strepera strepera* (SPA and Ramsar)
 - Northern shoveler, *Anas clypeata* (SPA and Ramsar)
 - Coot, *Fulica atra* (SPA)
 - Goldeneye, *Bucephala clangula* (SPA)
 - Goosander, *Mergus merganser* (SPA)
 - Great crested grebe, *Podiceps cristatus* (SPA)
 - Mute swan, *Cygnus olor* (SPA)
 - Teal, *Anas crecca* (SPA)
 - Tufted duck, *Aythya fuligula* (SPA)
 - Wigeon, *Mareca penelope* (SPA)

The conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the favourable conservation status of its qualifying features.

20. The SPA/Ramsar is sensitive to water pollution. The appeal site hydrologically connects to Rutland Water via surface water outfall to the north. Consequently, uncontrolled runoff from the development during construction and for the lifetime of the development could result in water pollution at Rutland Water.
21. Rutland Water is also vulnerable to disturbance from public access. However, access to and around Rutland Water is controlled via visitor centres and parks and can be modified or managed, if, and when required, to meet conservation obligations. The most important habitats for the qualifying protected species are

associated with the nature reserve at the western end of Rutland Water where access is closely managed and limited.

22. In respect of hydrological pathways, taking a precautionary approach, the development has the potential to undermine the conservation objectives of the SPA and Ramsar site and adversely affect their integrity, either alone or in combination with other projects or plans, thereby having a likely significant effect. However, I find no likely significant effect in respect of recreational pathways.

- Appropriate Assessment

23. To mitigate the likely significant effects on Rutland Water in respect of hydrological pathways the construction phase of the development could be controlled by condition to ensure the provision of suitable pollution control measures. The development, if allowed, would cause the cessation of arable cultivation of the site meaning a reduction of agricultural runoff that includes silt and nutrients. This would result in at least a 'no negative' effect and a potential beneficial effect on Rutland Water in this regard. The proposal furthermore includes the provision of SuDS features which would be designed to maintain greenfield runoff rates and would treat this water before it enters watercourses. Such measures could also be controlled by way of suitable conditions.
24. Whilst I have found no likely significant effect in terms of the recreational impacts of the development, it is worth noting that the proposal would include a substantial area of public open space. This would reduce the pressure on future residents to travel to Rutland Water for recreation.
25. Taking the above points together, and subject to appropriate conditions, I am satisfied that the adverse effects on the integrity of Rutland Water SPA, Ramsar site and SSSI can be ruled out beyond all reasonable doubt.
26. It follows that I find no conflict with Policies CS21 of the CS, SP19 of the SA, and Policy 10 of the NP which require an appropriate level of protection to legally protected sites and species and for regard to be had to the requirements of legislation that applies to areas of international importance.

Other Matters

27. The appeal site is identified as being at risk of surface water flooding, in particular the site's access would cross a flood route. Paragraph 175 of the Framework requires the sequential test to be used in areas known to be at risk of flooding except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising, or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future, having regard to potential changes in flood risk.
28. The Planning Practice Guidance has, however, been recently updated to advise that in applying para 175 of the Framework, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures, would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied.

29. The appellant has submitted a site-specific flood risk assessment which contains mitigation measures. Both the Lead Local Flood Authority and the Environment Agency have had regard to this and have raised no objection. Subject to securing the mitigation measures proposed it is not necessary, therefore, for me to take the matter of flood risk any further.
30. The development would not appear significant in designated Important View 8 of the NP due to its low-lying nature and clear relationship with the built extent of the town. It would not obscure, detract, or compete with the church spire in these views
31. The appeal site is assessed as being part sub grade 3a and part sub grade 3b Best and Most Versatile land (BMV). Account should be taken of the economic and other benefits of the loss of BMV land which weighs against the proposal.
32. The accessibility of the site was raised by the Council's highway witness, despite it not forming part of the reason for refusal. I am satisfied that the appeal site is in a suitable location having regard to accessibility given its proximity to Brooke Hill Academy, and Oakham town centre which provides a good range of services and sustainable transport infrastructure. The Council's planning witness similarly found no harm in this regard, and Active Travel England raised no objection.

Conditions

33. A draft list of conditions was provided at the Inquiry. I have considered these alongside the advice contained at paragraph 57 of the Framework, i.e., that they are kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
34. During the Inquiry any significant amendments I considered necessary, in the event planning permission was granted, were provided to both of the main parties for comment. I have also carried out minor editing and removed any duplication. For reasons of certainty I have removed any tailpiece conditions.
35. I have attached standard conditions requiring details of the reserved matters to be submitted for approval, specifying when the reserved matters application must be submitted by, and when the development permitted must be commenced by (1-3). I have also included a plans condition as this provides certainty (4).
36. Condition 5 is necessary to define the principal of development in terms of the number of houses. Conditions 6 – 11 are necessary for reasons of highway safety. Condition 12 is necessary to identify any damage and determine any remedial work required under the terms of the Highways Act 1980. Conditions 13-20 are necessary to reduce the impacts of flooding and pollution risk, and to ensure satisfactory drainage of the site.
37. To protect the amenity of future occupants in respect of the adjacent railway line condition 21, requiring a noise mitigation scheme, is necessary. For the same reason I have included a condition requiring the submission of a Construction Management Plan (22). To ensure that protected species and habitats are considered properly conditions 23-25 are necessary. To protect any on-site heritage condition 26 is necessary. Finally, to encourage sustainable travel, I have included a condition requiring a Travel Plan (27).

S106 Agreement

38. A signed and dated deed of agreement pursuant to S106 of the Town and Country Planning Act 1990 has been submitted, which provides for various obligations. In line with Regulation 122(2) of the CIL Regulations 2010 (as amended) the Framework explains in paragraph 58 that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is necessary, therefore, for me to consider these obligations in detail and reach a finding on them, having regard to the above tests.
39. The provision of a maximum of 30% on-site affordable housing is secured in line with Policy 3 of the NP. There is no substantive evidence before the inquiry that this could not be delivered and the Council raise no concerns in this regard.
40. There is an obligation to deliver public open space for formal and informal recreation, including a Local Equipped Area of Play, in line with the requirements of policies CS23 of the CS, SP22 of the SA, and Policy 9 of the NP.
41. A further obligation would secure a Biodiversity Net Gain in excess of the statutory requirement of 10%. This is necessary to secure it as an agreed benefit of the development.
42. Finally, the agreement secures the provision of a car park of up to 30 spaces to support the drop off and pick up of children at Brooke Hill Academy. However, this is not needed, based on representations made to the Inquiry, and as such would not meet the tests of necessity.
43. I therefore find that all the obligations, with the exception of the provision of a car park, meet the tests of the Framework and comply with the requirements of Regulation 122(2) of the CIL Regulations 2010.

Planning Balance

44. The local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11d) of the Framework is engaged meaning the policies in the development plan which are most important for determining the application are to be considered out-of-date for the purposes of this appeal.
45. I have not found that the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed, specifically in this case, areas at risk of flooding or habitats sites and/or SSSIs.
46. The development would result in some local adverse traffic impacts, notably adding to existing delays and queues associated with the relevant level crossing closures. However, the scale of these impacts, in conjunction with mitigation, would not result in conflict with either the development plan or The Framework. I have also had regard to para 115 of The Framework, as directed in para 11d ii) of the same, and again find no conflict. This harm therefore carries only limited weight. The scale of loss of BMV land is also a limited adverse impact.
47. The benefits of the development are broadly agreed. They include the delivery of housing, which would contribute towards the shortfall in housing land supply and

delivery of affordable housing. There are also benefits in the form of a significant net gain in biodiversity onsite, improvements to surface water management, as discussed above, and economic benefits both during the construction phase of the development and the ongoing, post occupation, contribution the development would make to the local economy. Together these benefits carry substantial weight.

48. It is clear that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, having regard to all matters raised, the appeal is allowed.

H Butcher

INSPECTOR

Richborough

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

John Hunter

He called:

Matthew Price BSc, MSc, CTPP, FCIHT

Nicholas Thrower Beng Hons, MaTP

FOR THE APPELLANT:

Peter Goatly KC assisted by Chatura Saravanan

He called:

Simon Tucker BSC (Hons) MCIHT

James Stacey BA (Hons) DiP TP MRTPI

Andrew Gore BA (Hons) MSC MRTPI

INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Ms Monica Stark of Oakham South Action Group

INQUIRY DOCUMENTS

Doc 1 Appellant's opening statement

Doc 2 Council's opening statement

Doc 3 Oakham South Action Group final address to the Inquiry

Doc 4 Closing statement on behalf of Rutland County Council

Doc 5 Closing statement on behalf of the appellant

Doc 6 Costs application on behalf of the appellant

Doc 7 Response to appellant's costs application on behalf of Rutland County Council

Doc 8 S106 Agreement

Richborough

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos:
Site Location Plan CSA/5826/117 Rev G,
Site Access & Visibility Splays 18438-10-2- REV A
Pedestrian Access Connection to School 18438-10-REV A
Car Parking Improvements 18438-10-3 REV B
- 5) The development shall not exceed 140 dwellings.
- 6) The development hereby permitted shall not be occupied until the means of access and visibility splays have been constructed in accordance with the approved plans and these shall be retained in perpetuity thereafter.
- 7) The visibility splays shall remain free of any obstruction 1m above adjacent carriageway level or 0.6m above adjacent carriageway level where there is a footway present within them for the lifetime of the development.
- 8) No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.
- 9) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- 10) No development shall commence until a revised and detailed scheme of off-site highway works have been submitted to and approved in writing by the local planning authority. The scheme shall include:-
 - Yellow boxes to Diag 1043 of the Department for Transport Traffic Signs Manual to be installed in Welland Way in the westbound carriageway adjacent to Brooke Road and in the eastbound carriageway adjacent to Derwent Drive.

- A 3m wide footway along the site frontage and up to the school and the driveway associated with 116 Brooke Road including detail of all existing street furniture and any relocations together with dropped pram crossings at both ends and on any affected bellmouth type vehicular accesses.
- The extended table top and all associated works outside the school.
- A zebra crossing at the western end of the new footway within the extended table top.
- Swept path analysis for a Phoenix 2 refuse truck and a bus (type to be agreed with Transport Strategy Team) entering from both directions whilst a large family vehicle sits in the access waiting to leave and exiting the site in both directions
- Where necessary a revised site access plan as a result of the swept path analysis above along with a Stage 1/2 Safety Audit and Designers Response.

The revised scheme of off-site highway works shall be completed as approved prior to first occupation of the site.

- 11) No development shall commence until wheel washing facilities have been provided in accordance with approved details that have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 12) Prior to commencement of development, and upon completion, a full width public highway survey of Brooke Road along the site frontage and 100m in either direction shall be carried out, and submitted to and approved in writing by the local planning authority.
- 13) Any reserved matters application shall be submitted in general conformity with the Parameter Plan CSA/5826/138 Rev E and the mitigation measures outlined in the Flood Risk Assessment prepared by BWB dated March 2025.
- 14) The finished floor levels of all dwellings shall be constructed at a minimum of 600mm above the adjacent modelled 1 in 100 year + 40% climate change flood levels, in accordance with the mitigation measures outlined in the Flood Risk Assessment prepared by BWB dated March 2025.
- 15) Notwithstanding condition 4 above no development shall commence until detailed drawings of the means of access from Brooke Road, showing the construction of a culvert beneath the access road in order to facilitate dry access/egress, has been submitted to and approved in writing by the local planning authority. The access shall be constructed in accordance with the approved plans prior to first occupation of the development and retained and maintained as approved in perpetuity.
- 16) Information packs in respect of managing residual flood risk as set out in Table 10.1 of the Flood Risk Assessment prepared by BWB dated March 2025 shall be distributed to all residents upon first occupation, the details of which shall have first been submitted to and approved in writing to the local planning authority.
- 17) No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local planning authority. This strategy should identify the connection point to manhole 8101 located in

Brooke Road. The development shall be carried out in accordance with the approved Foul Water Strategy.

- 18) No development shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The submitted details shall include:
- Confirmation of the 1 in 1 year, 1 in 30 year, and 1 in 100 year (+40% climate change) event design criteria, and evidence that post-development runoff will not exceed the 1 in 1 year greenfield runoff rate.
 - A plan of surface water flow paths and exceedance routes.
 - Evidence that all impermeable areas across the site (including drives, footways, highway surfaces, and car parks) have been included in runoff calculations.
 - A full assessment of the capacity and connectivity of the receiving ditch, including any culverts or downstream features, to confirm it can accommodate the proposed flows without increasing flood risk.
 - Site-specific infiltration testing in accordance with BRE365 if any infiltration based SuDS components are to be proposed.
 - A phasing plan consistent with the proposed build-out.
 - A long-term maintenance and management plan, including identification of responsible bodies and funding mechanisms.
 - A layout demonstrating distributed SuDS features throughout the site and avoidance of over-reliance on end-of-pipe attenuation features, with justification provided where centralised basins are proposed.

No dwelling shall be occupied until the approved surface water drainage system has been completed and is operational. The system shall thereafter be managed and maintained in accordance with the approved plan for the lifetime of the development.

- 19) No development shall take place until a Construction Phase Surface Water Management Plan has been submitted to and approved in writing by the local planning authority. The plan will include:
- Temporary drainage arrangements for each phase;
 - Measures to protect SuDS features during construction;
 - Pollution and sediment control measures.

The development shall be carried out in accordance with the approved details.

- 20) Prior to the commencement of development a plan showing how surface water will be managed in exceedance conditions (including during failure of the drainage system) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 21) No development shall commence until a noise mitigation scheme has been submitted to and approved by the local planning authority. The approved noise mitigation scheme shall be provided in full prior to occupation of the development and retained in perpetuity.
- 22) No development shall commence until a Construction Management Plan has been submitted and approved in writing by the local planning authority, which will include the following:
- A detailed design including visibility splays for the construction access to allow two of the largest anticipated vehicles to pass one another from both directions of Brooke Road
 - Safe pedestrian access from the public highway to the site offices, including any phasing plans should the site office location change through the development
 - Full details of off-site traffic management including pedestrian protection measures along the site frontage of Brooke Road and beyond where necessary
 - A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action
 - A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received
 - Haul routes to and from the site
 - Details of loading/unloading together with turning areas within the site, including phased plans where necessary, and details of how deliveries will be managed to ensure that all vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway
 - Details of site compounds, storage area and contractor/visitor parking/turning
 - Details of the site enclosure or part thereof and gated site security.
 - Confirmation of any tree protection measures where works are within 30m of existing trees to be retained
 - Confirmation that any demolition will be carried out in accordance with the ecological assessment
 - Details of site notice with contact details and a scheme for dealing with complaints
 - Details of any temporary lighting which must not directly light the public highway
 - Phasing plans where applicable
 - A scheme for recycling/disposing of waste resulting from the construction works
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

The development shall be carried out in accordance with the approved Construction Management Plan.

- 23) No development shall commence (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following details:

- Identification of potentially damaging construction activities
- Practical measures and sensitive working practices to avoid or reduce impacts during construction on protected species
- Timing of works to avoid harm to nesting birds
- Responsible persons for overseeing sensitive works
- Use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period.

- 24) No development shall commence (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:

- Description and evaluation of the features to be created/enhanced
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions
- Work schedule
- Species/seed mixes to be planted/sown
- Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

- 25) No development shall commence (including ground works or vegetation clearance) until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved HMMP.

- 26) No development shall commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include

- The statement of significance and research objectives

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- The development shall be carried out in accordance with the programme set out in the WSI.

27) No development shall commence until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out measures to minimise private car use and promote sustainable travel modes for future residents and shall include:

- A methodology for establishing baseline travel patterns following first occupation
- Clear targets for reducing single-occupancy car trips
- A package of measures to encourage walking, cycling, public transport and other sustainable travel modes
- Provision of Network Rail welcome packs to residents of the development
- Details of a nominated Travel Plan Coordinator, including roles and responsibilities
- A timetable for the implementation of all measures
- A programme for monitoring and reporting to the local planning authority at agreed intervals for a minimum of five years from first occupation

The Travel Plan shall be implemented in full in accordance with the approved details and timetable. Monitoring reports shall thereafter be submitted to the local planning authority in accordance with the approved programme.



Costs Decision

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Site visit made on 16, 17 and 19 March 2026

by H Butcher BSc(Hons) MSc PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Costs application in relation to Appeal Ref: APP/A2470/W/25/3375952

Land to the south-east of Brooke Road, Oakham, Rutland LE15 6HQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Taylor Wimpey UK Limited for a full award of costs against Rutland County Council.
 - The appeal was against the refusal of planning permission for the erection of up to 140 dwellings, amenity space, provision of land for a school car park, areas for outdoor play, wildlife area, landscaping and all associated infrastructure.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for Taylor Wimpey Limited

2. The costs application was submitted in writing. Additional points on behalf of Taylor Wimpey Limited were made orally and broadly followed the points made in the original submission.

The response by Rutland County Council

3. The response was made in writing.

Reasons

4. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications or by unreasonably defending appeals.
6. The only reason for refusal in this appeal was ostensibly because the development would have a severe impact on the highway network and an unacceptable impact on highway safety. Those are the words used in the reason for refusal, and they closely follow the high test set out in para 116 of the National Planning Policy Framework.
7. However, the Council's Highway witness, at best, as seen in his rebuttal, only found that the development "*could result in a severe residual cumulative impact on the*

highway network”, “...possibly leading to unacceptable delays and operational risks”. This is essentially back peddling from the Council’s reason for refusal.

8. The Council’s Highway expert failed to produce any separate assessment or data to contradict that of the appellant’s highway witness. More importantly, he did not visit the appeal site at key peak times, such as school drop-off and pick-up. This meant that his evidence was largely assertion and also led to crucial details, which should have informed his evidence, such as the existing highway dynamics along Brooke Road, being missed. This is not a respectable basis to substantiate a reason for refusal.
9. Even if the Council had deferred a determination on the application to obtain further advice, and an appeal against non-determination had been made, the situation would be the same; The Council would have needed to be clear that their assertions about the proposal’s impacts were supported by objective analysis. If, upon receipt of further advice, their position changed, then, as set out in the PPG, they would have needed to review their case promptly as part of sensible on-going case management.
10. I am therefore of the view that the Council failed to substantiate the reason for refusal in this appeal and furthermore provided vague, generalised and inaccurate assertions about the impact of the development. This amounts to unreasonable behaviour and has incurred unnecessary and wasted expense in the appeal process. These expenses include any costs associated with the preparation of the affordable housing proof and Mr Stacey’s attendance at the Inquiry, as the appellant was entitled, within the timeframe given, to present their case for the appeal in full.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Rutland County Council shall pay to Taylor Wimpey UK Limited the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Rutland County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

H Butcher

INSPECTOR