
Appeal Decisions

Site visit made on 5 July 2016

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 September 2016

Appeal A: APP/Y2810/W/15/ 3141450

Deer Park, West Haddon Road, Crick, Northamptonshire NN6 7SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Russell Davison against the decision of Daventry District Council.
 - The application Ref DA/2015/0228, dated 6 March 2015, was refused by notice dated 3 July 2015.
 - The development proposed is construction of 5 dwellings on site of existing office and laboratory (revised scheme).
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Appeal B: APP/Y2810/W/15/3141442

Deer Park, West Haddon Road, Crick, Northamptonshire NN6 7SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Barry Howard Homes against the decision of Daventry District Council.
 - The application Ref DA/2015/0265, dated 6 March 2015, was refused by notice dated 3 July 2015.
 - The development proposed is conversion of existing building to provide 11 residential units.
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Decisions

1. The appeals are dismissed.

Background/procedural matters

2. A reason for refusal in both appeals was the absence of on site affordable housing or a financial contribution towards off-site provision. However, the appellant has subsequently entered into a Section 106 Agreement with the Council on both applications to overcome the Council's concern on this point. That this no longer remains at issue between the parties is reflected in my issues below.

Main Issues

3. The main issues in appeal A are: **first**, whether the proposed development would accord with Policies in the development plan, emerging development plan and Government Policy on the location of new housing in rural areas and be sustainably located; **second**, its effect on the character and appearance of the surrounding rural area; and **third**, material considerations in favour of the proposal and overall balancing.

4. The main issues in appeal B include issues 2 and 3 above. Issue 1 is not dissimilar but, having regard to the nature of the development, is “whether the proposed conversion accords with the development plan and Government Guidance on such development and whether it would be sustainably located”. Two additional issues, having regard to the Council’s reason for refusal and Statement, are whether the internal layout of the site would provide satisfactory parking/access and whether acceptable living conditions would be provided.

Reasons

Appeal A

Whether the proposed development would accord with Policies in the development plan, emerging development plan and Government Policy on the location of new housing in rural areas and be sustainably located

5. The site lies in the countryside well beyond the village confines of Crick. The site has been in commercial use and contains commercial buildings. The last commercial use ceased in 2011 but the buildings remain on site and would be demolished for the proposed development to be undertaken.
6. The development plan comprises the Daventry District Local Plan (Adopted 1997) (LP) and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (Adopted 2014) (CS). LP Policy GN1 seeks to severely constrain development in the open countryside. Policies HS11 and HS16 allow for residential development in villages such as Crick provided it is on allocated land or within the existing confines of the village. Under Policy HS24 in the open countryside new housing is limited to that required for agriculture/forestry and to replacement dwellings. As the proposed development is beyond the village and not on allocated land, and is for none of the specified purposes, it is clearly contrary to these LP Policies.
7. CS Policy S1 seeks to concentrate development primarily in and adjoining Northampton and Daventry. In the rural areas new development will be limited with an emphasis being on, amongst other things, shortening journeys and facilitating access to jobs and services. Priority will be given to making the best use of previously developed land in urban or other sustainable locations. Policy R1 says that there is an identified need for 2,360 dwellings in Daventry District. However, it specifies that in the rural areas they should be provided within the confines of villages. In addition Policy R1 goes on to say that once the housing requirement for the rural areas has been met through planning permissions, which it has, or future allocations, further development will only be permitted where it can be demonstrated that certain circumstance apply. The only circumstance referred to is that the proposal “Would result in environmental improvements on a site including for example the re-use of previously developed land.....” However, as I outline on the second issue the current appearance of the site causes no harm to the environment whereas the proposed development has the potential to cause such harm. Given the forgoing there would be conflict with CS Policies S1 and R1.
8. Paragraph 55 of the National Planning Policy Framework (the Framework) says that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to say that local planning authorities should avoid new isolated homes

in the countryside unless there are special circumstances. None of those circumstances apply in this case. The proposal would, therefore, conflict with paragraph 55 of the Framework.

9. The site is 800 metres from the village post office in Crick and approximately 1200 metres from a convenience store. The appellant says that these put these facilities within a 10 minute and 15 minute walk respectively from the appeal site and a reduced cycle distance away. This is said to put the Post Office and Convenience Store within the "acceptable" and "preferred maximum" distance for walking in "Guidelines for Providing for Journeys on foot". However, it would not be a walk that many people would be likely to take as it would involve walking on an existing and proposed footpath alongside a potentially busy and fast main road. And at one point, where this road crosses a canal, there is no footpath. In hours of darkness the position for pedestrians would be worse. For there is no street lighting along much of the main road and there would be limited surveillance of the lengthy driveway to the proposed houses. And the need to cycle to the village along a rural main road would be likely to discourage travel by bike by other than experienced cyclists.
10. Within a 5 minute walk of the site are 2 bus stops, one on each side of the main road. From them services may be taken to Northampton, Rugby and the DIRFT employment location. However, in the hours of darkness in particular, I am not convinced that many people would wish to walk to and from these bus stops and the appeal site. In this location for most journeys of this distance travel by car would be far more convenient than by bus.
11. Taken overall I consider that the location of the site means that the driving by car to access local facilities and locations further afield would be by far the most likely mode of travel for most on the appeal site. Even acknowledging observations in the Framework that sustainable transport solutions will vary from urban to rural areas the appeal site is not well located in sustainability terms in relation to facilities.
12. It is concluded that the proposed development would not accord with Policies in the development plan, emerging development plan and Government Policy on the location of new housing in rural areas and would not be sustainably located.

Character and appearance

13. The appeal site is in the countryside on slightly rising ground well beyond the built up area of Crick. There is in the area a generally loose knit scatter of houses and farm barns fronting the main A428. However, the predominant impression is of fields, hedgerows and woodland, and the area has a strongly rural character and appearance.
14. The appeal site is a roughly rectangular shaped parcel of land to the south of the A428. It is well set back from the road and access to it is provided down a lengthy private drive. The existing commercial buildings on the site, and some associated storage tanks, are grouped close together. In terms of materials and design they are unattractive. However, the lie of the land and substantial screening in the form of woodland and tree belts means that they are not seen from the surrounding area. There would be no advantage, therefore, in terms of the character and appearance of the area, in their removal.

15. Moreover, the proposed development could potentially be more apparent than the existing buildings on site in views from the west. This is because the substantial coniferous tree belt on the western boundary of the site is so tall that it would be likely to appear overpowering in views from some of the proposed houses. There is a danger, therefore, that there would be pressure to remove at least some lengths of it. Were this to occur it would open the new houses up to views from the west. And although the proposed houses are of a not unattractive design their rather suburban appearance and layout would make them appear out of keeping in this rural setting. I am not convinced that new planting would provide an acceptable screen given the time required for it to take effect.
16. It is concluded that the proposed development would detract from the character and appearance of the surrounding rural area. It would be contrary to LP Policy EN42 in so far that it seeks to ensure that new development blends in well with its surroundings.

Material considerations made in favour of proposal

17. In favour of the proposed development is the provision of additional housing and the contribution towards affordable housing. There would be economic benefits from construction jobs, additional Council tax receipts and Community Infrastructure Levy (CIL) payments. The new houses would be constructed in a way that would contribute towards a low carbon economy. Development on previously developed land would remove some unattractive buildings.

Overall balancing

18. I place substantial weight on the rural location of the site being an unsustainable location for the proposed development having regard to poor access to facilities and the consequent extent to which its occupants would be reliant on the car. One of the factors behind limiting development in the Countryside in CS Policy S1 is the necessity to shorten journeys and a key objective of the Framework is to ensure that natural resources are used prudently, waste and pollution are minimized and that moves are made towards a low carbon economy.
19. In arriving at the weight I give to this I have had regard to the appellant's observations, quoting various appeal decisions in the area such as at Weedon Bec (APP/Y2810/A/14/2228921), Moulton (APP/Y2810/A/14/2225722), Great Brington (APP/Y2810/W/14/3001057) and Yelvertoft (APP/Y2810/W/15/3127845), on the weight that should be given to LP Policies GN1, HS11 and HS24 and CS Policies S1 and R1. I accept that limited weight should be attached to the LP Policies given their date and the fact that they were drawn up many years prior to the Framework and the concept therein of sustainable development. However, the CS is sufficiently up to date to have had regard to the Framework. In many of the appeals referred to Inspectors attached limited weight to the CS Policies because work had not yet progressed through to the production of a Settlement and Countryside Local Plan (SaCLP). This plan would deal with the delivery of the rural housing numbers set out in the CS including allocations, areas of countryside to be protected, and settlement definition. However, evidence in the most recent appeal decision, Yelvertoft, is that the Council is now able to show that the rural housing land provision has now been exceeded by 140 dwellings. Given this I consider that substantial weight may now be placed on CS Policies S1 and R1. I prefer this

approach to the one adopted in the Great Bingham appeal as CS Policy R1 is clearly not silent on the approach to adopt after the housing requirement for the rural areas has been met.

20. I place substantial weight to the potential harm to the character and appearance of the area. I do so even though placing little weight of the designation of the site and surrounding area as a Special Landscape Area given that such designations run contrary to the Framework. For that does not prevent harm to the character and appearance of the area, and the harm I have found to LP Policy ENV42, being a material consideration.
21. To set against the above harm I attach limited weight to the provision of additional housing and the contribution towards affordable housing. I appreciate that the Framework seeks to boost significantly the supply of housing and that, even when as here there is a 5 year housing land supply, housing figures in development plans are not a ceiling that should not be exceeded. However, with only 5 houses proposed the additional housing provision, and contribution towards affordable housing, would be small. And I attach little weight to the fact that the new houses could be designed to be energy efficient as the same could be said of many new housing schemes.
22. Likewise the small scale of the proposed development means that only limited weight should be placed on the economic benefit from construction jobs and additional Council tax receipts and CIL payments. And whilst the Framework encourages development on previously developed land that does not negate the need to have regard to other considerations as well. I note the appellant's reference to a Government consultation paper on seeking to have 90% of suitable brownfield sites with planning permission for housing by 2020. However, limited weight only may be attached to a consultation document and in any event, as I have found, this is not a suitable site for housing.
23. The Framework has a presumption in favour of sustainable development. Such development is seen as having an economic, environmental and social role. Given my findings above there would be limited economic and social gains and these would be significantly and demonstrably outweighed by the environmental harm arising from the site's location relative to facilities and the potential harm to the character and appearance of the area. Seen in the round the proposal is not sustainable development.

Conclusion (Appeal A)

24. For the reasons given above it is concluded that the appeal should be dismissed.

Appeal B

Whether the proposed conversion accords with the development plan and Government Guidance on such development and whether it would be sustainably located.

25. The proposed development is for the conversion of the existing buildings on the site to 11 small residential units. On this issue both parties have made substantial reference to many of the development plan housing Policies referred to in appeal A. However, it seems to me that it is more appropriate to go direct to those Policies on the conversion of rural buildings.

26. LP Policy HS11 allows for the conversion of buildings to residential use in villages. Policy EN19 says that planning permission will normally be granted for the conversion of rural buildings, subject to certain caveats. Policy HS24 says that such conversions in the open countryside for residential purpose should only be to house agricultural workers. However, given the date of the LP, and the fact that it substantially pre-dates the Framework with its concept of sustainable development, I attach these LP Policies limited weight.
27. CS Policy R1 says that development outside existing village confines will be permitted where it involves the re-use of buildings. However, this Policy goes on to say that once the housing requirement for the rural areas has been met by, amongst other things as is the case here, planning permissions, then further housing development will only be permitted when environmental improvements would be made on, for example, the re-use of previously developed land. Thus the re-use of buildings for housing outside village confines would be limited to such circumstances. This is in accordance with the Framework which seeks to avoid new isolated housing in the countryside unless, for example, it would comprise the re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
28. In this case the proposed development would re-use disused buildings as the commercial use on the site ceased in 2011. As outlined in appeal A the existing buildings are unattractive, albeit so well screened as to have no adverse impact on the character and appearance of the area beyond the site. Although the proposed development would use more pleasant materials the unattractive utilitarian shape of the buildings would remain and the delineation of the plots shown on the submitted plan would be likely to lead to an unattractive fragmentation of the open area around the building. Taken overall it would not be an attractive scheme and there would be no meaningful improvement to the environment of the site and the immediate setting.
29. Turning to the sustainability of the site in terms of location the same considerations apply as with appeal A.
30. It is concluded that the proposed conversion would fail to accord with CS Policy R1 and the Framework with regard to development of this kind and would not be sustainably located.

Character and appearance

31. As outlined above there would be no meaningful improvement to the environment of the site and the immediate setting. And there is a likelihood that the effect of the proposal on its wider surroundings would be harmful. The proposed development would bring habitable room windows to 3 of the proposed units in quite close proximity to the tree screen on the sites western boundary. Given the height of this belt of trees there would, as in appeal A, be a strong danger that future occupants would wish to see these trees felled. This would result in the site being opened up to views from the west and views gained of unattractive utilitarian structures that would appear out of keeping in this rural setting. And as with appeal A I find that the limited weight to attach to the designation of the site and surrounding area as a Special Landscape Area does not prevent harm to the character and appearance of the area being a material consideration.

32. It is concluded that the proposed development would detract from the character and appearance of the surrounding rural area. It would be contrary to LP Policy EN42 in so far that it seeks to ensure that new development blends in well with its surroundings. .

Parking/access

33. The Council has a few minor concerns on the internal parking/access arrangements. However, it is clear from its comments, and what I saw, that these could have been overcome by condition had I been minded to allow the appeal.
34. I thus conclude that there need be no conflict with the requirement in the Framework on creating safe layouts.

Living conditions

35. The Council has not expressed itself very clearly on this point. However, it does express concern that the bedroom windows of 2 units would face directly onto neighbouring walls at close quarters. This relationship is a poor one in terms of outlook and without more evidence I am not convinced that it is resolvable. The Council also refers to the fact that the footprint of the building would be divided to provide 11 separate curtilages, not all of which appear well related to the unit they are supposed to serve, and that nor are details of the means of enclosure provided. The Council does not appear to draw much from this. However, with details on fencing absent it is not possible to judge whether the means of ensuring the privacy of the units, along with an acceptable outlook from them, could be secured. It is not possible to say, therefore, whether or not satisfactory living conditions would be provided.
36. It is concluded that it has not been shown that satisfactory living conditions would be provided. Hence there would be conflict with the Framework in so far that it seeks to ensure high quality homes.

Matters raised in favour of the proposal

37. The matters raised in favour of the proposal are in essence the same as in appeal A.

Overall balancing

38. I place substantial weight on: the conflict with CS Policy R1 and the Framework on the conversion of rural buildings; the unsustainable location of the site; and the potential harm to the character and appearance of the area. I place moderate weight on the poor living conditions that would be provided.
39. I place little weight on the provision of additional housing and the affordable housing contribution, even with 11 proposed units, for the same reasons as in appeal A. And again for the same reasons as that appeal I place little weight on economic benefits.
40. In drawing together my views on the general sustainability of the proposed development I adopt broadly the same approach as in appeal A, with the added weight against this proposal of my concern on the living conditions of future occupants. I find that the benefits of the proposal would be significantly and demonstrably outweighed by the harm. Seen in the round the proposal is not sustainable development.

Conclusion (Appeal B)

41. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR

Richborough Estates