

## Appeal Decision

Site visit made on 15 November 2016

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 07 December 2016**

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**Appeal Ref: APP/Y2810/W/16/3157711**

**5 Stocks Hill, Moulton NN3 7TB**

- 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 Clayson Country Homes Ltd against the decision of Daventry District Council.
  - The application Ref DA/2016/0404, dated 21 April 2016, was refused by notice dated 21 July 2016.
  - The development proposed is erection of a single dwelling, formation of car park area and renovation to existing walls and outbuilding.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Draft Moulton Neighbourhood Plan (NP) is referred to in Council, appellant and the third parties statements and representations. The NP is at an advanced stage having been through examination and is due to proceed to referendum. However, as I do not have evidence before me as to the outcome of the referendum at this stage, I give the policies in the emerging NP moderate weight as a material consideration.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area having particular regard to the location of the site within the Moulton Conservation Area (CA) and a designated Local Green Space (Important Open Space).

### Reasons

4. The appeal site is an open parcel of land located at the rear of a residential property at No. 5 Stocks Hill (No. 5) close to the centre of the village of Moulton. The neighbouring properties which front directly onto Stocks Hill and High Street to the north generally comprise a dense mix of two-storey residential and commercial properties. To the west is a public house and car park and to the east are the garden areas and the outbuildings associated with the adjacent properties. Where outbuildings and other structures exist behind the properties, these are very low, clearly subsidiary, and have little impact upon the sense of space and openness in the area. The southern boundary of the site is defined by mature trees and vegetation, with open fields beyond.
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5. The proposal is for a two storey dwelling with attached garage that would be accessed via an access drive at the side of No. 5. The proposal would be of a traditional design, to match the existing traditional vernacular rural architecture in the village and includes a proposed landscaping scheme.
6. Moulton is designated as a restricted infill village in saved Policy HS22 of the Daventry Local Plan 1997 (LP). This policy states that small scale residential development will normally be granted permission subject to it being within the existing confines of the village and that it does not affect open land which is of particular significance to the form and character of the village. Policy R1 of the West Northamptonshire Joint Core Strategy 2014 (JCS) and policy H1 of the NP have a similar policy stance. The appeal site is located within the CA and clearly identified as an Important Open Space in the Moulton Conservation Area Appraisal and Design Guide 1997 (CAA) and a Local Green Space (Important Open Space) in the NP.
7. The existing confines of the village is defined in paragraph 4.90 of the LP and is considered to be the existing main built area of the village excluding peripheral buildings or other structures which are not closely related to the village. Gardens or former gardens within the curtilages of dwelling houses will not necessarily be assumed to fall within the existing confines of the village.
8. The appellant considers that the appeal site would be visually and physically associated with the existing physical confines of the village, but the Council considers it would fall outside the physical confines of the village. I saw from my site visit that the village is set in attractive countryside, defined by gently undulating fields punctuated by hedgerows and tree boundaries. The appeal site provides a strong definition to the southern extent of the built up area of the village. I therefore do not concur with the appellant. Rather than the site having any close connection with adjacent properties, it reads strongly as a separate parcel of land beyond the existing built up area and the confines of the village. In this context, I consider that the site would fall within the open countryside for the purposes of local settlement planning policies. There is no indication in the evidence before me that the proposed dwelling would fall within any of the specified categories of development that would be appropriate in this location.
9. The appellant states that the development would be of a high quality and design and would make a positive contribution to the character and appearance of the area. I recognise that the boundary trees and vegetation provide some visual containment. The degree of visibility will vary according to the seasons. Nevertheless, the site can be seen from Barlow Lane and nearby public car park to the west and to a more limited extent, through the gaps between the properties along Stocks Hill and High Street. These views between buildings across the appeal site and the open countryside are identified as Important Views in the CAA.
10. Given the scale of the development, it would represent a significant shift of the built up development into the countryside adjoining the village. The appeal site, together with the adjoining fields, provides a significant contribution to the visual quality and the openness of the area and the designated Local Green Space (Important Open Space). It adds substantially to the character and appearance of this part of the village and provides an important contribution to the setting of the village and the CA. This positive contribution to the character

and appearance would largely be lost by the development, which would substantially urbanise the site. Thus, irrespective of the design approach, the development would harm rather than positively contribute to the character and appearance of the area.

11. Given the modest scale of the development affecting the CA, the harm would be less than substantial but in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant states that the proposed development would have positive benefits through the provision of the off-street parking for the neighbouring properties, renovating the washroom outbuilding and the existing boundary walls. I find though insufficient public benefit to offset the identified harm to which I attach significant weight.
12. Consequently, I conclude that the proposal would cause harm to the character and appearance of the area. It would therefore be contrary to Policies S1 and R1 of the JCS, saved policies GN1, HS22, HS24 and HS36 of the LP and policy H1 of the NP. These policies, amongst other things, seek to limit development in the villages and in the open countryside and ensure new development respect the existing site characteristics, the local character and appearance of the area. It would also be contrary to Policy BN5 of the JCS, saved policy EN2 of the LP, policy E1 of the NP and the Council's CAA. These policies and guidelines, amongst other things, seek to protect and enhance the character and appearance of the Conservation Areas, Local Green Space (Important Open Space) and their settings.
13. In addition, it would not accord with the Framework that development should seek to secure a high quality of design and conserve heritage assets in an appropriate manner (paragraph 17); that good design is a key aspect of sustainable development (paragraph 56); should respond to local character (paragraph 58); protects local green spaces of particular importance to the local communities (paragraph 76); and take into account the desirability of new development making a positive contribution to local character and distinctiveness in conserving and enhancing the historic environment (paragraph 131).

### **Other matters**

14. The Council submit that the JCS housing requirements have been met and exceeded triggering the need to consider the additional criteria in JCS Policy R1 (i-v). Housing development in the rural areas will only be permitted where it meets these criteria and demonstrates that it would result in environmental improvements on a site including the re-use of previously developed land and is required to support the retention of or improvement to essential local services.
15. The appellant considers that the proposal would result in environmental improvements and benefits on the site as outlined above. However, one dwelling would make a limited contribution to the vitality of this rural community and, more generally, to the housing stock in the district. There is no evidence before me to suggest that local services are at risk such that this proposal would secure their retention and the Council can demonstrate a five year supply of deliverable sites. I therefore do not consider that these factors

would outweigh the harm that I have found to the character and appearance of the area.

16. I have noted the Parish Council's comments and the support for the proposal from local residents on the basis of the benefits to the village, parking, the proposed dwelling being in keeping with the existing design in the village and the CA, tidying up the site and the renovation of the stone boundary wall and outbuildings. However, these matters are addressed above and there are other means of tidying up the site and carrying out the renovation work without the need to construct a dwelling on the site.
17. I have also noted the letter of objection from a local resident to the proposal. However, in light of my findings of harm to the character and appearance of the area, there is no necessity for me to consider these matters further.

### **Conclusion**

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR