
Appeal Decision

Site visit made on 6 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/Y2810/W/16/3163307

30 Ashley Lane, Moulton, Northamptonshire NN3 7TJ

- 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 Mr N A & M E Myers against the decision of Daventry District Council.
 - The application Ref DA/2015/0749, dated 11 June 2015, was refused by notice dated 3 May 2016.
 - The development proposed is the demolition of garage and construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would conflict with the provisions of the development plan relating to the location of new housing; and if so, whether considerations advanced would overcome such conflict.

Reasons

3. The appeal site lies to the south of the centre of the village of Moulton, along Ashley Lane, a residential street with development on both sides. No 30 Ashley Lane is a large white 2 storey property with a hipped roof. A similarly designed building lies to the north, with a 2 storey red brick property to the south.
4. The proposal seeks to remove an existing shallow pitched roof double garage, and construct a 2 storey hipped roof 3 bedroom house. The detailing and design of the proposal would fit in with the residential area and the plot has sufficient room to retain space between the property and both Nos 30 and 28 to the north. The house would roughly follow the existing front and rear building lines of the road. The Council have no objections to the design and siting of the property, or concerns over effects on the living conditions of either future occupiers of the property, or of neighbours. Based on all that I have seen and read I have no reason to disagree with this assessment.
5. Policy S3 of the Joint Core Strategy¹ states that Daventry District will accommodate about 12,730 houses between 2011 and 2029. This is then broken down further, with 2,360 properties allocated for the rural area. The Council state that this requirement has been exceeded.

¹ West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014

6. Policy R1 provides a spatial strategy for rural areas. The appellant notes that recent case law has held that residential gardens on rural area should be considered as previously developed land, and that there is a presumption in favour of using brownfield land in Policy R1. However, whilst I note that the policy states that the rural hierarchy will have regard to previously developed land, Policy R1 also states that where the rural housing requirement has been met, further housing will only be permitted where the proposal would generate environmental improvements or the scheme is required to support local services under threat, *and* has been through a community consultation exercise, or is a rural exceptions site, or agreed through a Neighbourhood Plan. Despite the site being previously developed, I do not consider that the replacement of an existing garage with a house would generate environmental improvements, and there is no specific evidence provided concerning local services.
7. The proposal would clearly therefore be contrary to Policy R1 and would conflict with the development plan. S38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is confirmed by the National Planning Policy Framework (the Framework), which does not change the statutory status of the development plan.
8. The Joint Core Strategy recognises that there is a need for development in rural areas but seeks to ensure that new development is focused in sustainable settlements, primarily the principal urban area of Northampton, but also the sub-regional centre of Daventry. Whilst the harm generated by the provision of 1 house in the rural area would not be significant, the plan aims to ensure that homes are funnelled towards more sustainable locations and that development contributes towards the overall aims of the plan. Paragraph 17 of the Framework states that planning should be genuinely plan led and provide a practical framework within which decisions can be made with a high degree of predictability and efficiency.
9. The proposal seeks to construct a house for the appellant's son. However, there is no guarantee that this would transpire or detailed evidence concerning local affordability. The proposal would generate social and economic benefits through the construction of the property. However, such benefits would be limited and I am not convinced that they would outweigh the proposals conflict with the development plan.
10. I understand that a previous consent existed for a property on the site, but that this has expired. Whilst I have some sympathy with this situation, I note that the consent dated from January 2009 and would have expired normally around January 2012, some five years ago, and three years before the application was submitted. The development plan in the area is up to date; the Joint Core Strategy has been adopted since the previous consent presumably expired, and the proposal at present would conflict with this plan. The appellant states that policies have not been interpreted in the same way in adjacent Council areas. However, I have not been provided with any evidence on this point.
11. Reference is made to chapter 6 of the Framework. This seeks to boost significantly the supply of housing, but this is to be done through the

development plan system and through the identification of five years' worth of housing supply against their requirements. Such a supply can include an allowance for windfall sites. With reference to this and paragraph 49 of the Framework, I note that the Council are able to demonstrate a five year supply of deliverable housing land.

12. I therefore conclude that the proposal would conflict with the provisions of the development plan relating to the location of new housing; and that insufficient considerations have been advanced so as to outweigh such conflict. The proposal would be contrary to policies S3 and R1 of the Joint Core Strategy and to the Framework.
13. For the reasons given above, and having regard to all other matter raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR