
Appeal Decision

Site visit made on 19 April 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/Y2810/W/17/3166764

Yew Tree Cottage, 21 Yew Tree Lane, Spratton, Northamptonshire NN6 8HL

- 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 Oastlodge Ltd against the decision of Daventry District Council.
 - The application Ref DA/2016/0332, dated 22 March 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the demolition of existing house and garage and construction of two new dwellings along with new residential car ports & annexes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision of the Supreme Court in respect of the Suffolk Coastal case¹ was given on 10th May 2017. I have sought the views of both main parties in respect of this judgment and have taken their responses into account.

Application for costs

3. An application for costs was made by Oastlodge Ltd against Daventry District Council. This application is the subject of a separate Decision.

Main Issues

4. There are two main issues in the determination of this appeal albeit they are inter linked. These are the principle of the proposed development with specific regard to its location and the subsequent effect it may have on the character and appearance of the area. This is with specific regard to both the demolition of the existing building and the erection of the two new dwellings.

Reasons

The Principle of Development

5. Spratton is identified by Local Plan² saved Policy HS22 as a restricted infill village. HS22 recognises that some new development may be permitted subject to, amongst other things; it is within the existing confines of the

¹ Suffolk Coastal District Council (appellant) v Hopkins Homes Ltd and another (respondents) Richborough Estates Partnership LLP and another (respondents) v Cheshire East Borough Council (appellant)

² Daventry District Local Plan, saved 2007

- village. This restriction on development in the countryside is echoed by other saved policies of the Local Plan, the Joint Core Strategy³ (JCS) and as one of the core principles of the Framework⁴. This is so as to promote sustainable patterns of development and to protect the intrinsic beauty of the countryside
6. The recently adopted Spratton Neighbourhood Plan⁵ (SNP) shows a definitive line around the existing village and the Local Plan identifies what should be taken to be the confines of the village as the existing main built up area. It makes it clear that small groups of buildings, some dwellings and larger open spaces that may include gardens may not be considered to be within the confines of the village.
 7. Whilst the proposed new dwellings and their curtilages would straddle the settlement boundary as defined by the SNP, the extent of the existing garden to the cottage and the open character of the grounds beyond it and either side are more related to the open countryside. Thus, with regard to the Local Plan, the development would for at least some part not be within the existing confines of the village.
 8. I accept that owing to its proximity to the village, residents of the new dwellings would have as ready and sustainable access to local services as those dwellings within the settlement at their appropriate point. However, the same could be said of the other fields and parcels of land that abut the edge of the settlement as it currently exists, and those that subsequently abut them. In the interests of promoting sustainable patterns of development, the fact that the site would be either straddling or immediately adjacent to the settlement boundary would to my mind be an argument that could be used too often. In this case, the proverbial line in the sand does need to be drawn.
 9. One of the principles that is clearly set out by the development plan, and supported by the Framework, is to restrict development in the countryside and the proposed development would not sit squarely with that aim as I have set out above. The principle of the development would not therefore comply with the development plan, specifically Policies SA and R1 of the JCS, saved Policies GN1, HS22 and HS24 of the Local Plan and the Framework. These Policies seek to ensure, amongst other things that new development is sustainable, restricted in the open countryside and limited to settlements that have access to services.

Character and Appearance

10. The appeal site is a detached cottage that has been extended, and forms a linear two storey range. It is located directly abutting the back edge of the highway, facing a narrow lane which is leafy and rural in character with other large and detached albeit more modern buildings further south and opposite. Whilst altered, the cottage creates a strong street scene impression in the context of the wider modern development, displaying traditional materials, detailing and proportions. Whilst not listed nor within a designated Conservation Area, the building makes a positive contribution to the street scene.

³ West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014

⁴ The National Planning Policy Framework 2012

⁵ Spratton Neighbourhood Development Plan 2015-2029: Made Version 2016

11. The rear garden to the cottage follows the defined character of the area, specifically plots on the eastern side of Yew Tree Lane, by having single tier frontage development and expansive grounds extending to the east. It is defined from the paddock beyond only by an incomplete low post and rail fence. Both the paddock and the garden have the same general appearance, the former including a number of mature trees. Further post and rail fences separate the paddock from the open and undulating countryside beyond which is also within a Special Landscape Area (SLA).
12. The scheme before me would seek to include a building to the road frontage, in place of the existing cottage. Whilst I accept that this would go some way to retaining a strong street frontage presence, the altered design, proportions and external detailing would be a faux representation of a cottage and not have as good quality a street scene presence as the existing building does and how it has clearly evolved informally over time.
13. The cottage is clearly in need of some modernising internal works amongst other remedial action but does not appear from the evidence to be structurally compromised. It appears to be one of a limited number of historic features of the village, clearly evident by its materials, quaint proportions, detailing and unconventional internal layout. Setting these factors in the context of the more modern development that surrounds the appeal site, and notwithstanding a failed application on the Council's part to have the cottage listed, I am not persuaded by the argument to demolish it in favour of the redevelopment scheme proposed.
14. The new dwellings would be located behind the reinstated frontage development. Whilst the buildings to the front would be ancillary to those behind, due to their scale, the scheme as a whole would appear to introduce an additional tier of development in a back land form. This would not be reflective of the established character of the lane.
15. The dwellings would also, by virtue of their location and taking into account my findings on the first main issue, encroach into the open countryside and compromise the open and undeveloped character of the rear garden and the paddock; extending the hard edge of the village noticeably beyond its existing limits. This would fundamentally alter the character of the village as a whole and be the case despite their siting and gardens relative to the curtilages of both Jhava Heights and the extant planning permission for a dwelling to the south.
16. It is for these reasons, taking into account the nature and location of the proposed development, that it would cause harm to the character and appearance of the area, specifically the open countryside and the aforementioned SLA. As such, it would be contrary to Policies SA and BN5 of the JCS, saved Policies GN1, GN2, EN1 and EN42 of the Local Plan, the advice of B6 of the Spratton VDS⁶, Policy HD1 of the SNP and section 7 of the Framework.
17. These Policies and guidance seek to ensure, amongst other things that new development is of a high quality and contextually appropriate design and appearance; it is sustainable, respects locally important buildings and does not

⁶ Spratton Village Design Statement Supplementary Planning Document 2013

harm the character, appearance or open and undeveloped nature of the countryside or the special environmental qualities of SLA's.

Other Matters

18. The Council refer in their reasons for refusal to Policy H1 of the JCS. However this appears to address the density and mix of new housing and is not therefore directly relevant to the main issues in the determination of this appeal.
19. My attention is drawn to a notification for prior approval for the demolition of the existing cottage. The appellant states that this notification was refused due to an impending Article 4 Direction. I have not been advised any further of the detail of this notification or indeed precisely what said Article 4 Direction sought to achieve. In any event the notification was refused and I have no such appeal before me. I cannot therefore take this into account as a perceived fall-back position should one be advanced.
20. The appellant has referred me to an appeal decision from June 2015⁷ which related to an application for up to 70 dwellings. In his decision, the Inspector ascribes little weight to the quoted saved Policies of the Local Plan. Whilst he agrees that the Council is able to demonstrate a deliverable supply of housing sites as required by the Framework, he recognises that it was some considerable time (18 years) since the policies in the Local Plan were adopted. He goes on to say that, whilst there are aspects of Policy GN1, HS22 and HS24 which echo some of the core principles of the Framework, it nonetheless remains that these policies pre-date the general thrust of the Framework to secure sustainable development based on positive growth.
21. I note the Inspector's stance in this respect. However, the scheme in question was with regard to a number of dwellings that would clearly make a significant contribution to the Council's supply, it was found to be sustainable and not cause harm in other areas.
22. This is not directly comparable to the scheme before me which is for two dwellings, in effect the net addition of one. For the reasons I have set out above it would not be acceptable in principle terms due to its location which would, as a result and for other reasons, lead to demonstrable environmental planning harm. This harm is assessed against the Local Plan, the more recent JCS and SNP as well as the Framework.
23. Weight attributed to policies will always vary according to the merits and nature of the scheme in question and as such is a matter for the decision maker in each case. Whilst of some age, the saved policies of the Local Plan do still accord with the broad principles of the Framework and aims of the more recent JCS and SNP with regard to the specifics of the issues before me. I have found harm against these latter three documents which are both significant material considerations and part of the development plan. This would remain to be the case even in the event that less weight was attributed to the Local Plan. My findings therefore remain unchanged.
24. The most recently published document in respect of the Council's supply of deliverable housing sites (12th April 2017) sets the figure in excess of the five

⁷ APP/Y2810/A/14/2225722 Salisbury Landscapes Ltd, Boughton Road, Moulton, Northampton NN3 7SQ

years required by the Framework. The appellant has provided evidence which questions the deliverability of some of the sites.

25. In the event that I was to determine that the Council could not demonstrate the required supply, my findings on the proposed development would not fundamentally change. It would still relate to the net addition of one dwelling only which would make a very limited difference to an undersupply if indeed there is one. Whilst I accept that the scheme would have some economic benefit in sustaining employment in the construction industry and social benefits in the provision of new housing, these would be very limited in scale. In essence, they would not be sufficient to overcome the environmental harm that I have identified.
26. The SNP does make provision for development immediately adjacent to the settlement boundary⁸. However, it still identifies a point of principle regarding development in the open countryside and its key objectives include the protection of the landscape and heritage of the village. Notwithstanding the Inspector's comments in regard to the SNP in the other example advanced by the appellant⁹, which in any event was within the village, my conclusions in respect of the proposed development are unaffected.

Conclusion

27. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

⁸ Policy SB1: Village Settlement Boundary

⁹ APP/Y2810/W/16/3150113 19 Holdenby Road, Spratton, Northamptonshire NN6 8JD