

---

# Appeal Decision

Site visit made on 3 May 2017

**by Andrew Owen BA(Hons) MA MRTPI**

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

**Decision date: 1 June 2017**

---

**Appeal Ref: APP/H2835/W/17/3170127**

**Land rear of 130 - 138, Finedon Road, Wellingborough, Northamptonshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Carol Bell against the decision of Borough Council of Wellingborough.
  - The application Ref WP/16/00469/OUT, dated 27 July 2016, was refused by notice dated 20 December 2016.
  - The development proposed is a four bedroom detached dwelling.
- 

## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mrs Carol Bell against the Borough Council of Wellingborough. This application is the subject of a separate Decision.

## Preliminary Matters

3. The site address given on the application form was Nettlebush, Wellingborough NN8 4AH. However in the banner above I have based the address on that given on the Council's decision as that more accurately pinpoints the site, but corrected it to refer to No 138 as the plans shows that the site extends behind that property too.
4. The application was in outline form with all matters reserved, and I have determined the appeal on that basis.

## Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area and on the provision of allotment land.

## Reasons

### *Character and appearance*

6. The site is located to the rear of a generally uniform row of semi-detached properties with the vast majority having long narrow rear gardens. It is accessed from Nettlebush which is a narrow track providing access to a few commercial businesses scattered amongst generally vacant and overgrown land
-

which contributes significantly to the site's setting. Indeed the appeal site mostly comprises overgrown vacant land, although at the time of my visit a portion of it was being fenced off and turfed to form the rear garden of No 138, and a further part, to the rear of No 136, had been cleared of vegetation and levelled. A close boarded fence runs along the rear boundary of the site separating it from the rear garden at No 140. There is a roughly square plot of land between the site and the rear gardens at Nos 130 and 132. This has planning permission, granted at appeal<sup>1</sup>, for two houses, but the permission appears unimplemented thus far.

7. Some of the rear gardens of the nearby properties have been lengthened to align with the south boundary of the appeal site, and there is a domestic garage opposite the site. As such there is a residential aspect to the site's context too. However, the proposal would be the only example of a dwelling in this position, distinctly separated from the houses fronting Finedon Road. The units granted planning permission on the adjacent site would be closer to the existing houses and so would not have the same degree of detachment as that proposed in this appeal. Moreover as those houses have not been built, I can give them only limited weight, notwithstanding the fact that I must consider this appeal on its own merits.
8. Consequently, the development would appear as an isolated dwelling, incongruous in its immediate context of gardens and vacant land. Accordingly it would harm the character and appearance of the area and so would fail to comply with Policy 8 d) of the North Northamptonshire Joint Core Strategy (NNJCS) which advises that development should respond to local character.
9. The appellant suggests that the site and the surrounding vacant land will be identified as brownfield land in the future which would facilitate its comprehensive redevelopment. However I can give only very limited weight to future events and must consider the case on its own merits including the current state of the site and its context.

#### *Allotment land*

10. Policy 7 of the NNJCS advises that development should not result in the loss of allotments unless the facility is surplus to requirements or an equivalent facility can be provided. Saved Policy U20 of the Borough of Wellingborough Local Plan (BWLP) relates to a wider redevelopment of the area and advises that at least 2.5 hectares of allotments should be retained. An accompanying Development Brief for Land East of Eastfield Road has been adopted as Supplementary Planning Guidance (SPG). The appeal site is identified in this SPG as being within an area allocated for allotment use.
11. Policy Site 7 of the emerging Plan for the Borough of Wellingborough (PBW) advises that in the East of Eastfield Road area only 1.5 hectares now need be retained for allotment use, in light of declining numbers of active allotments. To reflect this it adds that, in this area the allotments that are used should be retained but that disused allotments, for which there is no demand, could be redeveloped for housing. The associated plan shows the site to be allocated for housing or open space.

---

<sup>1</sup> APP/H2835/W/15/3003110

12. The site is not currently in allotment use and appears not to have been so for some considerable time. As such it cannot be the case that the proposal would result in the loss of an existing facility as referred to in Policy 7, or would conflict with the aim of retaining allotments as stated in Policy U20. Similarly, by providing a house on a disused allotment, the development would align with draft Site Policy 7, though I give limited weight to this policy as it has yet to be examined.
13. I note the comments from the Council that there is a deficiency of available allotments borough wide, but this would appear to contradict the emerging policy and the presence of large number of allotments in close proximity of the site on the north side of Finedon Road, almost directly opposite Nettlebush, and off Hillside Road.
14. I accept the intention for the site to be used as allotments, as indicated in the adopted SPG. However this is only supplementary guidance and is over 10 years old and therefore I give greater weight to the adopted development plan policies. I also acknowledge the masterplans provided to accompany previous planning applications for the development of the area, but these are only indicative and do not form policy.
15. Consequently, I consider the use of this small site for housing would not be likely to prejudice the aims of Policy 7 of the NNJCS, Policy U20 of the BWLP, or draft Policy Site 7 of the PBW of providing an appropriate amount of allotment land.

### **Other matters**

16. The site is within the 3km buffer zone of the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site. The appellant has provided a contribution directly to the Council to mitigate the effects of the additional pressure on these designations resulting from the development.
17. However I have no policy justification before me for this payment and, as it's a direct payment, I cannot be sure that there would be sufficient legal commitment to guarantee the contribution would be used for its intended purpose, even if it were justified. As such I have not been able to give it any weight in my decision.

### **Planning balance and conclusion**

18. Although the development would not adversely affect the provision of allotment land, this does not outweigh the harm that the proposal would cause to the character and appearance of the area. Therefore for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

*Andrew Owen*

INSPECTOR