
Appeal Decision

Site visit made on 9 May 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/L2820/W/17/3169015
22 Cransley Hill, Broughton NN14 1NB

- 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 T James against the decision of Kettering Borough Council.
 - The application Ref KET/2016/0453, dated 24 June 2016, was refused by notice dated 21 September 2016.
 - The development proposed is Alterations to existing dwelling, proposed conversion of workshop to create 2 no. new dwellings and erection of 1 no. new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether sufficient evidence has been submitted to justify the loss of the existing employment use from the site;
 - (b) Whether the proposed development would preserve or enhance the character or appearance of the site and of the Broughton Conservation Area (BCA).

Reasons

Policy Context

3. The development plan, with which my decision must accord unless material considerations indicate otherwise, comprises the North Northamptonshire Joint Core Strategy (JCS) 2016 and the saved policies of the Local Plan for Kettering Borough (LPKB), 1995. The National Planning Policy Framework (the 'Framework') is an important material consideration.

Loss of employment use from the site

4. The appeal site comprises buildings at 20 and 22 Cransley Hill, used as a blacksmiths workshop and dwelling and attached garden and yard to the rear. I understand that the blacksmiths use has passed down through the generations since first operating from the site in 1841. The Council has identified that it employs about 12 people.
 5. Policy CS22(c) of the JCS establishes that existing employment sites should be safeguarded unless '*...it can be demonstrated by an applicant that there is no*
-

reasonable prospect of the site being used for that purpose...'. In this context, no substantive marketing of the site for employment use has to my knowledge taken place.

6. The buildings at the appeal site have a complex internal layout with a number of mainly small to medium sized rooms. The workshop use currently lacks any off street car parking facility and I understand that its ventilation, lighting, heating and water systems are antiquated. As a result, the site is likely to require substantial investment to enable its continued use in the long term for employment purposes. I have also noted that the workshop use (at number 20) shares a toilet and kitchen with the dwelling at number 22 and is close to other dwellings in the area. However, whilst these points make it less likely that an alternative employer would come forward to use the site for employment use they fall short, in the absence of any evidence of substantive marketing of the premises for such a use, of establishing that there is no reasonable prospect of this happening.
7. I have noted the appellant's strong personal ties to the current business, and his wish to ensure that it grows and prospers, with no job losses, within alternative premises elsewhere. I also acknowledge his need to confirm the likelihood of funds being released from the future re-use or redevelopment of the appeal property before he can enter into any unconditional commitment to operate the current business from any other building. However, I am aware of no enforceable mechanism to ensure that the business would continue if the appeal is allowed.
8. I conclude that the lack of substantive evidence of marketing of the premises for employment use is an important weakness in the appeal proposal. Without such details, insufficient evidence has been submitted to justify the loss of the existing employment use from the site. Allowing the appeal in these circumstances would conflict with policy CS22(c) of the JCS and the provisions of the Framework which seek to promote a strong rural economy and retention of local services.

Broughton Conservation Area

9. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the BCA. In accordance with paragraph 132 of the Framework I have given great weight to this matter.
10. The BCA covers the heart of the rural village of Broughton. Although its buildings clearly date from different periods and have a range of architectural styles and materials they are mostly of a domestic and largely 2 storey scale. The roofs of buildings in the BCA, whilst of different heights and set at different angles, generally have a simple pitched form.
11. The appeal site is within but next to the western edge of the BCA and its frontage is prominently located on Cransley Hill where it approaches the core of the village. The large opening in the front of number 20 clearly denotes its use for employment purposes. The garden to the rear of the buildings is extensive and has a sylvan character. Whilst the buildings have extensions to the rear which are of a utilitarian design and materials, and part of the roof of number 20 is clad in corrugated sheeting, the site as a whole contributes positively and substantially to the character and appearance of the BCA.

12. The concerns of the Council about this main issue relate to the proposed detached house to the rear of the site (house 4) and to the proposed alterations to the existing buildings in the site.
13. House 4 would be a substantial, partly 3 storey house located in the area currently occupied by the rear garden. Whilst it would contain features which would add architectural interest, its height, vertical emphasis, dormer windows and steeply sloping roof slopes would give it an imposing form which would conflict with that of the existing buildings in the site and in nearby parts of the BCA. Due to its location with its garage tight up against 2 boundaries of the site it would lend this part of the site a cramped appearance. It would require the loss of an existing mature tree and other shrubbery. The eyes of persons approaching house 4 from the highway would be strongly drawn to its double garage. In conjunction with the proposed car parking, double garage and lengthy sections of timber boundary fencing the building would visually dominate the rear of the site and cause the existing sense of openness within this area to be largely lost.
14. I accept that some of the existing housing in the surrounding area is of a modern design and that any scheme with a new dwelling in the rear of the site would cause some loss of openness. I also have no reason to doubt that the details of the proposal are influenced by the need to avoid causing overlooking of adjacent gardens and to create a sufficiently large and private garden for the new house. However, these points do not mean that the erection of house 4 and its associated garage and external works would avoid causing harm to the BCA.
15. The proposed conversion works to form house 1 and 2 would form a further stage in the process of organic change which has affected these buildings over their lifetime. They would also secure the removal of modern materials from parts of the buildings and rationalise the existing miscellany of extensions and storage areas to the rear. I do not consider that the proposed single storey glazed extensions, given their scale and location at the rear of the building, would be inherently harmful. The loss of the existing large opening on the frontage, whilst causing a loss of this linkage to the current employment use of the building, would not be out of place within the context of a residential conversion. However, the proposed 'eye-brow' type dormers within the currently simple pitched roof would be somewhat alien to the character of the BCA.
16. Having regard to all the points set out above, the proposal would cause harm, albeit less than substantial, to the character and appearance of the site and of the BCA. As a result it would conflict with relevant provisions in policies 2 and 8 of the JCS, and saved policy RA14 of the LPKB.
17. Under paragraph 134 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I undertake this balancing exercise towards the end of my decision.

Other Considerations

18. The appeal proposal would deliver 4 new family homes and thereby contribute to the Government's objective, set out in paragraph 47 of the Framework, to boost significantly the supply of housing. This would be a notable benefit.

However, there is limited information before me concerning the need for and supply of land for housing development in the area and this benefit must also be weighed against the harm that I have identified earlier.

19. The appellant's intention to increase employment in the business from an alternative location constitutes a potential benefit from the appeal proposal. However, for reasons which have already been stated it is not assured that this benefit would be delivered in the event of the appeal being allowed.
20. The appeal proposal would secure the removal of an employment use in close proximity to existing dwellings. However, I am not aware that it causes any substantive harm to the living conditions of any residents in the area or that any potential future employment use from the site would do so.
21. I also acknowledge that the proposal could reduce parking on the highway including close to the nearby school. However, few details of the scale of any existing parking problems in the area have been provided. It is also not clear that the appeal proposal forms the only means by which any such problems could be addressed.

The planning balance and conclusion

22. I have found that insufficient evidence has been submitted to justify the loss of the existing employment use from the site. I have also found that the proposal would cause less than substantial harm to the character and appearance of the BCA. Given the resultant breaches of development plan policy, and in the case of the harm to the BCA the contents of paragraph 132 of the Framework, these findings both carry substantial weight against allowing the appeal.
23. In support of the proposal it would deliver 4 new homes and other benefits identified by the appellant. However, whilst the delivery of new homes would be a notable benefit, for reasons which I have given earlier the other benefits carry only limited individual and collective weight.
24. I conclude that the benefits of the proposal would not outweigh the overall harm that it would cause. Its public benefits would also not outweigh the harm that it would cause to the character and appearance of the BCA. The proposal would not comply with the development plan as a whole or comprise sustainable development in the terms set out in the Framework.
25. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR