
Appeal Decision

Site visit made on 30 May 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/G2815/W/17/3169547
411 Newton Road, Rushden NN10 0SX

- 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 Mr & Mrs Tim Strickland against the decision of East Northamptonshire District Council.
 - The application Ref 16/01263/OUT, dated 20 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is residential development of 4No detached dwellings with detached garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with access to be considered at this stage. Appearance, landscaping, layout and scale are reserved matters and so I have treated any information relating to these matters as being illustrative only.

Main Issue

3. The main issue is whether the appeal proposal is an appropriate location for new development having regard to local and national policies.

Reasons

4. Newton Road extends south-eastwards into the open countryside away from, and on the opposite side of the A6, to the main built up part of the town of Rushden. Moving away from the A6 there are two isolated groups of dwellings on Newton Road separated by large agricultural fields before the formal linear residential development along Newton Road joins with Avenue Road. The appeal site lies at the north-western end of the linear residential development on Newton Road.
 5. Newton Road and Avenue Road are two streets of residential development in the open countryside which are physically separated from the main built up part of Rushden. It is an unusual pattern of development which does not form a defined settlement of its own. The south-western side of this linear development is a continuous built up frontage of mainly two storey houses, beginning at the bend opposite Eastfields Farm and running all the way along
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to the junction with Avenue Road. On the north-eastern side of Newton Road, including the appeal site, the development pattern of predominantly single storey bungalows only extends halfway along Newton Road from the junction with Avenue Road and ending with No 423 Newton Road.

6. No 423 represents the end of the continuous built up frontage on the north-eastern side of Newton Road. The character of this side of the road distinctly changes at this point. There are pleasant views to the north-west across the appeal site from the end of the footway and the road frontage of No 423. Consequently this part of Newton Road has a sense of openness and connection with the wider countryside setting. There is a substantial gap between No 423 and Eastfields Farm on this side of Newton Road. Lying between these two properties is Manor Lodge Farm, also known as No 411 Newton Road. However, No 411 is set well back from Newton Road and has no direct road frontage.
7. The appeal site forms the front half of an undeveloped area of grazing land which lies between Newton Road and No 411. The appeal site is set behind substantial mature trees and hedgerows. It is bounded to the south-east by No 423, to the north-west by the access driveway leading to No 411.
8. The introduction of residential development on the appeal site would extend the existing linear development on this side of Newton Road further into the countryside. This would adversely affect the character and appearance of the surrounding area as the undeveloped nature of the site makes a positive contribution to the setting of Newton Road. Although the mature trees and hedges provide some screening from the road frontage the site is nevertheless valuable because of its openness and the views afforded across it when approaching along Newton Road from both directions.
9. Saved Policy RU2 of the East Northamptonshire Local Plan (ENLP) seeks to protect the character and appearance of the area by resisting further expansion of ribbon development. It does allow for residential infilling on Newton Road; however there is no definition of infill in this policy. It is noted that saved Policy RU2 was retained and not replaced by Policy 11 of the North Northamptonshire Joint Core Strategy (NNJCS). Saved Policy RU2 still provides the locally distinctive context for development within Newton Road.
10. Policy 11 of the NNJCS sets out the strategy for the distribution of future development. The main focus for growth is in the urban areas. For the rural areas growth will be limited to that required to support the economy or a locally arising need. Policy 11, criterion 2b indicates that small-scale infill development will be permitted within villages, primarily through allocations and to a lesser extent through windfall development. As Newton Road is not a defined settlement, criterion 2b of Policy 11 of the NNJCS is not directly relevant to the appeal proposal and as such saved Policy RU2 of the ENLP is the primary consideration.
11. The only dispute between the parties is whether the appeal proposal constitutes infill development and can therefore be considered acceptable under saved Policy RU2 (ENLP) or Policy 11 (NNJCS). Paragraph 5.17 of the NNJCS suggests that infill development would be "bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built up frontage." As saved Policy RU2 of the ENLP contains no specific definition of its own, I have had regard to the definition in

Policy 11 of the NNJCS which I find to be one which is suitable for everyday use.

12. The appeal site is bounded by the existing curtilage of No 423. It is physically and visually from No 411 by the rear half of grazing land. No 411 would have no shared boundary with the appeal site. Newton Road separates the curtilages on the opposite side of the road and as such they cannot be considered to have a shared boundary with the appeal site. This means that there is existing built development on only one side. The appeal site does not fill in a small gap in an otherwise substantially built up frontage the appeal proposal would simply extend the linear built development. Consequently, I find that the appeal proposal does not constitute infill development and would be in conflict with saved Policy RU2 of the ENLP. In addition it is not supported by Policy 11 of the NNJCS.

Other matters

13. The appellants make reference to a number of examples of infill development within the Newton Road and Avenue Road area. I viewed these on my site visit; however they do not represent sufficient similarity to persuade me to allow this appeal.
14. I note that the appellants also refer to a previously lapsed planning permission for a single dwelling on the appeal site. I have given it limited weight in my decision making as it was approved in 1991 and predates the saved policies.
15. The Rushden Neighbourhood Plan (RNP) is emerging and has reached the Regulation 14 draft stage. Whilst only limited weight can be given to its proposals, the RNP is clearly seeking to distinguish between the main urban part of the town and the rural countryside which would include Newton Road and Avenue Road. This emerging approach is consistent with saved Policy RU2 of the ENLP and Policy 11 of the NNJCS.

Conclusion

16. For the reasons set out above, I consider that the introduction of residential development on the appeal site would not constitute infill development. It would extend the existing linear development. I therefore conclude that the appeal site is not an appropriate location for new development having regard to the provisions of saved Policy RU2 of the ENLP. The appeal is therefore dismissed.

Rachael A Bust

INSPECTOR