



Appeal Decision

Site visit made on 31 July 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 4th September 2017

Appeal Ref: APP/Y2810/W/17/3173454

57 High Street, Braunston, Daventry, Northants.

- 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 Martindale & Co Ltd against the decision of Daventry District Council.
 - The application Ref DA/2016/0101, dated 9 February 2016, was refused by notice dated 13 October 2016.
 - The development proposed is a barn conversion into 2 No cottages, 1 detached house, 1 detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a Viability and Budget Assessment with the appeal to support the belated argument that the chalet bungalow is enabling development to secure the retention of the barn and the overall viability of the scheme. The first point to make is that the appeal process should not be used to evolve a scheme. My decision whether to accept the additional information rests on the Wheatcroft Principles¹. These establish that the main, but not the only criterion on which that judgement should be exercised, is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
3. Although the Council has commented briefly on the documents, it is clear from their comments that they have had insufficient time to fully assess them. I do not know whether interested parties have seen the documents, but even if they have, it is also unlikely that they have had adequate time to assess and comment on the material. It is important that the facts before me are essentially the ones considered by the Council and other interested parties. On that basis, I find that accepting the additional information would potentially prejudice the interested parties and therefore I cannot accept the Viability and Budget Assessment.
4. Since determination of the application the "*Braunston Neighbourhood Development Plan*" (the NP) has been 'made'. It therefore forms part of the development plan and attracts full statutory weight.

¹ *Bernard Wheatcroft Ltd v SSE* (JPL 1982).

5. Paragraph 11 of the Framework states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. There is no dispute that the Council can demonstrate a 5 year supply of housing. This means that its policies for the supply of housing are not '*out of date*' in the terms set out in paragraph 47 of the "*National Planning Policy Framework*" (the Framework). The development plan therefore prevails.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At the local level, saved Policies GN2 and Policy EN2 of the "*Daventry District Local Plan 2007*" (the LP) stipulate that within conservation areas development should preserve or enhance the character and appearance of the area.

Main Issues

7. The main issues are:
 - (a) The principle of additional housing in this location;
 - (b) The effect on the character and appearance of the area including the Braunston Conservation Area (BCA);
 - (c) The effect on the living condition of neighbouring occupiers with particular regards to outlook ;
 - (d) The effect on highway safety, and
 - (e) Whether the development would be sustainable in the terms set out in local and national planning policy.

Reasons

Principle of development

8. Amongst other things, Policy A of the NP states that new residential development will be supported provided it is within the village confines. Much of the site including the two new dwellings would be outside the village confines as shown on Map 6 of the NP. However, paragraph 7.16 states that "*buildings and curtilages which are contained and visually separate from the open countryside that are clearly part of a network of buildings that form the village*" are classified as being within the village confines. This is qualified by paragraph 7.17 which states that gardens that are visually open and relate to the open countryside and agricultural buildings that are peripheral to the village will be regarded as being outside the village confines.
9. Clearly a degree of judgement needs to be exercised when determining where the village confines ends in this case. In my view, the existing dwelling, barn, garage/workshop and the areas of hardstanding between them are wholly within the village confines. So too is the garden area to the south of the garage workshop which is substantially contained behind a high hedge which separates it visually from the open countryside to the south. However, the adjacent area of garden, upon which it is proposed to erect the chalet bungalow, is not visually contained and reads as part of the wider area of openness to the south of the village. As it is located on the periphery of the

village and is visually open, it cannot be considered to be within the village confines as defined in the NP and is in the countryside in planning policy terms.

10. LP Policy HS24 states that new development will be strictly controlled in the countryside and will only be allowed where it meets one of the stated exemptions. The objective of the policy is to ensure that new development does not bring about the extension of the village into open countryside. In my view, these aims are consistent with paragraph 17 of the Framework to recognise the intrinsic character and beauty of the countryside. It is not part of the appellant's case that the proposal accords with the exceptions set out in Policy HS24. Therefore, insofar as the chalet bungalow is concerned, the location of the development would conflict with the spatial strategy of the development plan.
11. Policy R1 of the "*West Northamptonshire Joint Core Strategy Local Plan 2014*" (the JCS) seeks to concentrate future developments primarily in the rural service centres of Brackley and Towcester in order to protect the intrinsic character of the open countryside and rural area. It states that residential development in rural areas should be within the existing confines of the village. Development outside existing village confines will only be permitted where it involves the re-use of buildings or, in exceptional circumstances, where it would enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy. The wording of Policy R1 reflects the language of the Framework, Section 6 of which sets out the policy in respect of housing in rural areas so that housing provision reflects local needs and is sustainable development. Despite some limited social and economic gains, there is no substantial evidence before me that the chalet bungalow would enhance or maintain the vitality of Braunston.
12. I am placing little weight on the Council's argument that it has met its housing requirements for rural areas as it is patently clear from the wording of Policy R1 that the distribution of the requirement will be determined by the Part 2 Local Plan. Given that there is no Part 2 plan before me, the requirement for Braunston cannot be known. In any event the demonstration of a five year housing land supply is not, in itself, a cap on additional housing development. Nonetheless, I have identified clear conflict with Policies HS24 of the LP and R1 of the JCS. Consequently, the principle of the chalet bungalow is unacceptable and would result in the extension of the village into open countryside thus conflicting with the spatial vision for the area set out in the development plan.

Character and appearance

13. Amongst other things LP Policy HS22 states that the conversion of buildings in *Restricted Infill Villages* should be in keeping with the character and quality of the village environment.
14. The appeal site comprises a large portion of the residential curtilage to 57 High Street, a traditional two-storey property close to the centre of the village. It encompasses two outbuildings including an attractive traditional stone barn which backs onto High Street and a large corrugated sheeted garage/workshop with attached stable block. Both buildings are arranged around a large area of hardstanding. The remainder of the site includes two lawned areas which extend to the southern site boundary.

15. The development involves the conversion of the barn to two cottages. The garage/workshop building would be demolished and replaced with a two-storey family dwelling. A small area of garden would be retained to the rear of No 59 beyond which a chalet bungalow would be erected. All four dwellings would be served from the existing gated access from High Street.
16. Whilst there is no objection to the detailed design of the two dwellings, the Council takes issue with the proposed extensions/alterations to the barn. Although the barn is not listed, it is evidently of local architectural and historic interest on account of its age, vernacular building style and materials including attractive stone quoins and large expanses of unbroken brickwork. It is a prominent feature in the BCA which is based on the historic core of the settlement. Whilst a variety of building types and forms are evident along High Street, the barn and the wide verge fronting it provide a pleasing contrast to the residential properties which tend to dominate along High Street. The barn therefore makes a positive contribution to both the BCA as a heritage asset and the character and appearance of the area more generally.
17. With this in mind, I share the Council's concerns about the conversion works. In particular, the sheer number of new openings to the High Street elevation would cause visual harm detracting significantly from the barn's simple architectural form, brick walling and tiled roof which are all historically interesting features. The works including the projecting canopies and pathways would totally transform the character of the barn giving it an unduly domestic appearance.
18. It follows that the works to the barn would neither preserve nor enhance the character or appearance of this part of the BCA. In the language of the Framework, the harm the proposal would cause to the significance of the BCA would be less than substantial. Paragraph 135 of the Framework states that in weighing applications that directly or indirectly affect heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
19. In this case the appellant considers that the main public benefit is bringing the building into active use thus securing its long term future. Whilst this argument garners some support from Policy BN5 of the JCS which promotes the retention and sensitive re-use of disused or underused heritage assets, it seems that there would be other, less harmful, ways to secure the building's future. In any event, at the time of my visit the barn was being used for storage purposes in connection with No 57 and is not therefore disused. As to whether it is underused or at imminent structural risk, the evidence is unclear.
20. It therefore seems to me that the main public benefit of the scheme is the provision of additional housing within Braunston. However, in this case there is no dispute that the Council can demonstrate a 5-year supply of housing land. Whilst this does not mean the provision of additional housing is of no benefit, it does moderate the weight I attach to it. Overall however I find that, the positive attributes of the scheme would not outweigh the harm I have identified to a designated heritage asset.
21. I can find nothing objectionable in the height and massing of the proposed two-storey dwelling which it seems to me would reflect the style and proportions of the adjacent property Kirkwoods. It is also pertinent that there would be little visual exposure of the property. Despite that, I conclude that the conversion

works to the barn as well as the erection of the chalet bungalow would cause significant harm to the character and appearance of the BCA and countryside respectively. The development would thus conflict with Policies GN2(E) and EN2 of the LP and paragraphs 134 and 135 of the Framework.

Living conditions

22. The Council contend that the massing, scale and location of the two-storey dwelling would have a detrimental effect on the amenities of those properties to the east. However, I am seeing little supporting information in the Council's Officer Report or Appeal Statement to substantiate such a view. For example there is no reference to any particular property nor is there any explanation as to the manifestation of any harm.
23. The submitted plans show there would be no high level habitable room windows in the east elevation of the dwelling. Consequently, there would be no loss of privacy. The Council do not allege any loss sunlight/daylight to neighbouring properties and I have no reason to take a contrary view.
24. At present there is a high conifer hedge along the site boundary with Kirkwoods and therefore its occupiers do not currently enjoy an open or unrestricted aspect towards the appeal site. It is unclear from the submitted documents whether the hedge would be retained. However, even if it were to be removed, the dwelling would be orientated to the front and side of Kirkwoods and would only be visible in some oblique views from windows in the side (west) and front elevation. It is also unclear whether these windows serve habitable rooms. Nonetheless, as the boundary hedge currently provides a high level of enclosure along the shared boundary, I conclude that there would be no unacceptable loss of outlook.
25. The dwelling would also be offset from those habitable room windows in the west facing elevation to the property north of Kirkwoods. Although the dwelling would be visible in oblique views, such a minor encroachment into views would be more than offset by the removal of the unsightly garage/workshop building.
26. Finally, the Council makes a fleeting reference to the erosion of amenity space to the occupiers of No 57. Undoubtedly there would be a substantial reduction in the size of the curtilage to No 57. However a good sized garden would be retained to the rear of the property and I have not been provided with persuasive evidence as to how the living conditions of these occupiers would be unacceptably harmed. It seems to me that the size of the retained garden would be within the range of those in the locality and would not preclude those activities that one might normally associate with a domestic garden.
27. Overall, I am satisfied that the development would not cause unacceptable harm to living conditions of neighbouring occupiers. Accordingly there would be no conflict with Policies GN2(A) and EN42(C) of the LP and Policy H1(G) of the JCS or the fourth bullet of paragraph 17 of the Framework. Collectively these seek a good standard of amenity for neighbouring occupiers.

Highway Safety

28. The Council's third reason for refusal appears to rest almost entirely on the comments of the Highway Authority which in the main appear to be overly prescriptive.

29. It is common ground that the development would generate an increase in traffic movements to/from the site. Bearing in mind that the access has operated for many years without impediment, the onus is on the Highway Authority to demonstrate how the intensification of its use would pose an unacceptable highway risk.
30. In this regard I have several concerns about the Highway Authority's comments. Firstly, numerical standards of one form or another are cited, however, as these are unreferenced I do not know where they have been taken from. Secondly, although concerns are raised about the suitability of the access to accommodate the additional traffic movements, the level of increase has not been quantified. Finally, without on-site measurements, it is not possible to establish whether the shortfall in relation to the cited standards is material. In turn, it is difficult to come to an informed view regarding the level of risk the development poses.
31. Only the concerns relating to pedestrian visibility splays have been carried forward in the Council's reason for refusal. Whilst I accept that 2m x 2m pedestrian visibility splays are desirable in many built-up areas, there is nothing before me which explains why they are necessary, or indeed desirable, in this instance. Section 10.6 of Manual for Streets 2 (MfS) states that the absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously. It goes on; consideration should be given to the frequency of vehicle movements, the amount of pedestrian activity and the width of the footway.
32. The Council has failed to set out the nature of the highway network in the immediate vicinity of the site which leads me to doubt whether a site inspection was actually carried out. I say this because there is no footway along the southern flank of High Street and therefore I find it extremely unlikely that pedestrians would be walking past the site access in preference to the continuous footway on the north side of the street. Moreover, this is a quiet village location not a busy town centre and therefore even if there was a footway across the site frontage I am not persuaded that pedestrians would be present in the kind of numbers that would justify such a prescriptive approach to visibility splays. This is particularly so bearing in mind the advice in MfS and the Highway Authority's own Standing Advice, paragraph 4.6.1 of which states that pedestrian visibility splays are necessary to ensure drivers see pedestrians on a footway (my emphasis). Based on the foregoing, I find the Highway Authority's stance in relation to the proposal to be illogical.
33. In the absence of evidence to demonstrate otherwise, I consider the width of the access would be acceptable bearing in mind the type and frequency of additional traffic likely to be generated by the development. I acknowledge that a pinch point would exist between the two gable walls. It is therefore possible that on those rare occasions when two opposing vehicles were to meet at the site entrance that one might have to yield to the other. This could result in a vehicle waiting momentarily on High Street. However, such an ephemeral event is unlikely to pose a risk to highway safety bearing in mind the low traffic speeds and volumes on High Street and ample levels of forward visibility.
34. The existing gates are set back several metres from High Street and whilst their removal would be preferable, this could be addressed by way of a planning condition in the event I was minded to allow the appeal. Taking all

these matters in the round, I conclude that there would be no significant effect on highway safety and the development would accord with LP Policy GN2(B) and paragraph 32 of the Framework which require safe access for all highway users.

Whether sustainable or not

35. The appellant argues that the site is well placed for commuting to surrounding areas. However, one of the core aims of the Framework is to manage patterns of growth to promote walking, cycling and the use of public transport as opposed to car based travel. Whilst there are basic services and facilities in Braunston which would provide for some day-to-day essentials, future occupants of the proposed dwellings would still be dependent on longer distance car journeys to access supermarkets, employment areas and the like. With that in mind and given the absence of evidence to demonstrate there are viable alternatives to car based travel to these destinations, I find that the location of the site would be unsustainable.
36. The scheme would undoubtedly provide some modest social and economic benefits through a contribution towards the Council's housing stock and the purchase of materials and services in connection with the construction of the development.

Conclusion

37. The starting point in weighing the various factors is that the principle of new housing outside the village confines and in the countryside conflicts with the adopted development plan. The development would result in the need to travel by car for basic day-to-day services and facilities which would not support the transition to a low carbon future nor would it be consistent with the Framework's aims to make the fullest use of non-car modes of transport. I have also found that the barn conversion would harm fail to preserve or enhance the character or appearance of the BCA. Collectively these conflicts carry significant weight.
38. As to whether material considerations indicate that the permission should be allowed, there would be benefits in terms of adding to the supply of housing. There would also be some small-scale economic benefits. Although I have not identified any harm in relation to living conditions or highway safety, a lack of harm in these areas does not weigh in favour of the scheme.
39. Having considered all the matters raised, given the harm that would be caused, the benefits of the proposed development are clearly of insufficient weight to indicate that the proposal should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

D. M. Young

Inspector