



Appeal Decision

Site visit made on 1 October 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/G2815/W/19/3230410

3 Spinney Close, Warmington PE8 6TF

- 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 S Bateman on behalf of OCS Development against the decision of East Northants District Council.
 - The application Ref 19/00030/OUT, dated 8 January 2019, was refused by notice dated 22 February 2019.
 - The development proposed is erection of 2 dwellings – Land off Spinney Close (north of Horse View Barn).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to the matters reserved for future approval submitted with the appeal application as a guide to how the site might be developed.
3. The Draft East Northamptonshire Local Plan Part 2 (November 2018) (the emerging Local Plan) has been referred to in the evidence before me. This is an emerging plan that has yet to reach examination stage. It is at a stage that attracts limited weight as its content may yet change prior to being formally adopted. I shall consider the appeal on this basis.
4. Since the submission of this appeal the emerging Warmington Neighbourhood Plan (Referendum Version, September 2019) (the emerging NP) has been through independent examination and has advanced to referendum stage. The referendum, relating to the adoption of the NP, is due to take place on 24 October 2019. As set out in the National Planning Practice Guidance (the Guidance), where notice of a referendum is published, an emerging neighbourhood plan should be given more weight. Nevertheless, the emerging NP does not yet form part of the development plan and is at a stage that attracts moderate weight in my consideration of this appeal.

Main Issue

5. The main issue is whether the appeal site represents an appropriate location for housing having regard to the development plan.

Reasons

6. Warmington's settlement boundary is defined in the Rural North, Oundle and Thrapston Plan (adopted July 2011) (the RNOTP), a document that makes up part of the development plan and contains various area wide spatial policies. The appeal site, for all but a small part, falls outside of the settlement boundary as defined in the RNOTP. Indeed, this is also the case when considered against the village boundary as set out in the emerging NP.
7. The site makes up the westernmost part of a larger area of land associated to No 3 Spinney Close (No 3) (the wider site). At inspection, extensions to No 3 and various new outbuildings were under construction. I also noted the presence of, to the north of No 3, a vacant barn-style outbuilding in an area of the wider site that is positioned within the village's settlement boundary and that, I understand, has been the subject of separate development proposals. Residential development, also contained within the settlement boundary, is located upon adjacent land to the north of the appeal site and on the opposite side of Spinney Close to the west. To the south is located a former barn that has been converted to provide a unit of living accommodation and associated garden land.
8. Policy 11 of the Northamptonshire Joint Core Strategy 2011-2031 (adopted July 2016) (the JCS) sets out that development will be distributed to strengthen the network of settlements. It allows, in principle, for small scale infill development on suitable sites within villages. However, in the open countryside, the policy sets out that development will generally be resisted unless there are special circumstances that indicate otherwise. Policy 13 of the JCS sets out exceptions to the spatial strategy outlined in Policy 11. It potentially allows proposals for housing development adjoining established settlements to come forward, but only where purely for affordable housing unless an element of market housing is essential to enable the delivery of the development. In this case, market housing is proposed.
9. The National Planning Policy Framework (February 2019) (the Framework) does not imply that protection from development be given to the open countryside in its totality. Rather that recognition be given to the intrinsic character and beauty of the countryside, that housing should be located where it will enhance or maintain the vitality of rural communities and that rural exception sites to meet identified affordable housing needs should be supported. I am satisfied that Policies 11 and 13 of the JCS are broadly consistent with the Framework in these regards. This is particularly as they allow for development within rural areas, including housing, and do not explicitly prevent all types of development outside of defined settlement boundaries.
10. The supporting text to Policy 11 assists in providing clarification as regards what infill development on suitable sites within villages would entail. The text refers to vacant and under-developed land within the main built up areas of the village and to land which is bounded by existing built curtilages on at least two sides. The site sits in proximity to Spinney Close and to various neighbouring built curtilages. It comprises a not insignificant area of land at an approach into the village. The site, not least by virtue of being undeveloped and situated at the settlement's periphery, has rural qualities that allow it to be read and experienced as land falling outside the main built up area of the village and thus in open countryside. Indeed, the site is not located within a village, as

defined by Warmington's settlement boundary, and its spatial role is as open countryside. The proposal is considered on this basis.

11. I acknowledge the barn conversion that has occurred adjacent to the southern boundary of the site. However, this comprises a single former barn located within a wider rural area where sporadic development of primarily agricultural origin is not untypical. Whilst the scheme to convert the barn included an extension and significant refurbishment works, it was first based on the re-use of a rural building and the proposal was considered by the Council on this basis. This is not the case with respect to the proposal before me, which I must assess on its own individual merits.
12. I have noted that various outbuildings are currently under construction on land situated to the east of the appeal site that is also designated as open countryside. These outbuildings have been designed and positioned upon the site in a manner that has meant that planning permission was not required for their construction. Indeed, the outbuildings are relatively discreetly sited with respect to Spinney Close. Whilst the extensions and outbuildings presently under construction at No 3 influence the site's setting, they do not unduly diminish its rural qualities or mean that the site no longer has a visual connection with other adjoining and nearby areas of open countryside.
13. Warmington is defined as a Smaller Service Centre in Policy 1 of the RNOTP. Indeed, it contains several facilities, including a convenience store/post office, village hall and primary school, that are situated within realistic walking distance of the appeal site. I am satisfied that the appeal site has acceptable access to surrounding services and facilities and should not be described as isolated. However, it is still the case that the proposed dwellings would protrude into land situated outside of the settlement and thus in a location where development would not ordinarily be encouraged. Indeed, Policy 2 of the RNOTP promotes windfall development within settlement boundaries and the proposal would be inconsistent with this approach.
14. It is the intention of the emerging Local Plan to provide a practical means to differentiate between the built-up areas and their surrounding hinterlands. Although it is still anticipated that, as set out in emerging Policy EN5, new build residential development will not generally be supported beyond settlement boundaries. In any event, as referenced in Procedural Matters above, the emerging Local Plan is at a stage that attracts only limited weight. The current development plan is the starting point for decision making.
15. Policy W1 of the emerging NP also sets out that proposals for residential development outside of the village boundary will only be supported where certain exemptions apply, which is not the case here. A suggestion is made in the emerging NP's Examination Report (August 2019) that the village boundary position in the area to the south of Church Street, and thus in the vicinity of the appeal site, be revisited should the Parish Council decide to review the NP at some point in the future (should it be made). Indeed, I acknowledge that it was beyond the scope of the Examiner's remit to recommend changes to the village boundary. However, it remains the case that the site, by virtue of falling outside of the boundary as currently drawn, conflicts with emerging Policy W1. In any event, whilst the emerging NP does not seek to designate the site as Local Green Space and other recent development has proceeded within the wider site, I have found that the appeal site itself has rural qualities

that allow it to be read and experienced as land falling outside the main built up area of the village.

16. For the above reasons, the appeal site does not represent an appropriate location for housing having regard to the development plan. The scheme would cause harm by projecting into, and having an urbanising effect upon, land designated as open countryside. It conflicts with Policies 11 and 13 of the JCS in so far as these policies require that development will be distributed to strengthen the network of settlements, that small scale infill development will be permitted on suitable sites within villages and that new development may be permitted in the rural area only in special/exceptional circumstances.

Other Matters

17. The Council has stated that there is currently sufficient housing land within the boundaries of the District's settlements to meet the Council's housing targets, and I have not been provided with contradictory evidence to indicate otherwise. Nonetheless, the Framework reaffirms the Government's objective of significantly boosting the supply of homes and states that decisions should promote an effective use of land. I am satisfied that the appeal site adheres to the Framework's definition of previously developed land. Although, as indicated in the Framework, only within settlements should the value of using suitable brownfield land for homes be given substantial weight.
18. The scheme would offer potential for a New Homes Bonus to be secured and would generate jobs during its construction phase as well as expenditure in the local economy once occupied. The scheme's occupation would also support services in the village and would be likely to contribute to the vitality of rural communities in a social sense. These are benefits that attract limited weight given the small extent of intended development. I also accept that an energy-efficient and well-designed scheme that would not adversely affect the setting of nearby heritage assets could be anticipated. This is particularly when noting that the proposal is in outline form, meaning that a sensibly scaled and modestly designed pair of dwellings could ultimately be brought forward.
19. However, the contributions associated with the delivery and subsequent occupation of only two additional dwellings on previously developed land would be modest and would not outweigh the harm and policy conflict that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

20. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR