



Appeal Decision

Site visit made on 7 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/G2815/W/19/3235142

The Fieldings, Main Street, Tansor, PE8 5HS

- 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 Duncan Foster against the decision of East Northamptonshire District Council.
 - The application Ref 19/00986/FUL, dated 3 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is the erection of a single dwelling and garage with alterations to the side elevation of the existing bungalow and enlarged access.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development would provide a suitable location for housing, having regard to the relevant national and local policies regarding development in the countryside.

Reasons for the Recommendation

4. The proposal is for the erection of a single dwelling and garage in the rear garden of 'The Fieldings', a detached bungalow. It also involves alterations to the side elevation of the existing dwelling along with the creation of an enlarged access. The Fieldings is located at the edge of a residential pocket of development in Tansor and marks the beginning of the transition into open countryside and fields. The defined settlement boundary cuts through the rear garden of the property, such that the appeal site does not fall within this defined settlement. Overall, the surrounding area is of a rural nature.
5. Policy 11 of the North Northamptonshire Joint Core Strategy 2011 – 2031, adopted in July 2016 (the JCS) states at criteria 2(a) that development in the rural areas is to be limited to that required to support a prosperous rural economy or to meet a locally arising need which cannot be met more sustainably at a nearby larger settlement. While the proposed development is in a rural area, it would fail to meet this criteria. By virtue of being a single dwelling, the proposal is not required to

support a prosperous rural economy nor is there evidence to suggest that it would meet a locally arising need. However, criteria 2(b) of Policy 11 states that small scale infill development will be permitted on suitable sites within villages where it would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services.

6. Infill development is defined by paragraph 5.17 of the supporting text to Policy 11 as the development of vacant and under-developed land within the main built up areas of the village on land which is bounded by existing built curtilages on at least two sides. An example given is the filling in of a small gap in an otherwise substantially built up frontage. The parties agree that the proposal is not out of keeping with the surroundings, such that it would not materially harm the character of the settlement, and that there would be no impact on the residential amenity of the occupiers of surrounding properties. There is also no evidence to suggest that the proposal would exceed the capacity of local infrastructure and services.
7. Having regard to the nature and size of the development, the location of the appeal site, and the relationship of the proposal to other existing development adjoining and adjacent to the site, it is clear that the proposal represents backland development. However, it does represent the development of vacant land bounded by existing built curtilages on at least two sides, being The Fieldings and the gardens of The Briar House, and meets this element of the definition of infill development. Nonetheless, it is not deemed that the site falls within the main built up area of Tansor. As outlined above, while the appeal site has links to the village through footpaths and bus services, it is outside of the defined settlement boundary. Furthermore, the wider site of The Fieldings, while falling within this boundary, lies on the edge of a residential pocket and marks the transition into the open countryside, rather than lying within the main built up area of Tansor. The appellant has made reference to case law for the definition of 'built up area' but has not supplied a copy of this case or any further evidence in support of the site falling within the main built up area of Tansor. Accordingly, the proposal is not infill development such that it would be permitted by Policy 11 of the JCS.
8. Policy 13 of the JCS states that new development may be permitted in the rural area where it adjoins established settlements beyond the existing built up area or defined boundary where it meets all criteria as listed in paragraph 1 (a) – (e) of the policy. The proposal does meet some of these criteria, such that it is well-related to a settlement that offers services and employment to meet the day to day needs of occupants of the development and is appropriate to the surroundings. However, there is no evidence to suggest that the form and scale of the development is clearly justified through a local needs survey as required by paragraph 1(a). As such, although the proposal adjoins the established settlement boundary it is not permitted under Policy 13 of the JCS.
9. The appellant has argued that there is a possibility that the proposal could be classified as windfall development, such that it is located on an available site which was not specifically identified as available in the Local Plan process. The appellant points out that Policy 2 of the East Northamptonshire Council Rural North, Oundle and Thrapston Plan adopted in July 2011 (the RNOTP) states that planning permission will be granted for windfall development within the settlement boundaries of towns and villages where the developer has addressed a range of criteria. However, as the proposal would be located outside of the settlement boundary, this policy is not applicable.

10. The National Planning Policy Framework (the Framework) states at paragraph 77 that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. It continues that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. The policies of the JCS and the RNOTP are in accordance with paragraph 77. However, as the proposal does not relate to affordable housing, this appeal should not be viewed as an opportunity to bring forward the development as a rural exception site in accordance with the Framework.
11. Furthermore, paragraph 79 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. It is not considered that the proposal would be deemed an 'isolated home' under the Framework due to its location and, in any event, none of the circumstances listed at paragraph 79 are applicable to this appeal.
12. Accordingly, the proposed development would not provide a suitable location for housing, having regard to the relevant national and local policies regarding development in the countryside, and would be contrary to Policies 11 and 13 of the JCS.

Other considerations

13. The appellant has made reference to similar development in the surrounding area. However, the current appeal is to be decided on its own site specific circumstances.

Conclusion and Recommendation

14. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR