
Appeal Decision

Site visit made on 16 May 2019

by David Storrie Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: Y2810/W/19/3222589

**Land at corner of Naseby Road and Gold Street, Clipston,
Northamptonshire, NN6 8SW**

- 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 Fountain Homes Limited and Grand Union Homes against the decision of Daventry District Council.
 - The application Ref DA/2018/0560, dated 25 June 2018, was refused by notice dated 20 November 2018.
 - The development proposed is the residential development of 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. As part of the appeal the appellants have submitted a number of documents including a signed Unilateral Undertaking to deal with the provision of 4no. affordable dwellings, an Archaeological desk-based Heritage Assessment and an Arboricultural Report. The Council have had the opportunity to comment on these documents and I have taken them into account in my consideration of the appeal.

Main Issues

3. The main issues are firstly, the effect of the proposed development on the character and appearance of the area having particular regard to the impact on designated heritage assets, loss of protected trees and loss of open space, and secondly, the effect of the proposed development on undesignated heritage assets having particular regard to the proximity of the site to a Scheduled Ancient Monument.

Reasons

Character and appearance

- i) *Heritage asset*
4. The appeal site is a roughly rectangular shaped piece of land located on the corner of Naseby Road and Gold Street on the western side of the settlement of Clipston. From my site visit I could see that the site was overgrown with shrubs and trees. Mature trees exist within and on the boundary of the site, some of which are covered by Tree Preservation Orders (TPO).

5. Residential properties exist to either side of the site whilst a property known as 'The Chestnuts' is located on the opposite side of Gold Street. This building is a Grade II* Listed Building. To the rear of the site is an area of open space, that forms part of a Scheduled Ancient Monument, beyond a public footpath that forms the north-western/north-eastern boundary.
6. The proposed layout would retain trees along the Naseby Road frontage and create an area of open space facing Naseby Road, with the proposed development set back from this frontage, whilst the proposed terrace of plots 1-4 would face Gold Street. Given this, the alignment of Naseby Road and Gold Street and the siting and location of The Chestnuts on the opposite side of Gold Street in relation to the site, I am satisfied that the setting of The Chestnuts would not be compromised by the proposed development.

Trees

7. A number of the existing trees on the site are protected by Tree Preservation Orders (TPO). The proposed layout would require the removal of a number of trees on the site, including a number covered by the TPO. The Arboricultural Impact Assessment identified the removal of some 13 category A-C TPO trees because it would not be possible to retain them with the proposed layout. This is not an insignificant loss of trees that have been identified as having an amenity value in the area over the next 10 to 40 years.
8. The site occupies a prominent position within the village, with public views from Naseby Road, Gold Street and the public footpath to the north-eastern and north-western boundary of the site. Whilst there was evidence of ivy growth around many of the trees on the site and an apparent lack of care and maintenance that I saw on my site visit, the trees on the site made a positive contribution to the character and appearance of the area. This would be reduced given the amount of tree loss proposed to accommodate the layout proposed.
9. A number of retained trees would be close to the proposed dwellings where their canopies could affect the living conditions of future occupiers through overshadowing. This would place added pressure to remove further trees, further diminishing tree coverage on the site to the detriment of the character and appearance of the area.
10. Whilst I acknowledge that the site would benefit from removal of those trees that are of poor health and quality and from carrying out appropriate work to existing trees to improve their health along with a programme of ongoing tree management, the scale of loss to accommodate the proposed layout is unacceptable.

Open space

11. The Council have published a Village Design Statement (VDS) (May 2013) as a Supplementary Planning Document. This identifies areas of public and private land within the village that are considered to be visually important and aesthetically pleasing areas of open space and constitute a vital characteristic of the village which '*should be safeguarded and enhanced.*' Part of the site is identified in the VDS in a list of 'Important Public and Private Open Spaces.' It is described as '*An area of land with mature trees which has been allowed to*

return to its natural state.' The VDS has a policy, OSG1 that requires important open spaces to be maintained and managed properly.

12. The proposed development, whilst providing some open space on the Naseby Road frontage and a wildlife corridor to the north-eastern boundary, would result in development that would impinge upon the current open nature of the site albeit that views into the site are currently limited by the presence of mature trees on the boundary. However, the VDS does not identify the whole of the site as open space and the layout proposed would allow for greater public views through the site from the public footpath to the north of the site and Naseby Road to the south. Given this, I consider that it could enhance views through the site along with management of trees on the site and safeguard the feature identified in the VDS.

Concluding comments on this issue

13. Having regard to the above I conclude that, due to the siting of the proposed development, it would not harm the setting of The Chestnuts, a Grade II* Listed Building. Furthermore, the scale and form of development would provide an opportunity for enhancement and to open up public views that are currently not evident due to the unmanaged nature of tree and shrub growth on the site. As such, the development would not conflict with Policies SA, S1, S10, BN5 and R1 of the West Northamptonshire Joint Core Strategy (2014) (CS) and Saved Daventry Local Plan Policies (LP) GN2, EN25, EN42 and HS22 that, amongst other things, are supportive of sustainable development and development that does not harm the setting of designated heritage assets and would result in environmental improvements, is well designed and in keeping with the local character and small scale in rural settlements.
14. Notwithstanding the above, it does not outweigh the concern I have identified about the impact of the proposed layout on protected trees on the site whose loss would have an unacceptable effect on the character and appearance of the area. This would be contrary to Saved LP Policy EN25 that requires new development to provide for the protection and incorporation of existing trees, hedges and other features together with proposals for new planting should be designed to soften and enhance the development.

Scheduled Ancient Monument

15. The site lies close to a Scheduled Ancient Monument (SAM) to the north. The Council requested an Archaeological Appraisal during consideration of the application, but one was not submitted, but has been submitted post decision. Clipston is known to be a shrunken medieval village, having extensive earthworks indicating the former areas of occupation still surviving, especially to the north of the modern village. Paragraph 189 of the Framework advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The desk-based assessment identifies the potential for some evidence of medieval matters to be present given the sites proximity to the SAM.
16. Given this I consider it important to undertake a field evaluation to properly inform the impact of any proposed development. The appellants consider that this could result in an adverse impact on existing trees on the site. From my

site visit, and from information provided with the appeal, there would appear to be open areas within the site where appropriate careful excavation could take place so I see no reason why this could not be undertaken.

17. I note the suggestion that this could be appropriately dealt with by way of a planning condition and the example of such a condition imposed following the granting of planning permission for development on a site on the opposite side of Naseby Road (The Paddocks). This was in March 2014 and pre-dated the designation of the SAM in May 2014. I attach significant weight to the proximity of the SAM to the appeal site and, in accordance with advice in the Framework, consider it necessary to carry out on-site investigations in order to fully understand and plan appropriately for any archaeological evidence that may exist.
18. I therefore conclude that, in the absence of an archaeological field survey, the proposed development would conflict with CS Policy BN5 that, amongst other things, seeks to minimise impact on designated and non-designated heritage assets and paragraph 189 of the Framework.

Other matters

19. The Clipston Housing Needs Survey (2017) identifies a need in Clipston for affordable housing and smaller market housing. The proposed development would assist in meeting this need. However, the process for delivering this need should be through the development plan process where proposed allocations are the subject of appropriate consultation and assessment or, in the case of windfall sites, through development management having regard to prevailing planning policy.
20. The Council have in excess of a 5-year housing land supply and currently have no need to identify and release further housing allocations. Whilst a Neighbourhood Plan is in the process of being prepared and provides an opportunity to promote the site for consideration although I understand this is at an early stage of preparation.
21. Taking all this into account, whilst I give the issue of identified need some weight, I do not consider it to be sufficient to outweigh the harm I have identified in respect of the loss of trees and the impact on the SAM.

Conclusion

22. Whilst I have concluded that the proposed development would not harm the setting of the nearby Listed Building and would enhance and manage the identified open space in the VDS, this would not outweigh the harm I have identified in respect of trees and the SAM.
23. For these reasons I dismiss the appeal.

David Storrie

INSPECTOR