



Appeal Decision

Site visit made on 13 January 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2020

Appeal Ref: APP/G2815/W/19/3240815

Hilltop Farm, Denford Road, Ringstead, Kettering, Northamptonshire NN14 4DF

- 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 Mitchell Siggery against the decision of East Northamptonshire District Council.
 - The application Ref 19/01115/FUL, dated 21 June 2019, was refused by notice dated 8 October 2019.
 - The development proposed is the change of use of an agricultural building to a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to Policy EN1 of the emerging East Northamptonshire Local Plan Part 2 – Consultation Draft (November 2018). This policy, amongst other matters, indicates that in the open countryside the conversion of rural buildings will be supported. However, from the evidence before me the emerging Plan has yet to have its examination in public and as such, I can only give very limited weight to the policies contained within it.

Main Issues

3. The main issues are:-
 - (i) whether the proposal would be located in a suitable location; and
 - (ii) the effect of the development on habitat and biodiversity, including European designated sites.

Reasons

Location

4. The appeal site is located around 250 metres to the north of the village of Ringstead on the eastern side of Denford Road. Between the village and the appeal site is open, undeveloped fields, and there is no footway on the highway. Opposite the appeal site are two dwellings, a travellers' site and business premises.
5. To my mind, the appeal site is physically separate from the settlement of Ringstead which is evident from the undeveloped character of the area

surrounding the appeal site and the distance to the edge of the defined settlement boundary. In planning policy terms, the site is also located within the open countryside.

6. Paragraphs 78 and 79 of the National Planning Policy Framework (the Framework) seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. It also seeks to avoid the development of isolated homes in the countryside unless there are special circumstances.
7. I am conscious that the Braintree case¹ outlines that an isolated home in the countryside simply connotes a dwelling that is physically separate or remote from a settlement. Therefore, just because the site would be in proximity to other dwellings does not mean that it would not be isolated in the context of paragraph 79 of the Framework.
8. In that respect, the Appellant has drawn my attention to one of the circumstances where isolated homes in the countryside could be considered to be acceptable, namely the re-use of a redundant or disused building which would enhance its immediate setting².
9. At the time of my site visit it was clear that the appeal building was being used in connection with the wider appeal site. Whilst I accept that this was not the same level of activity which is likely to have justified the building back in the 1970s, it does still perform a beneficial use today. In that sense, from the evidence before me, I cannot conclude that the building is redundant or disused. Therefore, the circumstance put forward that the development would be supported by paragraph 79c) has not been demonstrated.
10. In addition to the above, given that the route along Denford Road does not benefit from any pavement or street lighting pedestrians using it would be forced to walk in the carriageway. To my mind, this would not be a safe or attractive route for pedestrians. As a result, the future occupiers of the development would invariably use the private motor vehicle for such journeys which is the least sustainable mode of transport.
11. Given that none of the exception circumstances outlined at paragraph 79 apply to the appeal development it follows that the proposal would result in an isolated dwelling in the countryside which the Framework and the adopted Development Plan policies seek to avoid.
12. The Appellant has drawn my attention to a planning permission³ which increased the number of caravans at the site opposite and Policy H19 of the East Northamptonshire District Local Plan (1996) (LP). However, this permission related to an entirely different form of development to the appeal proposal and Policy H19 is not a relevant policy to the current appeal.
13. I have also had regard to the comments relating to the General Permitted Development Order and that the conversion of disused or redundant agricultural buildings in the open countryside is seen as an acceptable form of development without constraint on the occupation of such conversions. Whilst I acknowledge the permitted development rights exist for some conversions, it is

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

² Paragraph 79c)

³ Reference EN/05/00086/FUL dated 29 March 2005

also apparent that not all buildings can be converted in such a way. Furthermore, it is significant that this appeal relates to an application for planning permission as opposed to a prior approval application. I can therefore give these matters very little weight in my decision.

14. For the above reasons the site is located in a unsustainable location and the development would therefore be contrary to Policies 11 and 13 of the North Northamptonshire Joint Core Strategy and Policy AG4 of the LP which amongst other matters seek to locate development to the most sustainable locations and that proposals to convert buildings to residential use are for agriculture or forestry workers. It would also be at odds with the overarching aims of the Framework.

Habitat and biodiversity

15. From the limited evidence before me, the appeal site is located in the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) which is a European designated site. The Council have indicated that a financial payment of £269.44 is required to secure mitigation against recreational disturbance as any intensification of activities could lead to further disturbance in accordance with the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2015). With that in mind, the Appellant has already made such a payment directly to the Council.
16. Notwithstanding that, I am conscious of the requirement to undertake an 'Appropriate Assessment' of the effects of the development on this designated site. However, given that I have found harm in respect of the location of the proposed development it is not necessary for me to consider this matter in any further detail.

Conclusion

17. Taking all matters into consideration I conclude that the appeal should be dismissed.

Chris Forreth

INSPECTOR