



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/Y2810/W/19/3240698

Agricultural Buildings, Northampton Road, Welford, Northampton, Northamptonshire NN6 6HR

- 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 Dean Gaskell against the decision of Daventry District Council.
 - The application Ref DA/2018/0987, dated 19 October 2018, was refused by notice dated 19 September 2019.
 - The development proposed is 3No. Low Energy - Eco Homes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have described the appeal proposal as the conversion of agricultural buildings to form three low energy eco homes. I note that the Appellant has utilised this description on their appeal form and the appeal statement also refers to the proposal as being a conversion as opposed to a new build.

Main Issues

3. The main issues are:-
 - whether residential development is in accordance with policies and national guidance with regard to location;
 - the effect of the development on protected species; and
 - whether the development would have a safe and suitable access.

Reasons

Location

4. The appeal site is located on the east side of the A5199 to the south of the village of Welford. The existing barns are set away from the road and are accessed down a track from Northampton Road. The surrounding land is undeveloped and as such the site has a rural feel to it.
5. 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.
6. The Appellant has highlighted three of the circumstances which indicate that such isolated homes could be appropriate including the optimal viable use of a heritage asset, the design is of exceptional quality in that it is truly outstanding or innovative, and that it would re-use of redundant or disused buildings which would enhance its immediate setting.
 7. From the evidence before me the existing barns are not heritage assets (either designated or non-designated) and therefore I give this aspect very little weight. In respect of the design, I note that the Council have not raised any objections in this respect and that the development is for low energy eco-homes. However, whilst this may well be the case, it is clear to me that the design of the dwellings cannot be considered to be of exceptional quality, nor would they be truly outstanding or innovative in their features.
 8. Turning to the re-use of redundant buildings, it is clear that the existing buildings do not currently provide for any meaningful use and on the face of it paragraph 79c) gives some support for the proposal.
 9. However, all three of the proposed dwellings would require an element of new-build works, and in the case of barn 3 this would amount to a significant element of the overall works for that plot.
 10. I have also had regard to the recent Prior Approval permission¹ for the conversion of two of the barns to form two residential dwellings although full details of that proposal have not been provided to me.
 11. However, as confirmed by the Appellant, all of the barns are in a very poor state of repair and (from the submitted documents and what I observed on site) it is not clear whether it would be physically possible to actually convert the buildings. Taking this into account, I can only give this prior approval permission limited weight in my decision.
 12. Even if that were not the case, the appeal proposal includes the creation of a third dwelling and, on the basis of the evidence before me and what I observed on site, this could only be considered to be a new build dwelling given the existing structure which is barn 3.
 13. Taking all of the above into account, I consider that none of the exception circumstances outlined at paragraph 79 apply to the whole appeal development. It therefore follows that the proposal would result in isolated dwellings in the countryside which the Framework and the adopted Development Plan policies seek to avoid.
 14. The Appellant has also drawn my attention to a recent planning permission within 500 metres of the appeal site and that there are no significant vantage points of the appeal buildings. The Appellant also considers that the development would bring economic benefits during the construction period and would provide social and environmental benefits in terms of the provision of new housing which would be constructed to modern eco building standards that seek to reduce energy and water use.

¹ Reference PD/2019/0019

15. In respect of the benefits of the development, I agree that these benefits weigh in favour of the development. However, I consider that these benefits do not outweigh the harm I have found in respect of the isolated nature of the location and the conflict with both national and local planning policy.
16. From my site visit I saw that there were indeed only limited views of the appeal site from public vantage points. However, this is not a determinative factor in this case.
17. Turning to the recent planning permission for housing in Welford, I have not been provided with the full details of this permission and I am unaware how the circumstances of that permission compares to the appeal development. Taking this into account, I cannot give this permission any great weight in my decision. Moreover, each proposal must be considered on its individual merits.
18. For the above reasons the site is located in a unsustainable location and the development would therefore be contrary to Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (WNJCS) and Policies HS24 and EN19 of the Daventry District Local Plan (1997) (DDLDP) which amongst other matters seek to locate development to the most sustainable locations and that proposals to convert buildings to residential use are essential for the purposes of agriculture or forestry and that they are of substantial construction which are physically capable of conversion without major repairs or alterations. It would also be at odds with the overarching aims of the Framework.

Protected species

19. The Council have considered that there is insufficient information to be able to determine whether the proposal would have an effect on protected species. The Council rely on the consultation response provided by The Wildlife Trust which indicates that further survey work should be carried out in relation to bats.
20. The Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey indicates that the Barn identified as B2 in the survey has a high habitat value and that further survey work is required (which is Barn No 2 in the appeal scheme). The report also acknowledges that as the proposal involves the conversions of the buildings to residential dwellings any bat roosts present would be destroyed or disturbed which could result in death, injury or disturbance of bats.
21. Neither party has provided any further evidence in the appeal submissions as to whether there is a likely presence of bats. In the absence of such evidence I must give significant weight to the findings of the preliminary survey.
22. For the above reasons, in the absence of any convincing evidence to indicate that any bats would not be harmed as a result of the proposals the development would be contrary to Policy BN2 of the WNJCS and Policies GN1(B) and GN2(F) of the DDLDP which amongst other matters seek to maintain and enhance biodiversity, including safeguarding protected species. It would also be contrary to the natural environment aims of the Framework and the associated Planning Practice Guidance.

Access

23. The main body of the appeal site is accessed from Northampton Road via an existing access track. The point at which the access joins Northampton Road is within the 30mph speed limit for Welford, albeit this speed limit changes to 60mph close by. However, given the nature of the road, and what I observed on site, traffic speeds are likely to be in excess of the speed limit at the access point. This is particularly the case for traffic travelling northbound.
24. It is noted that the County Council raised concerns over the access to the site which principally relate to visibility issues and the width of the access.
25. The Appellant has not provided any highway related evidence within their appeal statement and there is limited information within the application submission itself.
26. From the limited evidence before me, and what I observed on site, I am not convinced that adequate vehicular visibility splays can be provided to ensure that vehicles exiting the site could do so in a safe manner. This is also the case for vehicles approaching the access, particularly in a northerly direction.
27. In addition to the above, it is unclear whether a suitable passing point on the access track immediately rear of the highway boundary would be possible on the land in the control of the Appellant. In the absence of such a passing/waiting place it is possible that vehicles may have to wait on the highway whilst another vehicle is coming the opposite way along the access drive. This is particularly the case given the length of the access track. In the absence of such a waiting/passing place, any vehicle waiting on the highway would lead to an unacceptable increase in highway danger.
28. The County Council have also raised other concerns relating to the driveway materials, drainage and gates. However, where necessary, these matters could be dealt with by suitably worded planning conditions should I have been minded to allow the appeal.
29. For the above reasons the proposal does not demonstrate that a safe and suitable access can be achieved and therefore it would be contrary to Policy GN2(B) of the DDLP which amongst other matters seeks to ensure that proposals have a satisfactory means of access. It would also be at odds with the transportation aims of the Framework.

Conclusion

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

Chris Forrett

INSPECTOR