The Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/Y2810/W/19/3241332
27 Brackendale Drive, Barby CV23 8TJ

- 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 Mr David French against the decision of Daventry District Council.
- The application Ref: DA/2019/0533, dated 18 June 2019, was refused by notice dated 12 September 2019.
- The development proposed is described as an "outline application with all matters reserved, aside from access, for the erection of 1 No. self-build dwelling."

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration apart from access. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.

3. The Council adopted the Settlements and Countryside Local Plan (Part 2) For Daventry District 2011-2029 (2020) (LP2) during the appeal. The LP2 policies have replaced the remaining saved policies contained in the Daventry District Local Plan (1997). In the interests of fairness, the appellant and the Council were given the opportunity to comment on this matter. Accordingly, I have considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises an area of garden land associated with 27 Brackendale Drive (No 27). It forms a very narrow frontage before it widens and extends back some distance to abut stables associated with No 27. Paddock land is found to the rear beyond a low post and rail fence. With the fields beyond, this gives rise to an appreciable open countryside character. There are also further stables close-by that are associated with a neighbouring

property. Brackendale Drive itself forms an oval of dwellings that are located towards their site frontages.

6. For the purposes of Policy RA2 of LP2, the site lies outside of the defined confines of the village. As well as specifying the circumstances where development in such a location would be acceptable, the policy also sets out criteria (C) that all development, within or outside the confines, shall meet. These include protecting the form, character and setting of the village, as well as protecting the integrity of garden or other open land that makes an important contribution to the form, character and setting of the settlement, amongst other considerations.

7. Policy RA6 of LP2 lists the forms of development that will be supported in the open countryside outside of the confines of villages. This, in part, refers back to Policy RA2.

8. Brackendale Drive forms a distinctive edge to this part of the village. This is due to the dwellings being positioned towards their site frontages, with the areas behind remaining free from separate residential development and abutting paddocks and fields.

9. The proposed dwelling, due to the shape of the site, would have to be located well to the rear of most of the existing development, as is shown indicatively on the submitted site plan. Hence, it would not relate well to the established pattern of development. Nor would this be overcome by the comparable plot size to the existing development or the established access as these matters would not address that the proposed dwelling would be set back from the site frontage and so would be out of character.

10. With the juxtaposition of paddocks to the site, there is not a significant distinction with much of the site in countryside character terms. The proposal would, compared to much of the existing development, intrude into the countryside around the village through the introduction of a new dwelling in proximity to the paddock area and with the fields beyond. The transition role that the rear of the site performs between the village and the largely undeveloped surroundings would be notably lessened.

11. Stables buildings are typically found in the countryside and readily assimilate in to such a location when their use is considered, including those found adjacent and close to the site. The same cannot be said of a new build dwelling and it would appear at odds with this rural character. That the stables face away from the house at No 27 towards the paddocks only reinforces, in my view, how the countryside character permeates past the stables and into the rear of the gardens in this part of Brackendale Drive.

12. The appellant has referred me to planning approvals[1] for residential dwellings on Ashleigh Close. These are found at the far end of the village and so do not appreciably effect the prevailing character around the site. They also seem to 'round off' development at the edge of the village between Ashleigh Close and Kilsby Road and, unlike the proposal, they do not unduly project past the existing pattern of development into the countryside. Thus, they do not alter my conclusion.

[1] Council refs: DA/2019/0072, DA/2018/0714.

13. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As a result, it would not comply with Policy RA2 because it would not protect the form, character and setting of the village and not protect the integrity of garden or other open land that makes an important contribution to the form, character and setting of the settlement. It would also not comply with Policy RA6 because it would not be a form of development that is supported in the countryside, when Policy RA2 is considered.

14. In addition, the proposal would not accord with paragraphs 127 to 130 of the National Planning Policy Framework (Framework), in particular where they are concerned with development that should be sympathetic to local character, and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, amongst other considerations.

15. I do not find conflict with paragraph 79 of the Framework because the proposal would not constitute the development of an isolated home in the countryside. Nevertheless, this does not address the harm that would arise as regards character and appearance.

Other Matters

16. The appellant has raised matters in relation to what can be considered the confines of the village, in particular with regard to the settlement boundary shown in the Barby and Onley Neighbourhood Development Plan 2015 – 2029 (2016) (NDP) and the criteria set out in LP2 for defining settlement boundaries. The merits of the NDP policies and whether or not there is conflict between the NDP and LP2 have also been raised.

17. The Council's reason for refusal does not, though, include the NDP as a matter of dispute and, as I have set out above, Policies RA2 and RA6 in any event establish the circumstances when development outside of the defined confines would be acceptable. Consequently, a further examination of the merits of the boundary and the NDP policies do not significantly inform my deliberations.

18. The same applies as regards the remaining LP2 policies that the appellant has raised because, similarly, these are not in dispute and nor does this address the conflict with Policies RA2 and RA6 by way of character and appearance.

19. The appellant considers that a more substantial building could be constructed under permitted development rights as a 'fallback' position. However, there is not substantive evidence before me that suggests this would be likely to occur, if the proposal did not go ahead. Moreover, such a building would not easily replicate the function of the proposal before me as a separate dwelling. The fallback carries only limited weight in my decision.

20. As regards the benefits of the proposal, it would make a small contribution to the housing supply in line with the identified need and growth aspirations of the NDP and LP2. 'Self build', along with boosting the supply of housing, is also endorsed by the Framework. The proposal would also support the local economy through the construction phase. The spend of the future occupiers would support the vitality and viability of the village services, and the proposal itself would be accessible to local services. The appellant also considers there

is the potential for biodiversity benefits through the submission of reserved matters, and that the proposal would be energy efficient.

21. With regard to the use of previously developed land, as well as the efficient use of land, this is not unqualified under the Framework. As I have set out above, the proposal would have an unacceptable effect on the character and appearance of the area. Overall, it would not result in an environmental improvement. The lack of objections from the occupiers of neighbouring properties and technical consultees, along with that it would not have an unacceptable effect on living conditions, carries neutral weight.

22. Overall, the benefits from what would be one additional dwelling would be on a modest scale and would not outweigh the harm caused to the character and appearance of the area.

Conclusion

23. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal with regard to the effect on the character and appearance of the area. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR