



Appeal Decision

Site visit made on 7 September 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Thursday, 17 September 2020

Appeal Ref: APP/L2820/W/20/3244768

Land at Braybrooke Road, Dingley LE16 8HH

- 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 Carl Hodgson against the decision of Kettering Borough Council.
 - The application Ref: KET/2019/0680, dated 27 September 2019, was refused by notice dated 3 December 2019.
 - The development proposed is described as 'erection of two new dwellings on existing paddock land at Braybrooke Road, Dingley'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for housing having regard to the development plan and national policy.

Reasons

3. The development plan includes saved policies from the Kettering Local Plan (LP) which was adopted in 1995, and the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) which was adopted in 2016.
4. The appeal site is located in Dingley, a settlement defined as a Scattered Village within LP Policy RA4. It does not appear that Dingley has a defined settlement boundary. For the purposes of applying planning policy, the appeal site is regarded as being located within the countryside. LP Policy 7 states that planning permission for development within the open countryside will not normally be granted except where otherwise provided for in the plan. LP Policies RA4 and RA5 provide exceptions to housing development, however, it has not been put to me that any of the exceptions would be applicable to the appeal proposal.
5. JCS Policy 1 sets out the presumption in favour of sustainable development in line with national policy. JCS Policy 28 sets out a broad level housing requirement for Kettering Borough as a whole. JCS Policy 29 deals with the distribution of new homes with a focus on Growth and Market Towns.
6. JCS Policy 11 specifies the Council's spatial strategy for the district in order to focus housing delivery primarily towards the growth town of Kettering and secondly to market towns and then villages/rural areas. It is permissive of development within rural areas in certain circumstances, including, rural exception schemes (Policy 13). JCS Policy 13 is permissive of limited

development were the site is well-related to a settlement that offers services and employment to meet the day to day needs of occupants. There is a general lack of local facilities and services at Dingley, other than a church and village hall together with a public house situated at Stoke Albany, a short distance away. However, in order to access employment, education, shopping, health and recreation opportunities, future residents of the proposed dwellings would need to travel further afield.

7. Whilst I am advised of the availability of a bus service connecting Dingley to Market Harborough and Corby, there is little information before me concerning the duration and frequency of that service, nor the location of the bus stops. The limited regularity of a bus service reduces its potential as an alternative mode of transport. Accordingly, I conclude that the proposal would not satisfy the criteria to be considered as a rural exception site. None of the exceptions specified in JCS Policy 11 apply to the proposed development.
8. As two new dwellings in a settlement within the countryside, the proposed development would be in conflict with LP Policies 7, RA4, RA5 and JCS Policies 11, 13 and 29, the requirements of which are set out above. Given the broad level nature of JCS Policy 28 and the small scale of the proposed scheme, I do not find any conflict with JCS Policy 28. The absence of harm is a neutral matter that weighs neither for nor against the proposal.
9. However, I am mindful that the general aim of these policies is to protect the character of villages and the countryside. The Council's decision notice was not framed in the terms of the effect of the proposal on the character and appearance of the village nor the countryside. Indeed, the Council do not reference any landscape policies in their reason for refusal and the officer's report comments that the proposal would not impact adversely upon the character of the local area. To this extent, the conflict with these policies is diluted.
10. The appellant has drawn my attention to a recent appeal decision¹ in support of their case. I note that the Inspector in that appeal gave reduced weight to the conflict with LP Policies 7, RA4 and RA5 and JCS Policies 11, 13 and 29 on the basis that these policies were inconsistent with the advice in the PPG nor the approach of the Framework as they restrict new housing in settlements such as Dingley to certain categories.
11. In rebuttal, the Council have relied on other appeal decisions, in particular, an appeal at Desborough² that post-dates the appeal cited by the appellant. Whilst I agree that appeal did not concern a scheme within Dingley, it nonetheless gave consideration to the application of policy within the district, for which there are clear similarities with the appeal case. The Inspector in the Desborough appeal took the view that LP Policy 7 had been drawn up when national policy and guidance was different and that the publication of the Framework changed the policy perspective in relation to development in the open countryside. Notwithstanding this, the Inspector observed that LP Policy 7 was broadly consistent with the Framework. This is a view that I share. Rather than imposing a blanket ban on all development in countryside areas it requires an assessment to be undertaken of the proposed development against the background where open countryside is to be recognised for its intrinsic

¹ APP/L2820/W/19/3219920 Land adjacent to Dingley House, 25 Harborough Road, Dingley

² APP/L2820/W/18/3215362 Land off Braybrooke Road, Desborough, Northamptonshire

- character and beauty. As such, I do not find LP Policy 7 to be out of date for reason of its incompatibility with the Framework. For similar reasons, I find LP Policies RA4, RA5 and JCS Policies 11, 13 and 29 are also not out of date.
12. However, even if the most important development plan policies for determining the application were deemed to be out of date, the proposal would need to be considered in accordance with the presumption in favour of sustainable development which means the Framework taken as a whole.
 13. The Council advise that they are presently able to demonstrate a five-year housing land supply. The appellant has not contested this matter. Nonetheless, the proposed scheme would contribute two dwellings together with associated spending during construction and expenditure by future occupants within local services and facilities. These are modest benefits that weigh in favour of the proposal.
 14. Given the proximity of other dwellings, I do not consider that the appeal site would be 'isolated' for the purposes of the Framework, since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural. However, it does not necessarily follow that a site that is not 'isolated' will be reasonably accessible to services when considered in the context of other requirements of the Framework.
 15. I am mindful of the advice within the Framework that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. However, on the basis of the evidence before me, I find that the majority of journeys by future occupiers of the proposed dwellings to access services and facilities would be made by private motor vehicle. The number of daily movements which would be generated by two dwellings would be relatively modest, however, I do not consider that sustainable transport options are readily available nor that they will be encouraged in this instance. This is contrary to the objectives of the Framework and is a significant factor weighing against the scheme.
 16. Taking in combination all of the benefits of the proposed development, I find that these are modest. They would have a negligible effect on the vitality of the local community. The adverse impact of the proposal arising from its unsuitable location and a reliance on the use of private motor vehicles would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development would not apply. The proposal would be contrary to the development plan with no material considerations to indicate that planning permission should be granted.

Other Matters

17. I have had regard to the appeal decision³ provided by the appellant. It concerned a proposal for infill development. This is not the situation in the appeal instance. Additionally, the previous Inspector adduced there was insufficient evidence to demonstrate a five-year supply of housing land. This differs from the appeal case. Nonetheless, I have had regard to this appeal decision and my comments regarding the application of policy are included above. However, the circumstances are not directly comparable to the appeal

³ APP/L2820/W/19/3219920 Land adjacent to Dingley House, 25 Harborough Road, Dingley

proposal and a comparison is of limited relevance in this instance. I have therefore considered the appeal proposal before me on its individual planning merits.

Conclusion

18. For the reasons set out above and with regard to all matters raised, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR