



Appeal Decision

Site visit made on 27 October 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/G2815/W/20/3255835

312A Newton Road, Rushden NN10 0SY

- 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 & Mrs Barnes against the decision of East Northants District Council.
 - The application Ref 20/00017/FUL, dated 7 January 2020, was refused by notice dated 23 April 2020.
 - The development proposed is new bungalow and double garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy and the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site relates to land currently forming part of the curtilage serving the dwelling at No 312A Newton Road. The site is situated within a row of dwellings on a part of Newton Road that is set away from and outside the settlement boundary of Rushden. Dwellings here are predominantly laid out in a ribbon pattern with frontages facing the road and often with substantial rear gardens backing on to agricultural fields. This low-density layout positively relates to the character and appearance of the rural area.
4. Policy 11 (The Network of Urban and Rural Areas) of the North Northamptonshire Joint Core Strategy (2016) (CS) confirms amongst other things that development will be distributed to strengthen the network of settlements in accordance with their roles. In rural areas development will be limited to that required to support a prosperous rural economy or to meet locally arising need, which cannot be met more sustainably at a nearby larger settlement. Small scale development will be permitted on suitable sites within villages where this would not materially harm the character of the settlement. The policy also confirms that Neighbourhood Plans may identify sites within or adjoining villages to help meet locally identified needs or may designate sensitive areas where infill development will be resisted or subject to special control.

5. Policy H1 (Settlement Boundary) of the Rushden Neighbourhood Plan (2018) (NP) confirms amongst other things that outside the settlement boundary, new housing development will only be allowed as infill or redevelopment of sites on Newton Road where the development (i) closely follows the existing pattern of development (i.e. linear) and (ii) has a frontage on to the highway and (iii) demonstrates a depth similar to adjoining residential curtilages or meets the examples of what could constitute special circumstance as set out in Paragraph 55 of the National Planning Policy Framework (the Framework).
6. Paragraph 3.8 of the NP assists interpretation the purposes of the settlement boundary. These purposes include amongst others, to distinguish between the urban and rural parts of the plan area in accordance with the overall spatial development strategy in the Local Plan and to direct future housing to within the established framework of the urban area. The policy approach in the development plan to direct development towards the most sustainable locations and to ensure development is sympathetic to local character is consistent with the sustainability aims of the Framework.
7. The position of the dwelling, associated gardens and double garage, sited to the rear of neighbouring dwellings would not closely follow the predominantly linear pattern of existing dwellings and would not have a frontage to the road. Furthermore, whilst the depth of the overall curtilage including the access would not be dissimilar to those serving other dwellings on Newton Road, the curtilage of the existing dwelling at No 312A would be significantly curtailed to a depth shallower in depth than neighbouring plots. This would be inconsistent with the clear steer to retain curtilages of similar depth on Newton Road. In addition, the proposal would not meet any of the circumstances set out under Paragraph 55 of the Framework¹. For these reasons, the development would not be sympathetic to local character and would not accord with the clear expectations of the development plan.
8. My attention has been drawn to neighbouring outbuildings and access drives. I also acknowledge that there is a lawful development certificate (LDC) on the appeal site for a pool house of comparable size to the proposed dwelling with a double garage and an access drive extending from the existing access serving No 312A. However, even where large outbuildings do exist and are visible from the road, these sit within the same curtilage as the dwellings that they serve and are distinctly ancillary in character. This would also likely be the case for the development permitted by the LDC.
9. In contrast, the dwelling would be served by its own curtilage, boundary treatments and independent access drive. There would also be additional independent domestic activity associated with the dwelling. Taken together, these factors would draw attention to the self-contained nature of the development and emphasise its incongruity relative to the prevailing density and linear form of dwellings in the area. This would be particularly evident to passers-by on Newton Road. For these reasons I do not find neighbouring outbuildings or the suggested fallback position of the LDC are comparable to the proposal and I only attach limited weight to them as a material consideration.
10. The appellant has referred to the substantial overall plot size serving No 312A and suggests that the land is underused. However, spacious curtilages and low

¹ Now paragraph 79 of the revised Framework (February 2019)

densities complement the rural location. Furthermore, even though the development would not result in the coalescence of the urban and rural areas, this is not the only purpose of limiting new development in rural areas. The policies of the development plan and the Framework must be considered as a whole, including those requirements which specifically require development to be directed towards the most sustainable locations and to respond to distinctive local character.

11. Examples of “tandem” dwellings in the area and in other Districts have been included in the appellant’s submissions. I am not aware of the respective development plan policies that were relevant to consideration of each of those dwellings. However, it is unlikely that the material considerations were identical to the appeal proposal. These examples do not therefore persuade me that the specific conflict and harm I have identified would be justified.
12. The site’s position close to existing dwellings means it is not isolated in terms of the definition within the Framework. However, the evidence before me suggests that the nearest services and facilities are within Rushden. Whilst there is a footway alongside Newton Road, the distance involved means walking or cycling would not be particularly convenient. Consequently, it is likely that there would be some reliance on the private motor vehicle to meet day to day needs. Overall, these factors further convince me that development in this location would not meet the sustainable development needs of the area.
13. Taking all the above factors into account, I conclude that the site is not a suitable location for the development and would result in significant harm to the character and appearance of the area. In those regards the development would conflict with the sustainable development principles and aims to protect distinctive local character in Policies 8 (North Northamptonshire Place Shaping Principles) and 11 (The Network of Urban and Rural Areas) of the CS, Policy H1 of the NP and the Framework.

Other Matters

14. Procedural matters relating to the way the Council handled the planning application and the length of time that was taken for its determination are not material to my assessment of the proposal against the development plan and national policy.
15. The appellant has drawn my attention to a previously dismissed appeal relating to a dwelling that was proposed to be located further towards the rear of the curtilage of No 312A. Furthermore, that reference was made to Policy RU2 of the East Northamptonshire Council Local Plan 1996 by the Council and the Inspector in that case. I have not been provided with a copy of this appeal decision, nor details of the policy, its current status or any substantive reasons why the current appeal should not be assessed on its own merits against the development plan policies before me.
16. With regards to the Rushden East Sustainable Urban Extension (SUE), a comprehensive and strategic approach to developing land next to the settlement boundary with the provision of associated infrastructure has the potential to be more consistent with sustainable development objectives than the proposed piecemeal development of a site in the rural area. I therefore do not find that the SUE acts as justification for the appeal proposal.

17. The appellant suggests that the proposed dwelling would meet a personal and wider need for retirement dwellings and would be more sustainable than the existing dwelling in terms of natural light, solar and thermal energy gains and fuel efficiency. There is no substantive evidence before me to suggest any such need could not be met within larger more sustainable settlements nor that the building would achieve a higher level of energy efficiency than would usually be required by the building regulations for a new dwelling. Furthermore, the proposal would be in addition to, rather than a replacement of, the existing dwelling. For these reasons I attach limited weight to any perceived benefits in this regard.

Planning Balance and Conclusion

18. The Council suggests it can demonstrate a 5-year housing land supply and I have no substantive evidence before me to demonstrate this is not the case. The policies of the development plan should therefore be considered up-to-date. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
19. The development would make a limited contribution towards the Council's housing requirements. However, a new dwelling in this location would conflict with the sustainable development aims of the development plan and the Framework. This is a matter which attracts significant weight and tips the balance firmly against the proposal.
20. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the development plan. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR