



Appeal Decisions

Site visit made on 28 September 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2021

Appeal A Ref: APP/Y2810/W/20/3257284

Land at Lower Farm, Dodford, Daventry NN7 4SX

- 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 Matthew Sugars of Blenheim Realty (Herts) Ltd against the decision of Daventry District Council.
 - The application Ref DA/2019/0968, dated 29 October 2019, was refused by notice dated 26 June 2020.
 - The development proposed is the erection of two holiday lets.
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Appeal B Ref: APP/Y2810/W/20/3253939

Land at Lower Farm, Dodford, Daventry NN7 4SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Matthew Sugars of Blenheim Realty (Herts) Ltd against Daventry District Council.
 - The application Ref DA/2019/0939, is dated 29 October 2019.
 - The development proposed is the erection of two holiday lets.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and planning permission for the erection of two holiday lets is refused.

Background and Main Issue

3. The appeals relate to the proposed development of two holiday let properties. The design, size and siting of the buildings would be the same in both cases, with the only significant difference between the two proposals being the access arrangements. In Appeal A, a driveway would be connected to the existing access way serving Lower Farm House and Lower Farm Barn to the west, while in Appeal B a new access point to the lane immediately south of the site would be created. As a consequence, the 'red line' boundary is not exactly the same for the two appeals, but for simplicity's sake I shall use the singular 'appeal site' throughout my decision.

4. The planning application which is the subject of Appeal A was refused because the Council considered that it would have unacceptable effects, including urbanisation, on the character and appearance of the open countryside and the edge of Dodford. The Council had not determined the planning application which is the subject of Appeal B. However, the Council indicated that the application would have been refused, and that its reasons and justifications are essentially the same in both cases.
5. I therefore consider that the main issue in both appeals is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site lies north west of the village of Dodford, and is part of an open parcel of grassland once associated with a number of agricultural buildings forming part of Lower Farm. Dodford is a small settlement which does not have a defined boundary but is of a dispersed character, within which there are distinct sporadic groupings of linear development. One of these groupings, at the north western edge of the village, consists of dwellings of varying ages and sizes extending along Brockhall Road from the house known as 'Quietways' to that known as 'Rushbrooke'.
7. Beyond 'Rushbrooke', Brockhall Road turns a corner westward and becomes a gated byway with seasonal motor vehicle restrictions, although it provides private vehicular access to the appeal site at all times. At the time of my site visit I saw that, even allowing for the fragmented and sporadic nature of built development within Dodford, there is a noticeable change in the character of the area beyond this corner. The boundary hedgerows and verges become wilder and less domesticated in appearance, and the byway is rougher surfaced than the road within the village. To my mind, this point clearly marks the transition between the settlement and the surrounding open countryside.
8. A short way further along the lane a gate provides access to a large open parcel of land including two former barns which have been converted to dwellings and which are now known as 'Lower Farm House' and 'Lower Farm Barn'. The appeal site occupies the south eastern corner of this piece of land, separated from Brockhall Road the south and a public footpath in a field to the east by hedgerows. The surrounding area is predominantly rural, with open agricultural land to the north across a former railway embankment, to the south west across Brockhall Road, and to the west beyond the two converted barns. The open space of the appeal site itself provides physical and visual separation between the village and the converted Lower Farm barns. The hedgerow boundaries to the site and the resultant seclusion from the settlement mean that the site is in both character and appearance much more a part of the open countryside than the village.
9. The proposed buildings would each have a footprint of around 14m by 6m, and these would be arranged at a right angle on a gravel courtyard which would serve as a shared driveway and parking area. The building on the north side of the site ('Building 1') would be a two-storey unit, around 7.7m high to the ridge. The building on the east side of the site ('Building 2') would be a 1.5 storey unit, measuring around 9.9m to its ridge height. Although within open countryside, the buildings would be close to the existing dwellings 'Rushbrooke' and 'Springbank' within the village. While the appeal site is screened from

surrounding public views to some extent by its hedgerow borders, the buildings would still be seen through gaps in the hedgerows from Brockhall Road and the surrounding public rights of way. They would be particularly apparent when approaching from the village along Brockhall Road. From there, they would appear as an extension of Dodford into the open countryside.

10. The appellant submitted a Landscape and Visual Impact Assessment (LVIA), which has identified some slight or moderate adverse effects on visual receptors in the area. Based on the LVIA, the appellant submits that the introduction of two holiday let buildings would not introduce features which are not already present locally, that the development would not urbanise the edge of the village, and that the adverse impacts of the proposal could be mitigated by additional planting. However, while I have had regard to the LVIA I disagree with some of the conclusions it reaches. In particular, for the reasons I have already set out above I consider that the converted Lower Farm barns are visually and spatially separate from the village, and the appeal site contributes to this separation. Even with additional boundary planting as proposed, from many viewpoints the proposed development would appear as an expansion of the village into its rural surroundings. This would be the case looking towards Dodford from the surrounding Rights of Way, as well as looking out from the village, especially in winter when trees and hedgerows would have less leaf cover.
11. I accept the appellant's argument that 'development should not be considered unacceptable simply on the basis that it may be seen'. However, the proposal would represent an urbanising encroachment into the open rural area. Furthermore, the buildings would close the gap between Dodford and the existing converted barns of Lower Farm. It is because of these specific factors, rather than the simple fact of the buildings' visibility, that I consider the proposal would have an adverse effect on the intrinsic value and open character of the countryside.
12. In the Appeal B proposal, a new access to the appeal site would be created from Brockhall Lane just west of the bend beyond 'Rushbrooke'. This would require a substantial gap to be opened up in the existing hedgerow, and this would increase the visual impact of the proposed development when seen from Brockhall Road and the village to the south of the appeal site. In the Appeal A proposal, the existing access to Lower Farm would be used. However, this would require the creation of a long track on the north side of the hedgerow boundary. As well as being a physical connection, this emphasises the visual link between the proposed buildings and the converted Lower Farm barns. This would strengthen the disruptive impact of extending the settlement into the countryside. The impacts of the two alternative access arrangements would be slightly different, but the end result in either case would be an erosion of the open character and quality of the countryside.
13. The two proposed buildings have been designed to imitate converted barns in their layout and appearance. Building 1 would have coursed ironstone walls with a red pantile roof, while Building 2 would have red brickwork walls with grey slate roofs. This would reflect materials used elsewhere in the surrounding area. In these matters therefore the appearance of the proposed development would be acceptable. However, this would not outweigh the other harm I have found.

14. The Council's approvals of the conversion of Lower Farm House and Lower Farm Barn to residential use¹ were 'prior approval' permissions granted under the provisions of the General Permitted Development Order (the GPDO)². In such cases the local planning authority can only consider matters set out in the relevant Part and Class of the GPDO, which are narrower than those which would be taken into account when considering an application for planning permission. I do not infer from those approvals that the principle of development on the wider Lower Farm site has been accepted or supported by the Council, nor do those approvals in themselves lend weight in support of the proposals now before me. I have had regard to the pre-application advice which the appellant received from the Council, although this is essentially neutral in tone and primarily draws attention to the main relevant planning matters.
15. There is a recognised need for visitor accommodation in the area, and the proposed holiday let properties could make a modest contribution to sustaining and enhancing the rural economy. I note also that the appellant appears to have had some support for the proposals from the Council's economic development team. However, the development plan is clear that small-scale tourism proposals, including for visitor accommodation, must respect the quality and character of the open countryside, and these economic considerations do not outweigh the harm to the character and appearance of the area which I have found.
16. The appellant has also drawn my attention to planning permission which was granted for the conversion of barns to provide four holiday let units at Dodford Lodge Farm, some 720m or so north of the appeal site³. While I do not know the full details of that permission, as a development based on the conversion of existing buildings rather than the construction of new ones it does not appear to represent a direct parallel to the proposals now before me, including its likely effects on the character and appearance of the countryside. In any case, I have determined these appeals on their own merits.
17. Taking all of the foregoing matters into account, the appeal proposals would represent an urbanising expansion of Dodford which would be detrimental to the open character of the countryside. The development would consequently have a harmful effect on the character and appearance of the surrounding area.
18. I therefore conclude for both appeals that the proposals would conflict with Policies S10, R2 and E7 of the 2014 West Northamptonshire Joint Core Strategy ('the WNJCS') and Policies RA6 and ENV10 of the 2020 Daventry Settlements and Countryside Local Plan. Together these policies seek to ensure that development creates a strong sense of place and, while supportive of tourism and visitor development which would sustain and enhance the rural economy, they require such proposals to respect the quality and character of the rural area and to protect the natural environment. Although the proposed holiday let accommodation would make a modest contribution to the economy of the district, because of the adverse visual environmental impacts arising from the extension of Dodford into the surrounding countryside the developments proposed would not represent the sustainable development

¹ Daventry District Council refs: PD/2016/0054 and PD/2016/0083

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

³ Daventry District Council ref: DA/2018/0180

envisaged by Policy SA of the WNJCS, and the proposals therefore also conflict with that policy. For the same reasons I also conclude that the proposals would conflict with the requirements of paragraphs 83, 84, 127 and 170 of the National Planning Policy Framework when taken together.

Other Matters

19. I have had regard to comments made by interested parties on a number of matters, including those in respect of the main issue addressed above. Concerns about the vehicular access arrangements to the appeal site and the effect of the proposed development on archaeological remains are matters which could have been addressed by means of conditions if the development had otherwise been acceptable. As I am dismissing the appeals on the basis of the main issue it has not been necessary for me to consider the other matters raised in detail. None of the other issues raised has been determinative or altered my overall conclusions.

Conclusion

20. For the reasons given above both appeals are dismissed.

M Cryan

Inspector