



Appeal Decision

Site visit made on 10 November 2020

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 January 2021

Appeal Ref: APP/Y2810/W/20/3257562

Southolm, 15 Station Road, Long Buckby, Northamptonshire, NN6 7QB

- 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 Teeton Homes against the decision of Daventry District Council.
 - The application Ref: DA/2020/0309 dated 16 April 2020, was refused by notice dated 6 July 2020.
 - The development proposed is: Demolition of existing house and erection of 5 No detached bungalows with associated parking (outline).
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Decision

1. The appeal is allowed and planning permission is granted for: Demolition of existing house and construction of 5 No detached bungalows with associated parking (outline) at Southolm, 15 Station Road, Long Buckby, Northamptonshire, NN6 7QB in accordance with the terms of the application, Ref: DA/2020/0309 dated 16 April 2010, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The application was made in outline with approval sought for the means of access and layout at this stage. Scale, appearance, and landscaping are reserved matters.

Application for Costs

3. An application for costs was made by Teeton Homes against Daventry District Council. This application is the subject of a separate decision

Main Issues

4. The appeal proposal is a resubmission of an earlier scheme (DA/2019/1093), which was refused for reasons of conflict with spatial and housing allocation strategies in the development plan, harmful effect on the character and appearance of the site and surrounding area, potential damage to a nearby protected Horse Chestnut tree, and potential harm to ecological interests. A revised layout and additional ecological information satisfied the Council that the third and fourth reasons for refusal of the earlier scheme has been addressed in the current proposal, and I find no reason to disagree.
5. Therefore, the main issues are: Firstly, whether the proposed residential development would be in a suitable location having regard to local policies

concerned with housing in the rural areas of the District, and secondly; the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

6. The development plan comprises the *West Northamptonshire Joint Core Strategy 2014* (JCS) and the *Daventry District Settlement and Countryside Local Plan (Part 2), 2020* (LP Part 2).
7. JCS Policy S1 deals with the distribution of development, seeking to direct this to main urban centres such as Daventry in the first instance and allowing for limited development in rural areas. Policy S3 identifies the expected scale and distribution of housing in the rural area up to the end of the Plan period, including around 2,360 in the Daventry rural area (which includes Long Buckby). Policy H1 says housing developments should make the most efficient use of land, having regard to the location and setting of the site and the existing character and density of the local area.
8. Most significantly in relation to this appeal, JCS Policy R1 provides the spatial strategy specifically for the rural area and says that the distribution of the rural housing requirement will be the subject of the Part 2 Local Plan according to the local need of each village and their role within the hierarchy. It says residential development in rural areas will be required to: a) Provide a mix of dwelling types; b), not affect land of particular significance to the form and character of the village; c) protect historic features; d) protect the amenity of residents; e) be of an appropriate scale to the settlement; f) promote sustainable development; and g) be within the confines of the village, and promote sustainable development.
9. Whilst I agree with the Council that the proposal would not necessarily lead to an environmental improvement of the site, the existing large garden is not readily visible from the public realm and is not identified as an important open space. I accept that the proposal would not reflect the spacious and open character of the large dwelling plots to either side of the site. However, these large plots are unusual in the general pattern of development of the wider residential areas extending in depth on both sides of Station Road. These contain a wide variety of dwelling types and sizes, with a mixture of detached, semi-detached and terraced dwellings. Plot sizes are generally modest and there is no overall consistency. Given this, the proposed development would be an appropriate scale in relation to the settlement. As such I find no conflict with R1 (b), (e) and (g). Furthermore, the development would be in close proximity to the centre of the village, within easy reach of its facilities and services, and hence in a sustainable location. As such, I consider it accords with R1 (f).
10. Overall, therefore I consider that the proposal would be in broad accordance with the requirements of the first part of JCS Policy R1.
11. However, the second part of Policy R1 also advises that once the housing requirement for the rural areas has been met, further housing will only be permitted where certain criteria are satisfied. There is no dispute that the figure of 'around' 2,360 has been met and exceeded in the Daventry rural area and so these criteria apply. These criteria are: (i) The proposal would result in environmental improvements to the site (including for example the use of previously-developed land); (ii) The development is needed to support the

- retention of essential local services that may be under threat; (iii) The proposal is supported by an effective community involvement exercise; (iv) The site is a rural exceptions site; or (v) has been agreed through an a neighbourhood plan.
12. Consequently, and although there would be some support for local services and there is some limited evidence that there is demand for small bungalows within the village, the proposal does not satisfy all the criteria in the second part of the policy. Therefore, there will be a degree of conflict with Policy R1 which must be weighed against other considerations.
 13. Policy RA1 of the more recently adopted LP Part 2 identifies Long Buckley as a Primary Service Village and the explanatory text explains that it helps to deliver the strategic housing policies of the JCS (including Policy R1). It confirms that the rural housing allocation target has been met, and seeks to ensure that that spatial distribution of development is not undermined. However, it says the policy approach needs to ensure that the role of these villages is protected, including by maintaining their services and facilities. Therefore, and whilst acknowledging there is limited capacity for further large-scale development, it does allow for development within the confines of the settlement, setting out the criteria against which such development will be assessed. These include that the development will be of an appropriate scale, will protect the form, character and setting of the village, will be accessible by walking and cycling to the services of the settlement, and will protect residential amenity. These broadly mirror the similar requirements of the first part of JCS Policy R1 which I have addressed above.
 14. Paragraph 76 of the *National Planning Policy Framework* (the Framework) is an important material consideration here in that it seeks to promote sustainable development in rural areas; saying that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The appeal proposal would support these objectives.
 15. Furthermore, I note that the Council has permitted other residential developments within Long Buckby after the rural housing target was reached, and thus where there was acknowledged conflict with the second part of Policy R1. On some other sites within the settlement the Council concluded that, where the development is otherwise compliant with other policies in the development plan and is of a form that is otherwise encouraged through development plan policies, this could be sufficient to outweigh any conflict with the 'target figure' of about 2,360 dwellings. Whilst each application falls to be dealt with on its own merits, and the site circumstances and differ in each case, this approach has had some influence on my reasoning.
 16. Overall, I am satisfied that the proposed development would be of an appropriate scale and would not have a detrimental effect on the form and character of the village. Each bungalow would have off-street parking and a modest area of garden, and the layout plan shows that adequate separation distances can be achieved both within the site and in terms of the relationship with the surrounding development. As such, the increased density would not be harmful *per se*, would not appear incongruous, and would not result in over-development of the site. There would be no unacceptable harm to the living conditions of nearby residents, and a safe means of access can be achieved

without harming highway safety I find no conflict with the relevant criteria of LP Part 2 Policy RA1 nor with the aims and objectives of LP Part 2 Policies ENV 1(A) and ENV 10, which amongst other things, seek to ensure that existing patterns of development and local distinctiveness are respected, and that the scale, massing, density, height and layout of the proposal combine to ensure development blends well within the site and within its surroundings.

Conclusion on the Main Issues

17. Although a finely balanced decision, I am satisfied that the proposal would result in a more efficient use of the site and would contribute to the housing need of the District in a very accessible location within the urban area. Furthermore, the provision of five modest-sized properties in this location gives considerable weight in favour of the proposal.
18. In this regard paragraph 68 of the Framework states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and to promote the development of a good mix of sites local planning authorities should, amongst other things, support the development of windfall sites giving great weight to the benefits of using suitable sites within existing settlements for homes.
19. Given this, I consider that the degree of tension with some of the provisions of JCS Policy R1 is outweighed by the high degree of compliance with the other spatial and detailed policies of the development plan taken as a whole, concerning the location, acceptability, and the layout and design of residential development within the confines of the settlement.
20. I therefore conclude on the main issues that: Firstly, the proposed residential development would be in a suitable location having regard to local policies concerned with housing in the rural areas of the District; and secondly that the proposed development would not materially harm the character and appearance of the site and surrounding area.
21. I have taken account of representations received from the Parish Council and two local residents expressing concerns regarding the loss of a family house and attractive garden, that the proposal would represent over-development, highway safety and access concerns, and effect on the wildlife/ecology interest of the site, and impact on the protected Horse Chestnut tree. Nonetheless, whilst I note these and other valid concerns, none is sufficient to alter the considerations that have led to my conclusion.

Conditions

22. I have considered the suggested conditions in the light of the advice in the Framework and Planning Practice Guidance. As the application is in outline, I shall impose the standard conditions relating to the submission and approval of reserved matters. A condition requiring the development to take place in accordance with the revised layout plan is needed for the avoidance of doubt.
23. Although landscaping and appearance are reserved matters, conditions are needed to specify the details required (including boundary treatment), in the interests of the character and appearance of the area. For the same reason I agree that details of the materials including samples need to be agreed.

24. Details of finished floor levels are needed in order to ensure that the visual impact of the development can be properly assessed. Foul and surface water drainage details are required in order to prevent pollution and flooding, and to ensure sufficient capacity remains in the systems. Conditions requiring an initial investigation of the nature and extent of any land contamination have been put forward but, given the existing domestic status of the site, have not been adequately justified. However, a condition is needed in order to deal with and remediate any ground contamination which may become evident during construction works.
25. The condition requiring a programme of archaeological work is reasonable given its local interest and to accord with the provisions of paragraph 199 of the Framework. Conditions to control the management of environmental impacts arising during the construction process are necessary in order to protect the living conditions of nearby residents during the construction period. Details of any external lighting are required to protect the environment, wildlife, and local light-sensitive development from light pollution.
26. The condition to protect the roots of the adjacent Horse Chestnut tree is not necessary as the layout was amended (in drawing No TEE-329-PA-001 Rev B, to take the built development away from the root protection area of the tree.

Overall Conclusion

27. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Schedule of Conditions

- 1) Details of the scale, external appearance of the buildings and the landscaping of the site, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Plans and particulars of the reserved matters pursuant to condition 1) relating to the scale, external appearance of the buildings, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The layout of the development hereby permitted shall be carried out in accordance with drawing No TEE-329-PA-001 Rev B, received by the Local Planning Authority on 11 June 2020.
- 6) The details of the development to be submitted as reserved matters pursuant to condition 1) shall include (i) full details (including planting plans, species size, and proposed numbers/densities) of all hard and soft landscape works, and (ii) full details of the positions, design, materials and type of boundary treatment around and within the site. All these works shall be carried out prior to the development, or any phase of the development, being first occupied, or in accordance with a programme approved in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to construction works above slab level, samples of the materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details
- 8) No development shall take place until works for the disposal of foul drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

- 9) No development shall take place until plans showing the proposed finished floor levels of all buildings to be erected, finished highway levels, and highway and driveway construction and surfacing have been submitted to and approved by the Local Planning Authority and shall be implemented in accordance with the approved scheme.
- 10) No building works which comprises the erection of a building to be served by water services shall be undertaken in connection with any phase of the development until full details of a scheme, including phasing, for the provision of mains foul sewage infrastructure on and off the site, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.
- 11) No development shall take place until details of a sustainable surface water drainage management strategy has been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.
- 12) The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the immediate attention of the Local Planning Authority, and measures for the remediation of the source of contamination shall be submitted to and approved in writing by the Local Planning Authority and remediated in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority.
- 13) No development shall take place within the site (including demolition of the existing house) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition: (i) fieldwork in accordance with the agreed written scheme of investigation; (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority); (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.
- 14) Prior to the commencement of any part of the development hereby permitted, (including the demolition of the existing house), a Construction Management and Traffic Plan shall be permitted to and approved in writing by the Local Planning Authority. The plan shall include and specify the provision to be made for: a) Measures to manage environmental impacts arising from construction); b) measures to control dust, dirt, and mud on the road during the construction period; c) the location of contractors compounds, materials, and plant storage areas; d) waste audit and scheme for waste minimisation and recycling/disposal of waste; and e) wheel washing facilities.

- 15) Prior to the development commencing details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles). The means of illumination of the subject of this consent shall not be of a flashing or intermittent nature. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.
(End of conditions)