



Appeal Decision

Site Visit made on 5 January 2021

by R Sabu BA(Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 29th January 2021

Appeal Ref: APP/Y2810/W/20/3260567

Millers Barn, Welford Road, Spratton, Northamptonshire

- 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 Colin Richardson against the decision of Daventry District Council.
 - The application Ref DA/2020/0243, dated 10 March 2020, was refused by notice dated 11 June 2020.
 - The development proposed is erection of new dwelling house with 3 bedrooms, on footprint of former demolished derelict barn.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would accord with the Council's strategy for housing and whether there are any other considerations that might indicate that the appeal should be allowed

Reasons

3. The site is located outside the village settlement boundary of Spratton.
4. Policy SA of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) Adopted 2014 (CS) states that planning applications that accord with the policies in this local plan (and, where relevant, with policies in other local plans and neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
5. CS Policy S1 states, among other things, that new development in the rural areas will be limited with the emphasis being on enhancing and maintaining the distinctive character and vitality of rural communities and shortening journeys and facilitating access to jobs and services. Since the barn has been demolished, the site has an open rural character and appearance in keeping with the surrounding open countryside. From the evidence, the site is some distance from the nearest settlements with a wide range of services and facilities such that a new dwelling in this location would be likely to give rise to a reliance on the private vehicle for access to services and facilities. As such, the proposal would not accord with this Policy.
6. CS Policy S3 sets out the scale and distribution of the housing development in the borough. There is no dispute between the main parties that as of January 2016, the rural requirement for Daventry District as set out in CS Policy S3

has been met and that the Council can demonstrate a five-year housing land supply.

7. CS Policy R1 states among other things that once the housing requirement for the rural areas has been met through planning permissions or future allocations, further housing development will only be permitted subject to a number of criteria. In addition, Policies SB1 and HS1 of the Spratton Neighbourhood Development Plan 2015-2029 Made Version July 2016 (NDP) support development outside the village settlement boundary where it is within or immediately adjacent to the village settlement boundary or it is a use which represents sustainable development and which is appropriate in the countryside. Given the location of the site in open countryside and that the proposal is for market housing the scheme would not accord with these Policies.
8. Planning permission for the conversion of an agricultural building to a dwelling at the site was granted by the Council in 2015. From the evidence, the agricultural building subject of that permission was demolished due to concerns regarding the structural stability of the building. As such, the site now has little built development above ground and is therefore open and in keeping in this respect with the adjacent open countryside.
9. The scheme subject of this appeal seeks to reinstate the former barn incorporating the conversion scheme from the 2015 permission and subsequent Non-Material Amendments. The proposal would introduce a new dwelling, along with parking area and domestic paraphernalia that would urbanise the site. While I note the previous permission on the site, since the land is now in keeping with the open countryside, the proposal would appear incongruous compared with the existing rural appearance of the site, thereby causing harm to the character and appearance of the area.
10. Policies RA2 (A) (B) (D) and RA6 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 Adopted February 2020 (LP) restrict development outside of the defined confines subject to a number of criteria. In addition, LP Policy RA6 states that the intrinsic character, beauty and tranquillity of the open countryside of the District will be recognised. Accordingly, for the foregoing reasons, the proposal would not accord with these Policies.
11. Consequently, the proposed development would not accord with the Council's strategy for housing. Therefore, it would conflict with CS Policies SA, S1, S3 and R1, LP Policies RA2 (A) (B) (D) and RA6 and NDP Policies SB1 and HS1 which restrict development in the open countryside. The proposal would conflict with the National Planning Policy Framework (Framework) in this respect.

Other considerations

12. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

¹ S38(6) of Planning and Compulsory Purchase Act 2004 and s70(2) of Town and Country Planning Act 1990

13. While I acknowledge the circumstances which led to the demolition of the former barn, there is little substantial evidence before me to demonstrate that it was structurally unstable such that its demolition was necessary.
14. I note that some of the original materials from the barn were reclaimed for use in the proposed scheme, the proportion of the original walls that were to be replaced under the 2015 proposal, and that the proposal seeks to closely match the approved scheme. However, given that the demolition of the building has resulted in the site being more closely aligned to the surrounding open countryside in terms of character and appearance, the proposal would urbanise the site thereby adversely affecting the open spacious character of the area as it currently exists.
15. I acknowledge the precedents noted by the Appellant. However, those cases were in different districts and limited further details are before me to enable a direct comparison to be made with this case. In any event, each case must be determined on its individual merits.
16. I also acknowledge the willingness of the appellant to pay the CIL liability, and I do not doubt the overall financial and emotional investment in the scheme as well as the intention for the proposal to support the Appellant's family. In addition, I note the benefits of the proposal set out by the Appellant including nesting boxes and that conditions could be attached relating to landscaping that may promote biodiversity and ecology.
17. However, given the significant weight attached to the conflict with the development plan as a whole and harm to the character and appearance of the area, these other considerations do not override the development plan conflict or conflict with the Framework.

Conclusion

18. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR