



Appeal Decision

Site visit made on 9 February 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/Z2830/W/20/3262198

Land Adjacent To No 4 Lock Lane, Cosgrove, Milton Keynes MK19 7JR

- 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 Thomas Emmett against the decision of South Northamptonshire Council.
 - The application Ref S/2020/0976/FUL, dated 20 May 2020, was refused by notice dated 13 August 2020.
 - The development proposed is new dwelling with storage shed/garage and alter access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development above is taken from the appeal form and Council decision notice. It differs to that on the application form as it includes an alteration to the access as shown on the appeal plans. My assessment is based on this description as it formed the basis of the Council's decision.

Main Issues

3. The main issues are (i) whether the proposal would be in a suitable location having regard to development plan policies, (ii) its effect on the character and appearance of the area and designated special landscape area (SLA), (iii) the effect on the setting and significance of the Grand Union Canal Conservation Area (the CA), (iv) the effect on biodiversity, particularly in regard of reptiles and enhancement measures, and (v) whether the access to the proposal would be acceptable in respect of highway and pedestrian safety.

Reasons

Suitability of location

4. Policy SS1 of the South Northamptonshire Part 2 Local Plan (LP), directs new development towards the most sustainable locations in accordance with a settlement hierarchy. Under this policy, all areas outside of settlement confines are identified as open countryside. The submitted proposals map extract shows the site lies outside, albeit close to, the Cosgrove village confines. Therefore, under the LP, the site is classed as open countryside.
5. LP policy LH4 and policy R1 of the West Northamptonshire Joint Core Strategy Local Plan Part 1 2014 (JCS) set out the circumstances where a single dwelling may be permitted outside settlement confines. No evidence has been provided

to demonstrate the proposal would fall in any of the categories of development allowed under these policies. Even if I was to accept the appellant's suggestion that the proposal would be on a natural infill site, this is not identified as a situation where a dwelling would be permissible in the open countryside.

6. For the above reasons, I conclude that the proposal would not be in a suitable location having regard to development plan policies. In this respect, it would not accord with LP policies SS1 and LH4 and JCS policy R1.

Character and appearance

7. The site lies in the SLA on Lock Lane, a single vehicle width track with a line of trees down one side. Bungalows lie along the north end of the lane while at the other end single storey holiday units at Cosgrove Park are seen through the trees. The area has a semi-rural feel due to the informal nature of the access, the low key impact of residences and vegetated open spaces.
8. The existing buildings on the site detract from the quality of the area as they are of no particular architectural interest and close to the lane. However, a significant part of the site is vacant of buildings and this grassed openness adds to the semi-rural nature of the locality. There is no evidence to show that any part of the site has previously been used for open storage. Also, it is unlikely to be used for such purposes in light of the appellant's submissions on the lack of interest in the property as a place of employment.
9. The proposed house would be sizeable and would be largely constructed on the open part of the site. Also, its front elevation would be dominated by a tall and obtrusive gable feature. As such, it would unduly erode the site's openness and would be out of keeping with the modest, low-key nature of the adjacent bungalows. Moreover, while it would replace the unattractive existing buildings, the proposed garage itself would be prominent due to its size and position close to the access drive. The use of sensitive materials would not address the incompatible size, design and prominence of the proposed buildings.
10. Hedge and trees would be retained and new planting would be provided to the front of the site. However, it is unlikely that this would totally screen the development from Lock Lane given the scale of the buildings and the gap to allow for the access. As such, the proposed landscape features would not address or adequately compensate for the unacceptable loss of the open part of the site and the incongruity of the buildings.
11. For these reasons, I conclude the proposal would harm the character and appearance of the area and the SLA. In this regard, it would not accord with LP policies SS2 and NE2. These aim, amongst other things, to ensure development is compatible with its surroundings and conserves the qualities of the SLA.

Setting of the CA

12. The CA includes the canal and its towpath, part of which adjoins the site. The significance of the CA lies with its interest as a historic canal and associated buildings as well as the attractive views of the waterway and surrounding countryside. Near the site, the CA has a semi-rural feel due to trees on the towpath and a large open field on the other side of the canal. Despite the existing buildings, the significant open parts of the site contribute to the rurality of the CA's surroundings and so it adds positively to its setting.

13. The site is outside the CA but gaps in vegetation would allow views from the canal of the proposed house and garage, particularly during times of leaf-fall. The development in part would be closer to the CA than the existing buildings and so would be more prominent when seen from the canal. The tall gable on the rear elevation of the house would be particularly noticeable from the towpath and this and the loss of the site's openness would detract from the sense of rurality.
14. For these reasons, the development would harm the setting and significance of the CA, although this would be a less than substantial level of harm. Under the terms of LP policy HE6 and the National Planning Policy Framework, such harm should be weighed against the public benefits of the proposal.
15. The appellant suggests the site would fall into disrepair if the appeal is dismissed. However, the buildings are already in a poor condition and so any further dilapidation would not cause any significant additional visual harm. Unauthorised entry and possible hazard to trespassers could be addressed through improved security measures rather than the proposal. Therefore, these factors attract limited weight as public benefits of the scheme.
16. The development would make effective use of the site, include energy and water saving devices, add to the housing stock and create construction jobs. Also, occupiers would support local businesses. However, as only a single unit is proposed, the benefits in these regards are modest. Overall, the public advantages of the scheme would not outweigh the identified harm to the CA.
17. As such, I conclude the proposal would have a harmful effect on the setting and significance of the CA. In this regard, it would be contrary to LP policies SS2 and HE6 as well as JCS policy BN5. These all aim, amongst other things, to preserve and enhance the significance of heritage assets and their settings.

Biodiversity

18. A preliminary ecological appraisal of the site has been submitted. As the proposal would lead to a loss of grassland, a survey of the site included a search for reptiles as well as refuges. The survey found no species on the site. The Council's submissions fail to explain why any further reptile survey is required in addition to that already carried out. There is no suggestion that the inspection was inadequate and it was carried out recently. As such, the evidence soundly demonstrates the scheme would not cause harm to reptiles.
19. The appraisal identifies the site as having a low biodiversity value. As such, measures such as bat roost features, bird boxes and new planting would ensure the proposal results in a net gain in its biodiversity value.
20. For these reasons, I conclude the proposal would not have a harmful effect on biodiversity, particularly in respect of reptiles, and would incorporate sufficient enhancement measures. In this regard, it would accord with LP policy NE5 which, amongst other things, seeks to ensure development conserves and enhances biodiversity.

Suitability of access

21. Lock Lane is a private drive that serves a canal marina and other dwellings as well as the appeal site. It includes potholes and has no pavement or passing places for vehicles but it is short and straight with good visibility along its

length. Also, there is a 5 mph speed limit sign at its entrance and traffic speeds along the lane are likely to be low due to its width and nature.

22. The appeal site includes most of Lock Lane and the appellant indicates an intention to up-grade the surfacing and include a passing bay. The proposed access onto the site would itself serve as a place where vehicles could pass each other. Such measures could be secured by planning condition and would reduce the need for cars that meet to reverse on the lane. In these regards, the proposal would improve the safety of pedestrians.
23. The appellant has not sought to contest the claim that the proposal would result in more than five dwellings being served by a private drive. However, in this case, it would lead to an improvement in the access that would override any conflict with Northamptonshire County Council policy in this regard.
24. For these reasons, I conclude the access to the development would be acceptable in respect of highway and pedestrian safety. As such, and in this regard, the proposal would accord with LP policy SS2, which, amongst other things, looks to ensure development includes a safe and suitable access.

Other Matters

25. The proposal would meet the accommodation needs of the appellant and his family who have lived locally for some time. However, there is no evidence that demonstrates these requirements can only be met through the appeal proposal. In any event, it is likely that the appellant's circumstances and accommodation requirements will change over time. I therefore attach little weight to this factor in my assessment.
26. The other cited examples of development in the area do not relate to the appeal site and differ to the proposal in terms of their nature and effects. Also, there is no evidence before me on the factors that were considered in the assessment of such schemes. As such, they do not set a precedent that I am bound to follow in the determination of this appeal.
27. Overall, the public and other benefits of the proposal would be modest. As such, they do not outweigh the harm identified in respect of the main issues.

Conclusion

28. Whilst acceptable in terms of biodiversity and highway safety, the location of the proposal would conflict with development plan policies. Also, the scheme would harm the character and appearance of the area and the setting and significance of the CA. The harm caused in these respects is the overriding consideration. The proposal would conflict with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR