



Appeal Decision

Site visit made on 23 February 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/Z2830/C/20/3260860

**Rignall Farm Barns, Abthorpe Road, Towcester, Northamptonshire
NN12 8PA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act)
 - The appeal is made by Mr Raymond Jones against an enforcement notice issued by South Northamptonshire District Council.
 - The enforcement notice was issued on 3 September 2020.
 - The breach of planning control as alleged in the notice is "*Erection of a timber "log cabin" building and the laying of hardstanding on a previously grassed area.*"
 - The requirements of the notice are *i. Demolish the timber building and remove its constituent elements from the site. ii Demolish and remove from the land, the hardstanding laid, and return the land to grass.*
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the appeal on ground (a) and the application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of three months and the substitution of six months as the period for compliance.
2. Subject to this variation the appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act.

Preliminary matters

3. A planning application¹ for the development was previously refused by the Council on 16 April 2019 and an appeal against that decision was subsequently dismissed on 7 February 2020². Since the refusal of the planning application and the appeal decision, and prior to issuing the enforcement notice, the South Northamptonshire Local Plan Part 2 2011-2029 (the LP Part 2) has been adopted³.
4. On 1 April 2021, South Northamptonshire Council along with Daventry District Council, Northampton Borough Council and part of Northamptonshire County Council merged to form West Northamptonshire Council. Development plans

¹ S/2019/0345/FUL

² APP/Z2830/W/19/3237445

³ July 2020

for the merged LPAs remain in place for the area within the new Unitary Authority they relate to, until such time as they are revoked or replaced.

5. The Council referred to the National Planning Practice Guidance and the Council's Corporate Priorities in its reason for issuing the notice, but in the absence of explanation, I find these weigh neither for nor against the development.

The appeal on ground (a) and the deemed planning application

Main Issues

6. This is whether the erection of the timber building and hardstanding (the development) represents an acceptable form of development having regard to the objectives of the Development Plan in respect of: i. the character and appearance of the area; and ii. commercial development in the countryside.

Reasons

Character and appearance

7. The appeal site is located in the countryside, off the Abthorpe Road, to the west of Towcester. Primarily Rignall Farm is an agricultural holding which houses livestock. The site has diversified to also provide visitor accommodation and facilities for equestrian uses. It comprises a range of buildings, including a farmhouse, converted traditional outbuildings, modern agricultural buildings and stabling. A Public Right of Way⁴ (PROW) runs through the site to the north-west of the appeal development.
8. The development is adjacent to agricultural buildings and a row of stables which have a large and rustic form. The previous Inspector found the materials of the appeal building to be broadly in keeping with the surrounding buildings. However, its resemblance of a residential summerhouse was highlighted together with its dissimilar colour, making it noticeably different. The previous decision letter referred to wider public views of the site from the PROW and Abthorpe Road. It notes that the building is in an open position, readily visible and due to its domestic appearance is at odds with the prevailing context.
9. The timber log cabin building is used for office purposes relating to the ongoing various business enterprises on the site. At my site visit I saw the office space was informally laid out with a sofa, some chairs and tables, and there was a sink area with 4 cupboards. The area immediately outside the building is covered by loose stones and edged with timber 'sleepers' to contain the 'hardstanding' which is also the subject of the notice. The Council refer to this area as having been previously grassed. The larger area surrounding the development is a mixture of compacted bare earth and scalplings with the area being used as 'yard' and for parking. It is likely that the area occupied by the development was previously of similar appearance.
10. Overall, I find no reason to disagree with the previous appeal decision in respect of the character and appearance of the area. The development encroaches into the surrounding countryside and detracts from the prevailing rural character of the area and its domestic appearance is unduly conspicuous and discordant when viewed against the agricultural and equestrian buildings

⁴ SB/014

within the rural landscape. This has a harmful effect on the character and appearance of the site and the surrounding rural area which is contrary to the aims of Policies R2 and S10 of the West Northamptonshire Joint Core Strategy 2014 (the JCS). These policies support proposals which respect environmental quality and character and protect, conserve and enhance the natural and built environment and their settings. In this regard, I also find conflict with the guidance in the National Planning Policy Framework (the Framework) which, amongst other things, seeks to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Commercial development in the countryside

11. The Appellant considers the updated Development Plan policies as further material considerations that have become relevant since the previous decisions and that they provide weight to support the separate office development. The appellant refers to support contained within Policy EMP6 of the LP Part 2 which relates to farm diversification. Policy EMP6 was not cited by the Council in its reasons for issuing the notice but has been referred to within its statement.
12. Policies EMP2, EMP3 and EMP6 of the LP Part 2 support employment generating development within existing commercial sites, suitably located new sites and through the principle of diversification of an existing farm, agricultural estate, or other land-based rural business. Policy EMP2 supports appropriate extensions to existing commercial sites in compliance with other policies in the plan and other material considerations. Policy EMP3 considers extensions to existing commercial sites acceptable where they are in accordance with Policy EMP2. Policy EMP6 supports diversification of land based rural businesses in principle that where new buildings are required, the proposal is in scale with the surroundings and well-related to any existing buildings on the site.
13. Furthermore, the Framework supports a prosperous rural economy through the sustainable growth and expansion of all types of businesses in rural areas. However, there remains an overall requirement to protect the rural environment. This is highlighted within the Framework and within Policy SS2 of the LP Part 2 which emphasises the requirement for development to demonstrate compatibility with its surroundings. Additionally, Policy R2 of the JCS clearly supports proposals which sustain and enhance the rural economy where they, amongst other things, respect the environmental quality and character of the rural area. This is echoed within Policy S10 of the JCS which requires all development to protect, conserve and enhance the natural and built environment and its setting.
14. The appellant provides that the need for the building has taken on further importance since the previous appeal decision considering the Covid-19 pandemic. Although it may be preferable to have separate office space, especially during the current pandemic, I am not convinced that there is a fundamental need for the development in this particular location. Furthermore, I have not been provided with evidence to show that the removal of the development would have a negative impact on the ability of the enterprise to function efficiently or affect employment. In these circumstances the benefits arising from the development are not outweighed by the harm I have found to the character and appearance of the area. Accordingly, the development fails to comply with the aims of Policies SS2, EMP2, EMP3 and EMP6 of the LP Part 2 and Policies R2 and S10 of the JCS and objectives of the Framework.

Other matters

15. The appellant has referenced an appeal decision⁵ for a portable cabin for office accommodation plus the provision of hardstanding in support of the proposal. I note the weight given to the needs of the business through the paragraph provided by the appellant in his statement. However, I do not have the full circumstances of the case. A copy of the appeal decision was requested but has not been provided and therefore I am unable to draw any direct comparison with the appeal site.
16. I acknowledge the support from interested parties concerning the need for the separate dedicated office building for the efficient running of the family business. However, this does not outweigh the harm to the character and appearance of the area that I have already highlighted.
17. The support from the interested parties also refers to the wider area of hardstanding which is used for large vehicles and cars to park and manoeuvre. The enforcement notice plan clearly identifies the alleged breach of planning control as the building and its immediate surrounding hardstanding comprising loose stone contained by the timber 'sleepers'. The wider area to which these letters refer and which I have described as being used as 'yard' and for parking, is not caught by the notice.

Conclusion of ground (a)

18. There are no material considerations that indicate the deemed application should be determined other than in accordance with the Development Plan. For the reasons given above I therefore conclude that the appeal on ground (a) should not succeed and I refuse to grant planning permission on the deemed application.

The appeal on ground (g)

19. The Enforcement Notice requires the removal of the timber building and area of hardstanding within 3 months. The Appellant considers a longer period than 3 months would be required to undertake these operations. This is because it will be necessary to find a new, COVID-19 safe office area, as well as find a contractor able to undertake the works. Furthermore, COVID-19 and the fluctuation in restrictions make it difficult for any business to plan ahead, both in terms of their own operation and the need to bring in outside contractors. As such, the appellant suggests that the period for compliance is increased to one year to take into consideration such uncertainties.
20. The suggested extension of the compliance period to 12 months would be tantamount to allowing a temporary permission. However, considering the current climate, 6 months should be an adequate period for complying fully with the requirements of the notice.
21. The appeal on ground (g) succeeds in this respect.

S A Hanson

INSPECTOR

⁵ APP/Z2830/C/18/3203319