



Appeal Decision

Site Visit made on 9 March 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/Z2830/W/20/3264294

Land off Collingtree Road, Milton Malsor NN7 3AU

- 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 Paul Newman New Homes against the decision of South Northamptonshire District Council.
 - The application Ref S/2020/0449/FUL, dated 20 February 2020, was refused by notice dated 7 August 2020.
 - The development proposed is change of use of existing barn from agricultural to Use Class C3 (dwellinghouse) with the insertion of ground floor glazing and flue, demolition of lean to and the construction of a single storey extension with associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I also note that the site address on the appeal form is different to that listed on the application form. I have taken the appeal site address to be the one listed on the application form and I have used this address in the banner heading above.

Main Issues

4. The main issues are:
 - Whether the proposed development would be consistent with local policies relating to the location of new housing development having regard to the character and appearance of the area; and
 - Whether the proposed development would preserve or enhance the character or appearance of the Milton Malsor Conservation Area (CA) and the effect of the proposal upon the setting of listed buildings.

Reasons

Location of new housing

5. The appeal site is located outside of the settlement boundary of Milton Malsor as defined by Policy SS1 of the South Northamptonshire Part 2 Local Plan

(2020) (LP) and therefore is located within open countryside. Beyond settlement boundaries new housing will only be supported in certain circumstances.

6. LP Policy LH4 relates to single market dwellings outside of settlement boundaries and sets out that such proposals will not be considered acceptable save for a number of exceptions. It makes clear at criterion 1a. that the proposal should involve the re-use of a redundant or disused permanent building provided it would not require a complete demolition and re-build; the proposal does not result in the requirement for another building to fulfil the function of the building being converted and it enhances its immediate setting.
7. At the time of the site visit, I observed that miscellaneous agricultural items were being stored within the barn. Despite the appellant's comments and based on the evidence before me it continues to serve a useful purpose and I do not agree that the building is redundant or disused. Moreover, it has not been adequately demonstrated that a further building is not required to fulfil its current function.
8. The barn is formed of 6 bays with timber supports and trusses. The barn has a corrugated metal sheet roof and is largely open on one side with brickwork infill panels and corrugated metal sheeting forming the other walls. The structural assessments and foundation investigation report submitted with the application indicate that for the residential conversion to take place the building would require underpinning and deeper and wider foundations, replacement timber posts or spliced repairs, tying in of the existing brickwork to the structural frame and supplementary support. In addition to the structural works the proposal would involve significant alterations in the form of modern glazing, a new roof covering and an extension.
9. Taking the above into account I am not satisfied that the building would be capable of being converted into residential use without significant alteration or rebuilding. However, this would be somewhat short of a complete demolition and rebuild of the barn and as such, in my view, it would not be tantamount to a new dwelling in the countryside. I now turn to whether the proposal would lead to an enhancement of the site.
10. The site contains two buildings – a cowshed and a barn that occupies a prominent central position in the site. The site is clearly visible from a number of vantage points in the village and together with the open space to the south of Collingtree Road forms a green swathe that positively contributes to the area's agrarian and verdant appearance.
11. Taking into account the modest height of the proposal I find that it would not unduly diminish views across the site or of the Holy Cross Church which sits in an elevated position above the site.
12. The proposed development would be a contemporary take on the traditional design of an agricultural building. The extension would be viewed as a secondary feature and the roof arrangement and material palette would be sympathetic to the surrounding agrarian character. Indeed, there may be occasions where old and new can sit comfortably side-by-side. However, the proposal would unduly change the shape and simple form of the barn and this arrangement would significantly undermine the traditional form and character of the building.

13. Moreover, the number and form of modern openings in the existing brickwork and the chimneys would introduce incongruous domestic style features that would not sit comfortably with the rural appearance of the building. The proposed conversion would therefore fail to preserve the traditional character of the building.
14. Despite the intention to retain an informal pasture feel the cumulative impact of the driveway and parking area, pathways, the various lawn areas and domestic paraphernalia extending across almost the entire site would result in a domestication of the site that would significantly erode its verdant and agrarian appearance adversely affecting the character and appearance of the area.
15. Taking into account the site's prominent position in the village the scheme would not successfully integrate into the wider landscape. Due to the area's topography it would be very apparent and intrusive appearing as an incongruous form of development that would change the verdant appearance of the site into something more suburban. A condition to prevent the proliferation of domestic paraphernalia, in my view, would not be reasonable or enforceable and would not overcome the harm that I have identified. As such, the proposal would not lead to an enhancement of the site.
16. Taking the above into account I find that the proposed development would not accord with LP Policy LH4(1a) in relation to single dwellings in open countryside. It would also be contrary to Policies SS1 and SS2 of the LP which, amongst other things, seek to maintain the individual identity of towns and villages and their distinct parts; development to be design led and compatible and integrate with its surroundings and distinctive local character and to incorporate suitable landscape treatment.
17. It would be contrary to Policies SA, S1, S10 (a and i) and R1 of the West Northamptonshire Joint Core Strategy (2014) (JCS) which, amongst other things, requires rural development to enhance and maintain the distinctive character and vitality of rural communities; the achievement of the highest standard of sustainable design; the protection, conservation and enhancement of the natural and built environment and for development not to affect open land which is of particular significance to the form and character of the village.
18. It would also be contrary to guidance contained within Chapters 4.15 and 7.5 of the South Northamptonshire Design Guide which, amongst other things, requires new development to reflect the fabric and grain of a settlement including open spaces within and adjacent to it and to respect the original character of the building and respect its simple form.

Effect on heritage assets

19. The CA is characterised by a surviving historic road layout and green spaces, including the appeal site, that extend through the village and surround the built form that contribute to its rural agrarian character. This agrarian landscape provides the verdant setting for the village and a number of designated and non-designated assets in the village.
20. The parties have identified two listed buildings nearby the site. These comprise The Grange and The Church of Holy Cross. The Grange is an historic farmhouse that has architectural and historical significance. The Church of Holy Cross

occupies an elevated and prominent position within the village and dominates views across the surrounding landscape.

21. Further to the listed buildings there are a number of attractive buildings along the eastern side of the site comprising cottages of a similar vernacular that collectively as a group make a positive contribution to the CA.
22. Despite the barn's condition I find that its simple utilitarian appearance contributes to the agrarian appearance of the area. I have found that the proposed development would result in the domestication of the site which would unacceptably erode its verdant and agrarian appearance. This would not preserve the character or the appearance of the CA. I turn now to the effects on nearby listed buildings.
23. Whilst more modern development has taken place around the listed buildings the appeal site and land to the south has remained undeveloped and makes a positive contribution to the area. I appreciate that the extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. However, the site has an inherent value as an area of green and largely undeveloped land neighbouring the church, providing separation from the village core and forms an important part of its setting.
24. Despite the findings of the appellant's Heritage Impact Assessment, I find that the introduction of the domestic build form and erosion of this site's verdant and agrarian appearance would harm the setting of nearby designated assets. This domestication would also undermine the character of the churchyard which is a space for quiet reflection. The proposal in the manner shown would be very apparent and intrusive and would diminish the site's contribution to the setting and significance of nearby listed buildings.
25. In light of the above I find that there would be some, albeit limited harm to the CA and the setting of nearby designated assets. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework), it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case I conclude that the proposal would lead to less than substantial harm to the significance of the CA and the setting of nearby listed buildings. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
26. The proposed development would lead to the re-use of a building contributing to local housing supply and securing its future preservation. It would provide construction jobs, albeit short term and future residents would contribute towards the village and it may well reduce the need for residents to travel to a place of work and biodiversity gains, but these public benefits are modest. I therefore afford them limited weight. Taking into consideration the points above I find that the harm to the CA and the setting of nearby listed buildings would clearly outweigh the public benefits of the proposal.
27. The potential deterioration and dereliction of the building is not justification for a scheme that I have found to be harmful.
28. As such the proposed development would fail to preserve or enhance the character and appearance of the CA and the significance of designated heritage

assets. Accordingly, the proposal would be contrary to Policy SS2 (part m), Policy HE5 and Policy HE6 of the LP and Policy S10 (part i) and Policy BN5 of the JCS which, amongst other things, expect new development to not adversely affect built heritage; to preserve the setting of listed buildings and to preserve or enhance the significance of conservation areas, including through preventing the loss of open spaces and other features of importance and to protect conserve and enhance heritage assets and their settings. It would also be contrary to paragraphs 189-196 of the Framework.

Other Matters

29. The Council contend that the site is isolated. My attention has been drawn to Court of Appeal case *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 where the word “isolated” was considered, albeit in the context of paragraph 55 of the previous version of the Framework. The judgement concluded that the term isolated should be understood in its plain meaning i.e. physically separated or remote, and that adding a second limb to the policy relating to accessibility to services and facilities only serves to make the policy more onerous than intended. Furthermore, no such restriction is implied in its text. In other words, the term isolated should be taken to mean physically remote or separate only, in the sense of being isolated from other dwellings or settlements.
30. The site lies on the edge of Milton Malsor and is neighboured by existing development, therefore taking the above into account the site is not isolated in the context of paragraph 79 of the Framework.
31. The appellant contends that the site is classed as Grade 3 (Good to Moderate) quality agricultural land and notwithstanding the Council’s first reason for refusal they do not dispute this. There is also no substantive evidence before me to lead me to reach a different conclusion on the matter and consequently I am of the view that the proposed development would not result in the loss of best and most versatile agricultural land or valued soils.
32. The appellant has referred to alterations to the existing stone wall along Collingtree Road. However, as the full details are not before me I have not taken this into account in coming to my decision.

Planning Balance

33. There is no dispute between the two main parties that the Council can demonstrate a five-year supply of deliverable housing land. Therefore, paragraph 11 d) is not engaged by this particular factor.
34. Paragraph 11 d) of the Framework is not engaged because the most relevant policies for determining the application are not out of date. For these reasons, the planning balance set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 is the one to be applied in this case.
35. The proposed development would make a modest contribution towards local housing supply. It would also create short term employment during the construction phase and future occupiers would support existing services in the area. Although the site is outside the settlement boundary, it is in a location that is within a reasonable distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport

choice and not an over-reliance on a car. It would also result in biodiversity gains. These are all factors in the schemes favour.

36. I acknowledge that there are no technical objections to the proposed development and it would not unduly affect the living conditions of nearby occupiers. However, the absence of harm is a neutral factor in the balance.
37. On the other hand, I have found that the proposed development would harm the rural character and appearance of the area and unduly affect heritage assets. This conflict carries significant weight in my decision.
38. The adverse effects of the proposal would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore does not apply in this case.
39. I have no reason to make a decision other than in accordance with the development plan. I conclude that the proposed development conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that conflict.

Conclusion

40. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR