
Appeal Decisions

Site visit made on 16 March 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2021

Appeal Ref: APP/G2815/W/20/3259062 (Appeal A)

3 Spinney Close, Warmington PE8 6TF

- 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 Sarah Bateman (OCS Developments) against the decision of East Northamptonshire District Council.
 - The application Ref 20/00416/FUL, dated 20 March 2020, was refused by notice dated 26 June 2020.
 - The development proposed is conversion of two residential outbuildings at 3 Spinney Close, to form two residential dwelling houses including external alterations.
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Appeal Ref: APP/G2815/W/20/3265986 (Appeal B)

3 Spinney Close, Warmington PE8 6TF

- 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 Sarah Bateman (OCS Developments) against the decision of East Northamptonshire District Council.
 - The application Ref 20/01115/FUL, dated 03 September 2020, was refused by notice dated 11 December 2020.
 - The development proposed is conversion of two residential outbuildings at 3 Spinney Close, to form two residential dwelling houses including external alterations.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The appeals relate to the same site and, fundamentally, the same scheme. The application appealed in Appeal B was a resubmission to the Council following the refusal of the application appealed in Appeal A. I have considered each proposal on its own individual merits. However, in the interests of brevity and clarity, I have dealt with them together in my reasoning, except where otherwise indicated.
4. The Council's second refusal reason on their decision notice for Appeal A raised objection to the distance of the proposed bin storage area from the dwellings and the consequent detriment to living conditions. This refusal reason is not included on the decision notice relating to the resubmitted scheme (Appeal B) as the Council was satisfied a resting point along the route to the bin storage would acceptably alleviate the difficulty of putting the bins out. I see no reason

- to disagree that this would alleviate the difficulty for the general population but consider this matter further with regards to the elderly and disabled below.
5. The East Northamptonshire Local Plan Part 2 (the LPP2) has not yet been found sound. I have not been provided with any substantive details regarding to what extent there are unresolved objections to any policies. Consequently, I am not able to attach more than very limited weight to the policies within the LPP2.
 6. On 1 April 2021, East Northamptonshire Council ceased to exist and became part of the unitary authority known as North Northamptonshire Council. The statutory provisions, set out through Regulation 26 of The Local Government (Boundary Changes) Regulations 2018, allow for any extant development plans to have effect as if adopted by the new Unitary Authority, and for the Unitary Authority to adopt, revise, replace or prepare a plan relating to an area of a predecessor Council. It is also the case that the provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 20084 and the Local Government (Boundary Changes) Regulations 2018 mean that Local Plans, in the name of, and covering the same area as, LPAs that existed prior to 1 April 2021, may continue to come forward until such time as a plan covering the whole unitary authority is adopted. For the purposes of these appeals, the administrative changes make no difference to my reasoning or the outcome of this decision.
 7. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021, after the Council had determined the application. I am required to consider the appeals based on the current Framework. The policies of the Framework that are material to these appeals have not changed fundamentally. As such, it is not necessary to revert to the parties further.

Main Issues

8. The main issues in these appeals are:
 - (i) whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy and the effect of the proposals on the character and appearance of the area.

Reasons

9. The site is located at the south-western edge of Warmington, off the eastern side of Spinney Close. The appellant proposes the conversion of two outbuildings associated with the dwelling at 3 Spinney Close. At the time of my site visit, the outbuildings were only partially complete. Floors were yet to be laid, with fenestration, fixtures and fixtures still to be installed. The outbuilding to the south of the dwelling is labelled on the plans as a workshop, and the outbuilding to the east is labelled as a leisure building. The main built-up area of the village is located to the north of the outbuildings. Land to the east and west of the outbuildings is relatively open, with limited built form until Long Lane to the east and Spinney Close to the west. Land to the south is predominantly a mix of equestrian and agricultural land, with a single storey converted barn located to the south-west of the site.
10. Policy W1 of the Warmington Neighbourhood Plan (2019) (WNP) confirms, amongst other things, that outside the village boundary, residential

development will not be supported except for certain exemptions. Whilst the main dwellinghouse at no 3 is within the village boundary, the proposed dwellings and their gardens would be outside of, but adjacent to, the village boundary. As such, the proposed dwellings would be within the open countryside for planning purposes. There is agreement between the main parties that future residents would have acceptable access to nearby services within the village and that the site should not be described as isolated. I see no reason to disagree on these matters.

11. I have had regard to the consultation response of the Council within the WNP Consultation Statement¹ that states the settlement boundary as defined in the Rural North, Oundle and Thrapston Plan (2011) (the RNOTP) is out of date as it was drawn to more stringent criteria than the North Northamptonshire Joint Core Strategy (2016) (CS) requires. I have also had regard to the Inspector's finding in the Glapthorn² appeal that policy conflict due to the settlement boundary defined in the RNOTP be given less weight given the RNOTP predates the Framework.
12. It has also been drawn to my attention that the WNP Examiner Report states that if the WNP is reviewed at some point, the position of the village boundary in the area to the south of Church Street should be revisited³. Notwithstanding these considerations, it is a plan-led system and the WNP has recently been found sound (albeit against an earlier version of the Framework). The WNP states that one of its policy objectives is to protect the setting of the village by maintaining the existing settlement boundary and defining criteria that proposed new development outside the boundary must meet to be supported. WNP Policy W1 does not, however, wholly prohibit development outside of the village boundary, or give blanket protection to the open countryside, and it continues to accord with the Framework in these regards. The policy does not undermine the continued relevance of locating development where it will enhance or maintain the vitality of rural communities. As such, I give significant weight to Policy WNP Policy W1.
13. Where there is appropriate evidence for housing need outside the defined village boundary, WNP Policy W1 allows for development subject to a range of criteria, including being located immediately adjacent to the village boundary. CS Policy 11 (The Network of Urban and Rural Areas) confirms, amongst other things, that development will be distributed to strengthen the network of settlements in accordance with their roles. In rural areas development will be limited to that required to support a prosperous rural economy or to meet locally arising need, which cannot be met more sustainably at a nearby larger settlement (criterion 2a). Small scale infill development will be permitted on suitable sites within villages where this would not materially harm the character of the settlement (criterion 2b). The policy also confirms that Neighbourhood Plans may identify sites within or adjoining villages to help meet locally identified needs (criterion 2c) and that other forms of development will be resisted in the open countryside unless there are special circumstances as set out in Policy 13 (Rural Exceptions) or national policy (criterion 2d).
14. The proposals are not put forward as a rural exception site in terms of CS Policy 13. As such, the policy is not relevant to these proposals. The

¹ Warmington Neighbourhood Plan 2019 – 2031 Consultation Statement (May 2019)

² Appeal Ref: APP/G2815/W/16/3149683

³ Paragraph 7.37

appellant asserts, however, that the proposals comply with CS Policy 11 criterion 2(a), given that there is a need for bungalows and accessible housing for elderly persons within the village. The appellant relies upon the evidence of the Housing Needs Survey⁴ (dated January 2016) referred to in paragraph 5.4 of the WNP. The appellant also advises that the 2011 Census survey identified that a quarter of Warmington's residents had a long-term health issue, and that 23% of the population were over 65. Given the age of these surveys, their findings are significantly out of date and of very limited weight. Whilst there is support for such housing within CS Policy 30, and within Framework paragraph 62, there is no appropriate evidence, including locally identified need, for accessible bungalow housing (designed to be DDA/Lifetime Homes compliant) to be provided outside the village boundary of Warmington.

15. Furthermore, whilst I note the Council is satisfied a resting point along the route to the bin storage area from the dwellings would alleviate the difficulty of putting the bins out, I find the distance would still present difficulties for the disabled and elderly persons the appellant asserts the dwellings would be designed for. I am not persuaded, therefore, that the proposals would meet locally identified needs or national policy. The proposals would not meet, therefore, any of criteria 2(a), 2(c) or 2(d) of CS Policy 11, nor the requirements of WNP Policy W1.
16. Supporting paragraph 5.17 to CS Policy 11 advises that small scale infill development on suitable sites within villages is to be within the main built-up areas of the village and on land which is bounded by existing built curtilages on at least two sides. The main built-up area of the village is located to the north of the site and the outbuildings are predominantly surrounded by open land. The proposed dwellings would fall outside the main built-up area of the village and would not represent infill. As such the proposals do not comply with CS Policy criterion 2b.
17. It is clear from the evidence and from my observations during my site visit that, given the surrounding landscaping and topography, the buildings are not highly visible in the wider landscape. Nevertheless, the landscape around the village provides its setting and the surrounding open countryside, outside of the main built-up area, is an intrinsic part of the character of the village. Whilst I note that WNP Policy 4 supports the subdivision of existing housing plots, the use of the outbuildings as dwellings would further intensify the urbanisation of this area of defined open countryside. I am not persuaded by the appellant's assertions that the use of the outbuildings in association with the main dwelling would have a similarly harmful effect on the character of the area as two additional households, their cars and domestic paraphernalia. Additional households would inevitably, and reasonably, result in pressure for further outbuildings to serve their needs. Furthermore, surrounding mature landscape screening is not guaranteed to endure even when protected by condition. As such, I find the proposals would not comply with WNP Policy W4 criterion (3) which requires, through CS Policy 8, development to respond to the overall form, character and landscape setting of the settlement. The proposals would result in a detrimental intensification of urban features within the defined open countryside setting of the village, harmful to the intrinsic character of the area.

⁴ A Detailed Investigation into The Housing Needs of Warmington (January 2016) by Midlands Rural Housing

18. Taking all the above factors into account, I conclude that the site is not a suitable location for the development proposals and harm to the character of the area would result. In those regards the proposals would conflict with CS Policies 8 and 11, as well as Policies W1, W3 and W7 of the WNP which, taken together, amongst other things, require development to be distributed to strengthen the network of settlements in line with the spatial strategy and to respond to the overall form, character and landscape setting of the settlement. The proposals would also conflict with the Framework which requires the planning system to be genuinely plan-led and decisions to, amongst other things, recognise the intrinsic character and beauty of the countryside⁵, ensuring developments are sympathetic to local character⁶.

Other Matters

19. The permission⁷ granted by the Council for the conversion of the barn to the south of the site related to an existing rural building outside of the village boundary. The permission at Manor Farm⁸ House also related to an existing annexe building. There is no substantive evidence before me to indicate that the outbuildings in this appeal have been used for purposes incidental to the dwelling at no 3. The buildings were incomplete at the time of my site visit and differed in design to those granted a lawful development certificate⁹ by the Council. As such, I am not persuaded that the current proposals can be considered to represent reuse or conversion. The above permissions are not, therefore, directly comparable to the current proposals and I afford them very limited weight in my decision.
20. To reach a determination in these appeals, it is not necessary for me to consider whether the construction of the outbuildings meets the criteria within the General Permitted Development Order.¹⁰

Planning Balance

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. I have identified that, in this case, the proposals do not accord with development plan policies that require development to be distributed to strengthen the network of settlements in line with the spatial strategy and to respond to local character. I find that being outside the village boundary and within the open countryside, the appeal proposals are not in accordance with the development plan when taken as a whole. I give the identified development plan conflicts significant weight.
22. I have considered the rulings, permissions and appeals referred to me by the appellant. The circumstances of those permissions and appeals are not wholly comparable with those which apply in these appeals, given the planning history of this site, its location and relevant policies. I therefore accord these decisions limited weight. I have, in any case, reached my own conclusions on the appeal proposals based on the evidence before me.

⁵ Framework Paragraph 174 (b)

⁶ Framework Paragraph 130 (c)

⁷ LPA Ref: 14/02164/FUL

⁸ LPA Ref: 19/1561/FUL

⁹ LPA Ref: 19/00468/LDP

¹⁰ The Town and Country Planning (General Permitted Development)(England) Order 2015.

23. I have not found the development plan to be silent or the most important policies for determining the application, particularly with reference to relevant policies within the WNP, to be out of date. The policies referred to in the refusal reasons are broadly in line with the aims of the Framework, in so far as they seek to focus development in the most sustainable and accessible parts of the District, and to protect the intrinsic character and beauty of the countryside. I have no substantive evidence before me to suggest that the Council is unable to demonstrate a five year supply of deliverable housing sites. The 2020 Housing Delivery Test¹¹ results indicate that the Council managed to deliver 97% of the total number of homes required across the District within the previous three years. As such, the tilted balance, as set out in paragraph 11 of the Framework, is not engaged in this instance.
24. I acknowledge that the proposals would result in some economic and social benefits, including as a result of a slight increase in spending on, and patronage of, services and facilities in the local area. This would contribute to the vitality of the rural community. The proposals would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, as the proposals are for only 2 dwellings, the benefits identified attract limited weight.
25. The appellant has highlighted that the proposals would make effective use of land for development by reusing land that has been previously developed. The Framework, however, is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places. As such I give this consideration limited weight. I also give limited weight to the New Homes Bonus and the potential use of the dwellings for live-work purposes given the limited number of dwellings proposed.
26. As to environmental effects, the proposals would result in a detrimental intensification of urban features within the defined open countryside setting of the village, harmful to the intrinsic character of the area. I afford that harm significant weight.
27. Overall, I find that the benefits associated with the proposals would not outweigh the harms identified above, and there are no considerations which indicate that the appeals should be determined other than in accordance with the development plan.

Conclusion – Appeal A and Appeal B

28. For the above reasons, both Appeal A and Appeal B are dismissed.

S D Castle

INSPECTOR

¹¹ Housing Delivery Test 2020 – Published 19 January 2021