



Appeal Decision

Site visit made on 27 July 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2021

Appeal Ref: APP/Z2830/W/21/3272940

**Land West of Holy Cross Church, Collingtree Road, Milton Malsor,
Northampton 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 (Paul Newman New Homes) against the decision of South Northants District Council.
 - The application Ref S/2021/0098/FUL, dated 7 December 2020, was refused by notice dated 8 April 2021.
 - The development proposed is change of use to the existing barn from Agricultural to Use Class C3 (Dwelling house) with the insertion of ground floor glazing and flue, demolition of lean to and the construction of a single storey extension, amendment to stone wall with parking and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address on the banner heading above is taken from the Decision Notice of the Council as it is more precise than the application form. I note that the appellant used the same address on the appeal form.

Main Issues

3. The main issues in this appeal are:-
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on the Conservation Area and Listed Buildings.

Reasons

Policy

4. The appeal site is located outside the designated settlement as defined by Policy SS1 of the South Northamptonshire Part 2 Local Plan (the LP) and is therefore located within open countryside.
 5. Policy LH4 of the LP deals with single dwellings outside settlements and proposals must meet a number of criteria, including that it should involve the re-use of a redundant or disused permanent building provided it does not require demolition and re-build, that another building would not be required to fulfil the function of the building and it should enhance its immediate setting.
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6. I am aware from the evidence that the building is still being used for storing machinery but is no longer required by the owners. However, it is still continuing to serve a purpose and is neither redundant nor disused and could be used by others. As per the previous appeal there is nothing to suggest another building would not be required were this building to be converted for a residential purpose.
7. The existing structure is simplistic in design, made up mainly of brick and corrugated metal, but largely open to one side. The amount of work required to convert it to a habitable dwelling would be considerable, but it would not constitute a demolition and rebuild.
8. In terms of enhancement, the appeal site is extremely visible from several points, and the wider site contributes to the rural nature of the area. I find the proposals would materially alter the simple design and character of the agricultural building with the nature of additional openings giving the building more of a modern domestic feel than an agricultural conversion and removing its agricultural nature. When added to the domestic paraphernalia that undoubtedly comes with a new dwelling it would cause significant harm to the character and appearance of the area and not enhance its immediate setting.
9. With regard to this issue, I find conflict with LP Policy LH4 in relation to the control of single dwellings in the open countryside, Policies SS1 and SS2 which seek to maintain the individual identity of villages and expect development to be design led and integrate with its surroundings and character.
10. I find further conflict with policies SA, S1 and R1 of the West Northamptonshire Joint Core Strategy (2014) (the JCS) which, amongst other matters, expects development to enhance and maintain the distinctive character and vitality of rural communities and take into account the role, scale and character of the settlement.

Heritage Assets

11. The Milton Malsor Conservation Area (CA) was first designated in 1991 and incorporates the historic core of the village, along with the paddocks and the church, and larger houses on Rectory Lane. The village has a significant amount of historic character and an informal arrangement to the highways layout.
12. There are two listed buildings identified as being near the site, which are The Grange, a farmhouse with architectural and historic significance, and the Church of Holy Cross, located in an elevated and prominent position that dominates the landscape.
13. The barn has a simple appearance that contributes to the rural appearance of the area, and I find that the appeal proposal would bring a domesticity to the site that would harm the character and appearance of the CA.
14. The site functions as a separation between the church and the core of the village, performing an important function and is a key part of the setting of the Church. The appeal proposal would change the nature of that relationship, introducing a domesticity that would be extremely apparent and intrude into this relationship and would lower the contribution of the site toward the setting and significance of the listed buildings.

15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area
16. Whilst I have identified harm to the character and appearance of the Conservation Area, the proposals would cause less than substantial harm to the Conservation Area. In accordance with Paragraph 202 of the National Planning Policy Framework (2021) (the Framework), less than substantial harm should be weighed against the public benefits of the proposal.
17. The proposal would add a dwelling to the local housing supply and would provide some construction employment, whilst the occupiers would contribute towards the village. However, I find these benefits to be extremely modest and can only be afforded limited weight. The potential for degradation and deterioration of the barn does not offset the harms that I have identified from the proposal.
18. As a result, I find that the proposal would be contrary to Policies SS2, HE5, and HE6 of the LP and Policies S10 and BN5 of the JCS, which collectively, amongst other matters, expect 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. I also find that it is contrary to the heritage guidance set out in the Framework.

Other Matters

19. 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
20. 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.
21. 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.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR