



Appeal Decision

Site visit made on 11 January 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/M2840/W/21/3281396

**Land to rear of 107 to 113 Overstone Road, Sywell, Northamptonshire
481466, 266845**

- 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 Ross Harmon against the decision of North Northamptonshire Council.
 - The application Ref NW/21/00242/FUL, dated 12 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is a self-build rural exception dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), which is a European Designated Site. The Conservation of Species and Habitats Regulations 2017 (as amended) requires the decision maker to consider whether or not the proposal could adversely affect the integrity of the site.

Main Issues

3. The main issues are (i) whether the appeal site is in a suitable location for new housing; and, (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of Location

4. Policy 11 of the North Northamptonshire Joint Core Strategy 2011-2031 (the JCS, July 2016) defines the spatial strategy and hierarchy for all development, including housing. Development within rural areas is only supported in certain circumstances. The appeal site is outside of the settlement boundary for Sywell where development is therefore restricted. The appellant does not dispute this but submits that the proposal would comply with the exceptions set out within the development plan namely, Policy 13 of the JCS and Policy H6 of The Plan for the Borough Wellingborough Adopted Plan: Part 2 of the Local Plan (the PBW, February 2019).
 5. Policy 13 sets out that rural exceptions exist where all of the points under part 1 of the policy, (a) to (e), are met. Policy H6 expands upon this in the case of self-builds, requiring that the scheme meets a further four points.
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6. Whilst the appellant has cited a personal need as a result of their current circumstances and current house prices, the Council's submissions show that there is very limited need for residential development within Sywell and that this is predominantly for one bedroom properties. No need for four bedroom properties has been demonstrated within Sywell. Furthermore, while the appellant may desire a home suitable for a future family, this is not a current need and as such, lacking any evidence to the contrary, the scale of the dwelling has also not been justified.
7. I acknowledge that the appeal site would adjoin the settlement boundary of Sywell which provides services and facilities within a reasonable distance of the appeal site. I note also that the appellant would be the future occupier of the dwelling and can demonstrate a strong local connection to the village. Furthermore, the proposed dwelling would meet the nationally described space standards. Neither of the parties have disputed these points and, as such, in these regards the proposal would meet requirements of the above policies. Although the appellant's unilateral undertaking would not ensure that the dwelling is affordable or retained to meet local needs, such matters could be dealt with via a condition in the event the appeal was allowed.
8. Policies 13 and H6 requires that all of their respective criteria are met in order for development to be considered a rural or self-build exception scheme. Therefore, whilst the proposal may comply with a number of these points, as it fails on the grounds of the identified need it is not an exception scheme. It would therefore conflict with the spatial strategy and development hierarchy set out with the development plan.
9. Whilst the proposal would be a self-build, given its scale and the lack of evidence to the contrary, it has not been demonstrated that the dwelling would be an entry-level exception site. As such the proposal would not meet requirements of Paragraph 72 of the National Planning Policy Framework (the Framework)
10. As the proposal would result in a new dwelling outside of a defined settlement boundary without being an exception scheme, it would not comply with the aims of the Council's locational strategy in directing development into settlements or areas where the settlement would be strengthened and supported and where an identified need would be met. It would therefore conflict with Policies 1, 11, 13, 28 and 29 of the JCS and Policies SS1 and H6 of the PBW which collectively, and amongst other matters, set out a presumption in favour of sustainable development for schemes that follow the development plan's vision, including with regard to the locational strategy for residential development. The development would also conflict with the Framework's locational and self-build aims for residential development set out across Section 5, in particular Paragraphs 72 and 78, nor with the effective use of land set out in Section 11 and Paragraph 120.

Character and Appearance

11. The appeal site is to the side of an existing cul-de-sac, Woodford Chase, which serves three dwellings that are set behind a dwelling that fronts on to Overstone Road. Whilst the development along Overstone Road is primarily characterised by properties fronting on to the road, Woodford Chase is part of a small area of development where properties away from this road are common. In particular, there are a number of cul-de-sacs including Brembridge Close

and Park Close which project development away from Overstone Road. As such, given its location the appeal site would be read in connection with this area and its less regular pattern of development. Notwithstanding this there is a clear physical and visual edge to the settlement, beyond which paddocks and trees predominantly form open countryside.

12. The site itself is a paddock within this area of open countryside and adjacent to a large, wooded area. It is open on to the garden of Number 4 Woodford Chase and appears to contain some outbuildings associated with the dwelling. To the rear of the site is a further paddock containing a stable building.
13. Given the above, and the appearance and external materials of the proposed dwelling, it would be in keeping with the surrounding dwellings. However, it would also result in a dwelling on an otherwise predominantly open paddock beyond the visual edge of the village. As such it would result in an incursion into the open countryside where it would erode the verdant and largely undeveloped character of this area. Although the site is located away from Overstone Road, views of the dwelling would still be afforded from neighbouring properties, neighbouring paddocks and the wider area where it would affect the appreciation of the character beyond the edge of the village.
14. The proposed driveway would extend near to the existing trees close to the access from Woodford Chase. These trees contribute positively towards the character area of the open countryside. The driveway, its construction and use thereafter could result in harm to the trees and their roots which would be detrimental to their contribution. However, I find that a suitably worded condition could ensure that the visual contribution of the trees is protected, in the event the appeal was to be allowed.
15. Nevertheless, as a result of its siting beyond the edge of the settlement the proposed dwelling would result in an intrusive and harmful feature within this setting and be detrimental to the character and appearance of the countryside. The development would therefore conflict with Policies 3, 4 and 8 of the JCS which require, amongst other matters, that development is sited sensitively to protect its landscape setting and reflect those important features of the local character.

Other Matters

16. I have found harm resulting from the proposed development. As such the appeal must fail and any potential harm to the SPA would not need to be considered at this time.
17. Whilst the appellant points out that the proposal would not result in any adverse impacts to highway safety on and around the site, and would provide sufficient parking, these are not benefits in themselves, and I can therefore attach it only neutral weighting.

Conclusion

18. The government's objective is to significantly boost the supply of housing with specific support for self-builds and the proposal would result in one new self-build dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as some economic and social benefits resulting from future occupiers. Given the small scale of the proposal, these benefits attract moderate weight.

19. Conversely, the location of the proposal, within the open countryside where residential development is restricted, would undermine the Council's plan-led approach to the delivery of housing and would harm the character and appearance of its surroundings. These matter attracts significant weight and outweigh the benefits associated with the proposed development.
20. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR