



Appeal Decision

Site visit made on 21 February 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/W2845/W/21/3281316

Bugbrooke Marina, Pattishall Road, Bugbrooke NN7 3QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Hunter on behalf of Oakden Ltd against the decision of West Northamptonshire Council.
 - The application Ref S/2020/2313/OUT, dated 9 December 2020, was refused by notice dated 20 May 2021.
 - The development proposed is described as: 'Replacement of residential caravan with small detached dwelling. Caravan has a CLUD for residential use since July 2014 Ref: S/2014/1172/LDE'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When the application for outline planning permission was originally submitted, approval was sought for all detailed matters except for appearance. Nevertheless, during the processing of the application, a written request was made by the applicant (now appellant) for landscaping to be considered as a reserved matter because relevant details had yet to be finalised. Whilst made after the application's statutory publicity period, I see no clear reason to justify this request being resisted. Indeed, as details of landscaping would be anticipated to be consulted upon in the future should this appeal be successful, I am content that no party with a potential interest in the outcome of this appeal is prejudiced by me proceeding on this basis.
3. For the avoidance of doubt, whilst not formally part of the scheme, I have treated any details submitted relating to matters of appearance and landscaping as a guide to how the site might be developed.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area; and
 - Whether or not acceptable living conditions would be provided for future occupiers of the proposed dwelling, having particular regard to noise and privacy.

Reasons

Character and appearance

5. The site is located outside of the confines of Bugbrooke and thus in the open countryside as defined in local planning policy terms. Consistent with this designation and notwithstanding instances of neighbouring built development that include large commercial buildings to the west and a dog training building to the south, the site's surroundings are often either well-planted or inherently agricultural in their makeup. Thus, a semi-rural character and appearance is identifiable local to the site.
6. I understand that the existing caravan (the caravan) has been stationed in its present position for a considerable length of time and that its wheels and axles no longer fully function. Nevertheless, my on-site inspection indicated that the caravan would be capable of being picked up and removed from the site (by a crane, for example). Thus, the caravan does not constitute a building. Moreover, the existence of any existing connection to a power or mains water supply does not substantiate a judgement otherwise. Consequently, the replacement dwelling criteria contained within Policy LH4 of the South Northamptonshire Part 2 Local Plan (July 2020) (the P2LP) is not strictly applicable to the proposal now before me.
7. Nevertheless, the site benefits from a certificate of lawful existing use¹ issued in 2014 that confirms the lawful siting and use of the caravan as a single dwellinghouse. This is a material consideration in this case. Indeed, the caravan is stationed for a permanent residential use and, notwithstanding its modest size, has a distinct domesticating influence upon the character and appearance of the appeal site. When also factoring in the various instances of neighbouring built development referenced above, I find that there does exist some potential for a small detached dwelling to acceptably integrate with its surroundings. This is notwithstanding the open countryside designation of the site and the intention for persons with no affiliation to the marina to be housed.
8. However, the proposed dwelling's footprint would significantly exceed that presently occupied by the caravan and, notwithstanding the absence of indicative elevations or any clear written intention as regards the number of storeys intended, the submitted Design and Access Statement indicates that a ridge height of as high as 7.5 metres above ground level is planned.
9. Whilst full details of the development's appearance are not before me for determination, I note that scale is not a matter reserved for future approval. To my mind, the evidence before me does not satisfactorily demonstrate that a dwelling of genuinely small size or scale is intended. Moreover, most particularly when compared to the caravan, the new dwelling, however ultimately designed, would represent an excessively sized urbanising addition to the site. For the avoidance of doubt, similar findings would avail even should the proposed dwelling be compared to a caravan of noticeably enlarged footprint.
10. I accept that views into the site would be softened by the presence of established planting to be retained, including along the site's western boundary, and any supplemental soft landscaping to be planted. However,

¹ S/2014/1172/LDE

consistent with my own observations upon inspection, planting cannot be relied upon to provide solid or impenetrable buffers to views. This is not least because it is ever evolving and reliant upon continual maintenance to retain a consistent form.

11. A 2012 planning permission² relating to the replacement of a static home with a detached dwelling at a site situated elsewhere has been brought to my attention. However, multiple caravans were under deliberation and the differential in footprint coverage then considered was less pronounced when compared to the caravan and proposed dwelling now before me. Furthermore, the Council Officer was able to draw assurances from the fact that development of a full two storeys was not before them. A similar degree of clarity in the context of the appeal scheme's scale has not been provided. It is of further relevance that the 2012 permission was issued against the background of a now superseded development plan. Thus, it is a permission of limited relevance to my considerations.
12. A 1994 appeal decision³ also appears in the submitted evidence, where planning permission was granted for five detached dwellings that are now accessed off Hall Mead Court to the north of the site. However, a significant period of time has now elapsed since the 1994 decision was issued and it is apparent that the existence of a fallback position specific to that scheme influenced the Inspector's considerations. Thus, whilst I acknowledge the conclusions that were drawn in a countryside and landscape impact sense, it is a decision of limited relevance.
13. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies S1 and R1 of the West Northamptonshire Joint Core Strategy (December 2014) (the JCS) and Policies LH1 and LH4 of the P2LP in so far as these policies set out that new development in rural areas will be limited with the emphasis being on, amongst other provisions, enhancing and maintaining the distinctive character and vitality of rural communities.
14. For the avoidance of doubt, I do not identify conflict with Policy S3 of the JCS. Indeed, the delivery of a single dwelling at the appeal site would not prejudice this policy's broad aspirations as regards the scale and distribution of housing development across West Northamptonshire.

Living conditions of future occupiers

15. The site is situated alongside and accessed via a car park that serves the marina. It also sits in proximity to a sanitation building that is accessible to occupiers/users of the marina. It is relevant to note that the marina is not an especially large facility. This is reflected through the car park's modest expanse and the limited size of the sanitation building, which is orientated such that its main point of access faces away from the site.
16. Broadly consistent with the caravan's existing location, the proposed dwelling would be positioned towards the southern end of the site and thus stepped back from the car park. Therefore, when noting the seemingly limited potential for activities associated with the marina's operation to be of an especially intensive or noisy nature and the opportunity for a scheme of boundary

² S/2012/1148/FUL

³ T/APP/Z2830/A/94/242063/P6

treatment to be secured via condition should the appeal be successful, I have no clear reason to consider that unacceptable living conditions would avail. This is even when acknowledging the existence of a number of commercial uses close to the site.

17. For the above reasons, having particular regard to noise and privacy, acceptable living conditions would be provided for future occupiers of the proposed dwelling. The scheme satisfactorily accords with Policy SS2 of the P2LP in so far as this policy sets out that planning permission will be granted where the proposed development will result in a good standard of amenity for its future occupiers.

Other Matters

18. In terms of the scheme's benefits, it would offer an enhanced standard of living accommodation for the site's existing occupier. It is also the case that improved thermal and acoustic insulation performance would be anticipated to result through the utilisation of modern construction methods. The scheme would also generate jobs during the construction phase. However, given that a single unit of accommodation is under consideration, these benefits would be modest and attractive of limited weight insufficient to outweigh the harm and associated policy conflicts that I have identified.
19. For the avoidance of doubt, the presumption in favour of sustainable development, as referenced at Policy SA of the JCS, does not apply. Indeed, the proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

20. Whilst I have found that acceptable living conditions would be provided for future occupiers of the proposal (having particular regard to noise and privacy), I have identified that harm would be caused to the character and appearance of the area. This harm is the overriding consideration in this case. Thus, for the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR