



Appeal Decision

Site visit made on 28 February 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/L2820/W/21/3282625

Barns adjacent to Moat Farm, Corby Road, Little Oakley NN18 8HA

- 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 Sam Rees, on behalf of Boughton Estates Ltd, against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0877, dated 11 December 2020, was refused by notice dated 19 March 2021.
 - The development proposed is the demolition of existing agricultural barns and erection of two dwellings with new shared vehicular access and new/replacement site boundary treatment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site, as referenced in the application form, is slightly different to that advanced in the appeal form. Of the two, I have used the appeal form version as this more accurately describes the location of the barns.
3. The Kettering Site Specific Part 2 Local Plan (LP) was adopted in December 2021. This has replaced the Kettering Borough Local Plan 1995 (LP1995). As a consequence, policies of the LP1995 and referred to in the Council's first reason for refusal, are no longer of relevance to this appeal. The Council identifies that policies RS2 and LOA1 of the LP are now relevant to this appeal. Furthermore, the appellant asserts that policy HOU1 of the LP is also germane. Policy RS2 and HOU1 support infill development in category B villages, provided it would not harm the character that makes the village special, and that it would not result in erosion to the character of the area. Policy LOA1 provides specific design guidance for development in Little Oakley.

Main Issues

4. The main issues are:
 - Whether the proposed dwellings would preserve or enhance the character or appearance of the Little Oakley Conservation Area and/or affect the setting of Moat Farmhouse and The Old Schoolhouse, both grade II Listed Buildings,
 - Whether the site is a suitable location for housing with regard to local and national policies,

- The effect of the proposal on the living conditions of occupiers of The Old Schoolhouse, with particular regard to privacy, and
- The effect of the proposed dwellings on the living conditions of future occupiers with regard to outlook.

Reasons

Character and appearance

5. The appeal site is within the small village of Little Oakley. Housing within the village consists of a combination of one and two storey buildings, many of which possess a traditional rural character. The appeal site contains a series of vacant barns that stand adjacent to a field and are mostly open sided. Therefore, whilst having a rather dishevelled appearance the barns have a rural character which suits its position. They therefore make a neutral contribution to the character and appearance of the surrounding area.
6. The appeal site is within the Little Oakley Conservation Area (LOCA). In accordance with the duty¹ imposed on me I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (The Framework) requires great weight to be given to an asset's conservation when considering the impact of the proposal on its significance. The LOCA is characterised by traditional buildings of a variety of styles with rural architectural interest. In my view its significance derives from the traditional rural character and layout of buildings and its agricultural setting in a rural landscape.
7. I am also required to pay special attention and have regard to the desirability of preserving the setting of listed buildings². The Old Schoolhouse opposite the site originates from 1852. It consists of squared course limestone walls, a stone slate roof and stone end stacks. In my view its significance derives from its historic interest, its attractive architectural detailing and its positioning in relation to the adjacent buildings within a largely open setting. Moat Farmhouse, consisting of a main farmhouse and surrounding outbuildings, originates from 1794. The farmhouse is recessed from the highway and has a strong sense of enclosure formed by the single storey buildings found around its perimeters. Nevertheless, the building is of some prominence in the street due to its overall scale. Its significance derives from its age, traditional rural character and its group value set within the farmhouse grounds.
8. The proposal would replace the existing barns with a mews style development of two dwellings. This would partly follow the shape and form of the existing barns with plot two set directly behind the frontage dwelling, however these would not therefore follow the linear form of the existing settlement pattern. Furthermore, although retaining a gap to the low-level buildings on the perimeter of Moat Farmhouse, the dwellings would be taller than these neighbouring buildings. Moreover, the proposed dwellings would have a greater overall presence in the street than the existing barns and would include numerous windows that would reinforce its domestic character. As a result, their overall mass would be a relatively stark transition from the existing buildings of the settlement to the open countryside beyond. Accordingly, due to

¹ section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

its scale and domestic appearance, the development would be an incongruous addition to the street which would harm the character and appearance of the LOCA.

9. Furthermore, the proposal would be viewed within the setting of The Old Schoolhouse which stands within a relatively isolated position despite the presence of the barns opposite. The existing barns, whilst of a basic and functional design, are relatively subdued and make an integral contribution to the surrounding rural landscape. In contrast, due to the proximity and absence of screening around Plot One, the development would harshly encroach into views of this listed building. This would erode the sense of space around the building resulting in some, albeit moderate, harm to its setting. As such, the proposal would fail to preserve the setting of The Old Schoolhouse.
10. The proposal would also be within many roadside views of Moat Farmhouse. The strong sense of built hierarchy around the farmhouse enables it farmhouse to retain a strong sense of dominance within the site. The proposed dwellings would have a scale and appearance that would dominate views of the Moat Farmhouse when travelling east along Corby Road and interrupt this sense of hierarchy. This would crowd views of the listed building and erode the appearance of the farmhouse, causing harm to these views. The proposal would therefore fail to preserve the setting of the listed building, conveying harm to its significance.
11. Whilst the design of the proposal includes low profile rooflines, this has had a limited reduction in the overall scale of the building. Furthermore, these would possess a domestic scale and appearance that would be out of keeping with the rural character of the existing barns and the surrounding area. Also, west views through the site would be limited and the scheme would fail to retain the sense of space currently evident by the open sided barn on site. As a result, the proposal would not preserve or enhance the character or appearance of the LOCA or adjacent listed buildings. The proposal would therefore conflict with policy 2 of the North Northamptonshire Joint Core Strategy (CS) and Policy LOA1 of the LP. These seek, inter alia, for development to conserve and enhance the heritage significance and setting of a heritage asset and to maintain the linear nature of the settlement.
12. The harm identified to the LOCA would be 'less than substantial'. Paragraph 202 of the Framework, states that where harm to a heritage asset would be 'less than substantial' this should be weighed against the public benefits of a proposal. The proposal would deliver two new dwellings within a village that provides moderate access to goods and services. It would deliver economic and social benefits through future occupiers supporting local services. However, these limited benefits would be insufficient to outweigh the harm found to the stated heritage assets, which the Framework identifies are an irreplaceable resource. Furthermore, the existing barns have a neutral effect on the character of the area. As such, their loss would be of limited benefit to the appearance of the area.

Suitability of the site for housing

13. The CS and LP establish the Council's approach to the distribution of housing across the district. This sets a hierarchical approach which principally seeks to focus housing towards the growth town of Kettering, then market towns and then villages. Policy 11 of the CS states that small scale infill development will

be permitted on suitable sites within villages where it would not materially harm the character of the settlement or residential amenity. The site is within the village boundary of Little Oakley as defined by Policy RS2 of the LP. This policy states that the settlement is suitable for infill development, that would consist of 1 or 2 dwellings, provided it would not harm the characteristics which make the village special. This approach is similar to that stated by policy HOU1 which supports infill development within settlements provided that it would not result in an erosion of the character and appearance of the area.

14. The question of infilling is a matter of planning judgement and being within a defined village boundary is not necessarily determinative. Nevertheless, the supporting text for policy 11 provides helpful guidance on this matter. This states that infill development relates to land within the main built-up areas of the village which is bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built-up frontage. However, the text is ambiguous in so much as it seems to describe a plot as having more than two 'sides'. The term infilling, by this text, must therefore include plots to the front and rear of a site as otherwise the commentary would not have referred to 'at least two sides'.
15. The appeal site is opposite The Old Schoolhouse and adjacent to Moat Farmhouse and its outbuildings. The frontage beyond Moat Farmhouse is connected to largely continuous built form. Opposite the site, the pattern of development is more dispersed. Nevertheless, whilst The Old Schoolhouse stands in an isolated position, it would represent built form that encloses a side of the site. Therefore, whilst adjacent to a field, the site has existing development to its side and front. I am therefore satisfied that this would be an infill plot. Nonetheless, the proposal would not complement the character and appearance of the village. As a result, for the above reasons, the proposal would conflict with policy 11 of the CS and policies RS2 and HOU1 of the LP.

Living conditions - existing

16. The Council has not drawn my attention to policy or local guidelines that define its expectations with respect to suitable separation distances. Although stating that it operates a 'rule of thumb' guide that seeks a separation distance of around 21 metres, this can only be afforded limited weight due to its informal status.
17. The Old Schoolhouse is slightly recessed behind a stone wall. It affords a strong presence within the local streetscene. Although relatively tall, half of its frontage is essentially single storey, with a secondary element to the side of this being two-storey. As such, it has a limited number of windows serving habitable windows that would be directly opposite the proposed dwelling of plot one. Plot one includes a number of ground floor and first floor windows of habitable room windows that would overlook the neighbouring dwelling. However, due to the separation distance and being on the public frontage of the property, overlooking opportunities and effect on the privacy of existing occupiers would be limited.
18. The front elevations of plot one and The Old Schoolhouse would have a separation distance of around 15 metres. This incorporates two front boundary walls, front gardens and the public realm. This separation distance is comparatively common within the village and partly informs the positive characteristics of the established pattern of development in the village. For

these reasons, the proposal would result in limited overlooking of habitable windows of The Old Schoolhouse. This would therefore result in a negligible reduction in privacy with no significant impact on the living conditions of existing occupiers.

19. As such, the proposal would accord with policy 8 of the CS with respect to the effect of development on existing occupiers. This requires, among other matters, for development to not result in an adverse impact on neighbours with respect to overlooking.

Living conditions – proposed

20. The proposed dwellings would comply with the Nationally Described Space Standards and have reasonable garden sizes. Plot two includes two bedrooms that are served by rooflights rather than windows. Nevertheless, these would be large openings and south facing. These would also overlook open land which is unimpeded by built form. As such, whilst relatively high level, the windows would offer some, albeit limited, views of the surrounding area. Accordingly, the outlook obtained from these rooms would be acceptable.
21. Consequently, the proposal would result in the provision of dwellings with a good standard of accommodation. The proposal would therefore satisfy policy 8 of the CS with respect to the effect on future occupier's living conditions. This policy seeks, among other matters, to ensure new development would protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers.

Other Matters

22. Policy 13 of the CS relates to the Council's rural exception policy and new development adjoining established settlements, beyond their existing built-up area or defined boundary. This policy would weigh neither for nor against the development as it is undisputed that the site falls within a settlement boundary.
23. The Framework seeks to boost the supply of housing. The scheme would deliver two dwellings within a village identified as being a category B settlement that would be suitable for infill development. I acknowledge that the village has not been expanded with new housing development for a protracted period. However, no local needs assessment has been provided that might indicate a local need for housing exists within the village. As such, the benefit of two further houses in the village conveys only moderate weight in favour of the scheme.

Conclusion

24. The proposal would harm the character and appearance of the area and would conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR