



Appeal Decision

Site visit made on 7 June 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2022

Appeal Ref: APP/W2845/W/21/3289218

Staverton Hill Farm, Badby Lane, Staverton, Northamptonshire NN11 6DE

- 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 Jason Ransford against the decision of West Northamptonshire Council.
 - The application Ref DA/2021/0344, dated 26 March 2021, was refused by notice dated 5 November 2021.
 - The development proposed is change of use of existing buildings to Use Class E (commercial, business and service) and to include expansion of existing lake for leisure fishing and construction of new car park with associated landscaping works all to be accessed off existing entrance from A428.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was submitted to Daventry District Council, but since that date, reorganisation of Local Government in Northamptonshire has taken place and the Council has become part of the new West Northamptonshire Council.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

4. The appeal site is located within the wider farm site, and is made up of several buildings, constructed but not yet fitted out. A number of residential dwellings are located to the east of the appeal site, including a number under construction. The residential properties are largely screened behind high vegetation.
5. The proposed use would see the buildings used for purposes with Class E of the Use Classes Order which covers commercial, business and service as a whole, but is set out into various subsections, including retail, sale of food and drink, indoor sports and creche/day nursery facilities.

6. Paragraph 185 of the National Planning Policy Framework (the Framework) states that new development should be appropriate for its location, taking into account its likely effects as well as the sensitivity of the site and as avoiding noise that would give rise to significant adverse impacts that impact on health and quality of life.
7. In addition, it states that it should identify and protect tranquil areas that have remained undisturbed by noise and are prized for their recreational and amenity value for this reason.
8. Whilst on my site visit, I visited Oak Cottage (closest property to the site) and could observe large portions of the appeal site from habitable room windows, and also noted how quiet the wider residential area is. The property lies adjacent the high vegetation screening, but there is some visibility of the appeal site, and the sloping garden of Oak Cottage is adjacent that screened area, but the garden is screened from other residential development due to the long access drive to the property.
9. The appellant has submitted a Noise Impact Assessment (NIA) in support of the proposals which states that the use would not cause any material harm to the amenities of the local residents.
10. However, I am concerned that Class E of the Use Classes Order allows for a wide range of potential uses, of which the appellant has not sought to restrict in any manner. I have serious reservations that conditions attempting to control the nature of uses, as recommended by the appellant, would not be able to meet the tests as set out in the Framework, given the wide spectrum of potential uses from the appeal site.
11. As such, I cannot be convinced that a suite of conditions could control the impact of the development on nearby residents. Noise and disturbance levels cannot be controlled from the wide range of potential uses that could affect adjacent residents. The sound of employees and customers coming and going and all the ancillary things that come with that would be likely to cause disruption to nearby residents, and I find would undermine the tranquil nature of the area and a resident's expectation of natural peace and quiet in a countryside area.
12. I find that the proposal is in conflict with policies S1, S10 and R2 of the West Northamptonshire Joint Core Strategy (2014) and policy ENV10 of the Settlements and Countryside Local Plan for Daventry District (Part 2) (2020), which collectively, amongst other matters, expect development in the rural areas to respect the quality of tranquillity, minimise pollution from noise, support the environmental quality and character of the rural area and protect the amenities of existing dwellings.
13. In addition, I find conflict with the guidance set out in paragraph 185 of the Framework.

Other Matters

14. I note the appellant's comment that the application was recommended for approval by Council Officers but refused by Committee. In this case I have noted the recommendation of the Council's Officers which they commented was a balanced decision. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the

professional advice of Officers so long as a case could be made for the contrary view.

15. I find that the Council's reasons for refusal are complete, precise, specific and relevant to the application. It clearly states the policies of the Development Plan and all other relevant matters that the proposal would conflict with.
16. The reason for refusal is adequately substantiated by the Council in the appeal statement, and they have exercised their planning judgement. I agree with the Council that the proposal does not comply with policy, and I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision.
17. With respect to the fallback position of the reclamation yard, I find that the potential for uses with Class E that would potentially generally material harm to the local residents outweighs the harm that could be caused to amenities by the individual use as a reclamation yard, and as such I give the matter limited weight in my assessment.
18. With regard to the benefits of the scheme, the wide spectrum of uses proposed, and the relative inability to control them does not allow the position to be given significant weight and again, is outweighed by the potential harm to local residents.
19. The impact on biodiversity from the car park, which has not been seen as an issue on previous developments has received limited criticism from the Council in their appeal statement and I find that if I were to allow the appeal, conditions could be added in order to make this element of the development acceptable.
20. Nonetheless the harm that I have identified to residential amenities gives this biodiversity issue only neutral weight at best, and the dismissal of the appeal stands.

Conclusion

21. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR