



Appeal Decision

Site visit made on 30 August 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/M2840/W/22/3292357

2 Launde Cottages, The Lawns, Twywell NN14 3AH

- 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 Lee Walsh against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00830/FUL, dated 17 May 2021, was refused by notice dated 17 August 2021.
 - The development proposed is a new detached dwelling within the grounds of an existing builder's yard at the rear of Launde Cottages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have had regard to Policy EN1 of the Emerging East Northamptonshire Part 2 Local Plan (Submission Draft 2021) (ENLP). Whilst this submission draft can only be afforded limited weight, it adopts a similar approach set out in the adopted plans and the Framework, including the rural exceptions which do not relate to open market housing.

Main Issues

3. The main issues are:
 - Whether the appeal site would be a suitable location for the proposal having regard to the settlement strategy for the area;
 - The effect of the proposal on the character and appearance of the surrounding area, including the Twywell Conservation Area;
 - The effect of the proposal on highway safety, with particular regard to access for emergency service vehicles; and
 - Whether the proposal would provide acceptable living conditions for the future occupants of the proposed dwelling with regard to refuse collection.

Reasons

Location

4. The settlement strategy hierarchy approach is set out in The North Northamptonshire Joint Core Strategy 2016 (JCS) and The Rural North, Oundle and Thrapston Plan 2011 (RNOTP). Although these predate the National

Planning Policy Framework 2021 (the Framework) they are broadly consistent with its overarching sustainability aims by considering where new development should and should not be located, directing housing growth to sustainable settlements and preventing uncontrolled growth in the countryside.

5. Twywell is defined in the RNOTP as a Category A village and has a defined village planning boundary. Within these planning boundaries RNOTP Policies 1 and 2 support windfall development, including the infilling of gaps in an otherwise built-up frontage. As only a small proportion of the appeal site is located within the defined planning boundary these policies offer no support to this proposal. Policy RNOTP 1 also states that in the open countryside housing development will not normally be permitted.
6. Policies 11 and 13 of the JCS are only supportive of residential development outside defined planning boundaries where it would meet the special circumstances outlined in JCS Policy 13 (Rural Exceptions). As the appeal site is predominantly adjacent to the defined planning boundary, this policy requires that the development should comply with each of five criteria, including meeting an identified need arising within the village or network of villages through a local needs survey. Although the appellants are described as a local family who want to settle permanently in the village, there is insufficient evidence to demonstrate that the development would meet the need described in the policy or meet the other special circumstances outlined. There is therefore no policy support in this regard.
7. The site would lie predominantly outside the defined planning boundary, extending out beyond the confines of the village, when the planning policies require restraint to the spread of development in rural areas. The Framework requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, and both the Framework and the development plan are clear that the above policies offer no support for this appeal proposal.
8. Although there is no Planning Permission or Lawful Development Certificate to support the use of the site as a builder's yard, I saw that parts of the site contained various materials together with a cluster of small outbuildings. However, the outbuildings were domestic in scale and did not show any signs of organised storage of materials. The overall extent of the building materials was relatively limited, very haphazard in nature, and large parts of the site were open grassland. There was a track to the outbuildings with a compacted stone surface. I note, however, that a photograph in the appellant's Access and Traffic Statement showed this track to be predominantly a grassed area which did not suggest regular use, especially associated with visits by larger vehicles.
9. I have taken account of the evidence before me including the historical documentation and the local representations both in support of and against the stated use. However, in the absence of a Local Development Certificate I cannot be sure what the use is or whether it is lawful, and it is not for a Section 78 appeal to be determinative on this matter. The appeal site could not therefore be regarded as previously developed land (Annex 2: Glossary, The Framework).
10. For the reasons given, the development would not be a suitable location for the proposal having regard to the settlement strategy for the area. It would

therefore be contrary to RNOTP Policies 1 and 2, Policies 11 and 13 of the JCS, Policy EN1 of the ENLP and the Framework.

Character and appearance

11. The appeal site is an L-shaped parcel of land lying to the south of Launde Cottages and Cyprus Row. Part of the site is enclosed by adjoining rear gardens but to the south the appeal site adjoins a public footpath, lined by hedgerows, and beyond this is a large area of allotments, with open countryside beyond. The appeal site extends east to join a narrow, unadopted track (The Lane) which connects with several other dwellings and the allotments.
12. The appeal site is located partly within Twywell Conservation Area. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. A matter of considerable importance and weight.
13. The area around the appeal site is predominantly characterised by a core of historic buildings of traditional form clustered around Lower Street with their long linear gardens running to the south, and several more modern properties mainly to the west. There is a mix of building ages, with some alterations, and a variety in materials. The proposed development would lie in the foreground of prominent views towards the village from The Lane, the public footpath and the allotments beyond. It would also be viewed against the backdrop of the stone-built historic Launde Cottages and the simple red brick terrace of Cyprus Row.
14. The site is to some extent partly enclosed by surrounding gardens, and the footpath and allotments provide some visual enclosure to the south, and in many respects the site is well related to the settlement form. However, being well sited in relation to an adjoining settlement should be expected of any new development, and this could only be regarded as a neutral factor which would not weigh either in favour or against the proposal. However, the proposed dwelling would be located much further south than any other dwelling in the immediate area. It would jut out beyond the established built form of the settlement and would appear visually prominent and isolated in an area predominantly characterised by long linear gardens and allotments.
15. The proposed dwelling would be a large building with a complex and bulky form and lack consistency to its detailing. Despite being similar in height to nearby buildings, it would have multiple roof forms and gable widths, and would not appear as a unified design. This would contrast with the simpler form, massing and design of nearby buildings, and it would not integrate with the surrounding built context, despite the use of similar materials.
16. By virtue of its siting, its form and design, the appeal proposal would result in harm to the character and appearance of the Conservation Area. The harm would be less than substantial, attracting considerable importance and weight. In accordance with paragraph 202 of the Framework, this harm should be weighed against any public benefits of the proposal.
17. The provision of one dwelling would only make a small contribution to the Framework's objective to significantly boost the supply of homes. There would also be short-term economic benefits associated with the construction of the dwelling. The building would also incorporate sustainable building techniques

and would incorporate crime prevention measures to create a safer environment. Whilst these matters attract small weight in favour, the public benefits would be limited given the scale and nature of the development. They would not outweigh the harm that I have identified and would be contrary to the heritage protection aims of the Framework.

18. Therefore, the proposal would have a harmful effect on the character and appearance of the area, including the Twywell Conservation Area. It would be contrary to Policies 2 and 8(d) of the JCS, Sections 12 & 16 of the Framework and the National Design Guide (2019). These seek to achieve well-designed places, and to conserve and enhance the significance of heritage assets.

Highway Safety

19. Whilst the local highway authority raised no objection to the appeal proposal, these comments assumed an established lawful use as a builder's yard. The appellant's Access and Traffic Statement also assume a lawful use as a sizeable builder's yard/store. However, it has not been adequately demonstrated that this is the lawful use of the site and the development proposed must therefore be assessed in terms of its compliance with highways standards for a new dwelling. Furthermore, the Traffic Statement states that the scheme would reduce traffic movements, but it is based on the appellant's stated usage rather than any comprehensive, independent survey of vehicular movements.
20. The Lane provides vehicular access to several dwellings, the allotments and to access the appeal site. It is narrow with no obvious passing points or a separate pedestrian footpath, and in places is enclosed tightly by walls and fences. It is also a public right of way. The access is particularly constrained and substandard, and although it is relatively short, the slight bend in the route means that potentially vehicles could meet each other and have no manoeuvring space. Pedestrians have few places to stand to avoid oncoming vehicles.
21. The Lane already accommodates a variety of vehicles with no apparent issues and is typical of many rural village layouts. I note also that even though a lawful use as a builder's yard has not been demonstrated, the site has vehicular access and will already generate some vehicular movements. However, whilst the appeal proposal would only result in vehicular movements associated with one additional dwelling it would regularise access to The Lane and most likely intensify the number of vehicles using it.
22. There is no compelling evidence to demonstrate how a fire tender would access the appeal property and if changes were required to make the access suitable these may well be outside the control of the appellant. Although Sunnyside Cottage on the opposite side of The Lane may experience similar difficulties, a further dwelling in this location would compound this potential issue and the proposed dwelling would be even further from the highway.
23. The proposal would therefore have an unacceptable effect on highway safety, with particular regard to the adopted highway standards and access for emergency service vehicles. It would therefore be contrary to JCS Policy 8bii and the Local Highway Authority Standing Advice for Planning Authorities (2016) which seek to resist developments which would prejudice highway safety. It would also be contrary to Paragraph 130a of the Framework which seeks to ensure that developments function well.

Living Conditions

24. Whilst it is stated that the occupants of the new dwelling would take their waste to the highway for collection, there is no adequate evidence to show where this would be placed. In any event, this would present difficulties for the elderly and others with mobility problems in taking refuse some distance away from the property and along the narrow track. The development would therefore not function well and would not provide acceptable living conditions for the future occupants of the proposed dwelling with regard to refuse collection. It would therefore be contrary to JCS Policy 8bii. It would also be contrary to Paragraph 110 of the Framework which seeks to ensure that developments provide safe and suitable access for all users.

Other Matters

25. The appeal proposal would not be an isolated home in the open countryside, it would not be affected by other landscape designations and would have access to some local services and public transport. I also recognise that there are no issues with regard to flooding and it would not have adverse impacts on the living conditions of surrounding occupiers. Be that as it may, these matters do not outweigh the harm that I have identified nor provide justification for development that conflicts with the development plan.
26. The appeal decision cited shares some similarities with the appeal proposal before me. However, based on the limited details, this appeal site was related to a large urban extension, the result of which was considered to have eroded the appeal site's relationship with the countryside. This would not be the case with the appeal before me. It was also in a different location and was not related to a Conservation Area. It is therefore materially different and not determinative in this case.
27. The pre-application advice was an informal officer response based on the information submitted and cannot prejudice the decision of the Council in determining a formal application. I too have acknowledged that the proposal could be viewed as being well related to the settlement form. However, I have also pointed out that this would be expected of any new development and therefore has no bearing on the acceptability of the proposal.

Conclusion

28. For the reasons given above, the proposal would conflict with the development plan as a whole and material considerations, including the Framework, do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR