



Appeal Decisions

Hearing held on 16 August 2022

Site visit made on 16 August 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal A Ref: APP/M2840/W/22/3297806

Barns south of 19 Hardwick Village, Hardwick NN9 5AL

- 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 Richard Reynolds (Rookery Farmers Limited) against the decision of North Northamptonshire Council.
 - The application Ref NW/21/00802/FUL, dated 16 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is demolition of an agricultural building and replacement with two detached, two storey, five bedroom dwellings, access, turning area, hardstanding for parking, boundary treatments and landscaping.
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Appeal B Ref: APP/M2840/W/22/3297826

Land west of Hardwick Village, Hardwick, Wellingborough NN9 5AL

- 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 Richard Reynolds (Rookery Farmers Limited) against the decision of North Northamptonshire Council.
 - The application Ref NW/21/00815/FUL, dated 15 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is erection of a new grain store.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Applications for costs

2. Applications for the award of costs have been made by Mr Richard Reynolds (Rookery Farmers Limited) against North Northamptonshire Council in respect of both appeals. Applications for the award of costs have also been made by North Northamptonshire Council against Mr Richard Reynolds (Rookery Farmers Limited) in respect of both appeals. These applications are subject to separate decisions.

Preliminary Matters

3. The appeals are made in respect of separate developments on separate plots of land a couple of hundred metres apart to the south-western side of Hardwick village. At the hearing, it was made clear by the appellant that each proposal stood on its own merits, but the appeals are linked in so far as the appellant argues that the development of housing under Appeal A is required to fund the construction of the grain store sought under Appeal B. With this in mind, I address the issues of each appeal separately and cross-refer as appropriate.

4. In Appeal A, I have taken the description of development from the appeal form, as this more fully describes the proposal than the details given on the application form; however, I have omitted reference to the proposal replacing another approval, as this does not in itself relate to an act of development.
5. In Appeal B, a drawing entitled 'Proposed Block Plan' was omitted from the documents initially submitted with the application. The absence of this drawing is relevant to the Council's third and fourth reasons for refusal. The drawing was provided the appeal stage and, consequently, interested parties and the Council have had the opportunity to comment on it. At the hearing, the Council argued that the plan was a material change to the proposal. However, the drawing does not purport to change the proposal, but to illustrate details of the scheme as originally submitted. Whilst the omission was initially the appellant's error, it was listed on the application form and so it was open to the Council to query its whereabouts before validation or during the application. Ultimately, the details on the plan are not complex and the Council was capable of commenting on them during the hearing. Therefore, having regard to the *Wheatcroft* principles, I am satisfied that no injustice would arise to any party by my taking this plan into account as part of Appeal B.

Background and Main Issues

6. The site of Appeal A contains an agricultural barn in place since the 1970s and extended over time. An application in 2017 to demolish the barn and replace it with two detached dwellings was refused by the Council and subsequently dismissed at appeal¹. Following this, in August 2020, the Council granted prior approval for the conversion of the barn to two dwellings under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Class Q scheme). To date, this development has not been implemented. The application now forming Appeal A was then submitted in October 2020.
7. The site of Appeal B is an open agricultural field to the west of the village. Planning permission was granted in 2018 for a large agricultural building within the field, but this permission subsequently lapsed before being implemented.
8. Having regard to the evidence before me, I consider the main issues to be:

Appeal A

- Whether the proposal would represent a suitable location for housing, having regard to relevant local and national planning policy and the effect of the proposal on the character and appearance of the area, and;
- Whether other material planning considerations exist that would outweigh any identified conflict with the development plan.

Appeal B

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on protected species;
- The effect on the living conditions of neighbouring occupants, and;
- The effect of the proposal on highway safety.

¹ Appeal Ref: APP/H2835/W/18/3204444, dismissed 13 February 2019

Reasons

Appeal A

Location for Housing

9. The development plan for the area comprises the North Northamptonshire Joint Core Strategy (July 2016) (the JCS) and the Plan for the Borough of Wellingborough (February 2019) (the PBW). Policy 1 of the JCS sets out a general presumption in favour of sustainable development in line with the aims of the National Planning Policy Framework (the Framework). Subsequent policies set out how this is to be achieved.
10. JCS Policy 11 sets out a settlement hierarchy to guide development, firstly to the identified Growth Towns, then to smaller towns and villages, and finally to open countryside. The policy states that development in the rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement, and other specific exceptions. JCS Policy 13 sets out further criteria to be met in order for development to be permitted in rural areas as an exception to Policy 11.
11. Policy SS1 of the PBW further defines a rural settlement hierarchy. Hardwick is identified as a 'restraint village' which is to be treated as open countryside, where development will be strictly managed and normally restricted to re-use or conversion of suitable buildings, with any locally arising needs to be met through neighbourhood plans, community right to build or directed to more sustainable villages nearby.
12. The appeal site stands by itself at the end of a narrow lane within the open countryside, though it is close to the built-up area of the village, separated from housing by a narrow area of undeveloped land. The site's proximity to other dwellings on the lane means that I do not regard it as being 'away from other settlements' for the purposes of applying the requirement of Part 2 of Policy 13, namely that the dwelling be of exceptional quality or innovative design or required for a rural worker.
13. At paragraph 5.13 of the JCS, 'local needs' refers to affordable and market housing, for which no evidence has been advanced by the appellant. I heard from the appellant that the proposal would support a prosperous rural economy in terms of securing a new barn for the appellant's farming enterprise. However, there is no provision in the aforementioned policies for market housing to be permitted to generate funds for an existing business. Policy 25 relates specifically to rural economic development, but does not support housing as a form of rural diversification. This was the conclusion reached by the previous Inspector, and nothing I have seen, read or heard leads me to a different interpretation of the relevant development plan policies.
14. This aside, the proposal for market housing would not meet any of the other applicable criteria of Policies 11, 13 or SS1. No evidence has been advanced as to why such housing could not be accommodated in a larger settlement, as required under Policy 11(a). Hardwick, as a restraint village, has very limited facilities and no public transport, meaning occupants of the development would have to make journeys by private car for virtually all shopping, work, educational and recreational needs. As such, the proposal would not represent

an accessible location for housing and would conflict with the settlement hierarchy of the development plan which directs such housing to larger and more sustainable settlements.

15. It is relevant to my overall considerations that the Class Q scheme, if implemented, would establish residential development on the site. I consider the fall-back scheme as a potential material consideration to be weighed in the planning balance below; however, I do not agree with the appellant that the existence of the Class Q scheme means that the proposal is effectively replacing two dwellings, not creating two, such that the aforementioned policies should be interpreted differently. There are no dwellings on the site at present and, in simple terms, the proposal would create two new dwellings in the open countryside, contrary to the aforementioned policies.
16. For the reasons set out, therefore, I conclude that the proposal would conflict with the overall spatial strategy for the area and so would not represent a suitable location for housing, in conflict with Policies 1, 11 and 13 of the JCS and Policy SS1 of the PBW.

Character and Appearance

17. The appeal site lies at the edge of the village where it adjoins expansive agricultural fields stretching into the wider countryside. A public footpath runs alongside the site along which walkers experience the transition from the built-up parts of the village to its rural surroundings. The existing barn, though large and of no particular architectural merit, has an obvious agricultural character which is in keeping with the rural surroundings. The natural and in places fragmented hedgerows and tree lines surrounding the barn help to embed it into its surroundings and contribute to a soft, natural transition between the village and countryside.
18. The proposed dwellings would be substantial in size, arranged to form a large U-shape with central access and parking areas. A new turning area and gravel driveway in front of the dwellings would also be created. The general form of the dwellings, incorporating traditional materials and an elongated L-shape layout would exhibit elements of rural farmhouses with adjoining outbuildings, reflecting past development nearby at Manor House Farm.
19. However, unlike that development, the proposed dwellings would not form a continuation of the mainly linear pattern of development which prevails in the village, but would stand detached from the built-up area in the open countryside. The ordered, symmetrical layout of the development, along with the engineered access and turning area and straight boundary lines, would replace the existing soft, transitional appearance of the site with a markedly more urban form. The proposed dwellings would also be significantly larger than those along the lane leading to the site, with their visual impact exacerbated by the expansive layout around a central courtyard. This sharp difference in scale compared to the nearest development, and the narrow rural lane itself would add to the incongruity of the proposal in this location.
20. Notwithstanding the appellant's intentions to landscape the site to provide screening for the dwellings, their size and urbanising effect would be clearly visible to those using the public footpath which passes the site. Indeed, the plans indicate that the side of Dwelling 2 would be visible as it would stand close to the site boundary next to the public footpath with insufficient space for

planting. The presence of parked cars, bin storage and maintained hedgerows to the front would add to the urbanising effect of the development.

21. The Council criticised the proposal for falling short of the 'exceptional quality' of design required by Paragraph 80 of the Framework to support isolated homes in the countryside. However, the appellant indicates that they are not seeking to meet this standard, nor are they required to, as the site is not considered to be isolated within the meaning of the Framework. On this I agree with the appellant as, having regard to relevant case law in this matter. Therefore, the requirements of Paragraph 80 are not applicable to the proposal.
22. However, for the reasons set out, I nevertheless find that the proposal would harm the rural character of the area through the introduction of a suburban layout and design. In reaching a view, I recognise that the existing agricultural barn is of no architectural merit, but it nonetheless is a form of development typical of the countryside and which has assimilated into its surroundings. Development through the Class Q scheme would retain the general form and outward appearance of an agricultural barn and would not result in an adverse effect on the existing rural character of the area. Therefore, I do not regard the proposal as necessary to remedy a particular visual harm, nor would it given my findings above.
23. Therefore, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy 3 of the JCS, which requires development to conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design and management.

Other Material Considerations

Need

24. The appellant advances that the proposal is required to generate funds to enable the grain store sought under Appeal B to be developed. The appellant has submitted a viability report which seeks to establish that the only feasible option to raise funds is through the development of the site for housing, and moreover in the form proposed, not conversion under the Class Q scheme, which it is indicated would not generate sufficient revenue.
25. As set out above, the Council indicated at the hearing that 'local need' as expressed under Policy 11 relates to the need for housing, not a need related to a business. Moreover, under the previous appeal, the Inspector determined that the development of housing did not constitute diversification of an agricultural business in terms of Policy 25. The circumstances put to the Inspector in the previous appeal are not substantially different to the appellant's case now, and there has been no change in the policy context. As such, I agree with the previous Inspector that the proposal is not supported by Policy 25. Moreover, there is no evidence before me of a demonstrable local need for housing that would be met by the proposal, nor are the dwellings promoted as affordable housing that might be regarded as a tangible benefit in its own right.
26. In terms of the viability of the farming enterprise, the financial information provided relates to 2017 to 2019, and therefore does not represent the latest position. This aside, the report indicates that the farm made a profit in these years, and it states that it actually is viable. The appellant's concern is borne

from anticipated changes in regulations governing the storage of crops which it is argued would render the existing barn on the site unsuitable. However, the financial information presented does not include any forecast of future costs or overall losses, and therefore there is limited evidence to substantiate the appellant's position.

27. I heard at the hearing that the existing barn is unsuited to crop storage due to its low height and being partially open, exposing the crops to the elements and vermin. Be that as it may, the appellant's evidence does not clearly demonstrate whether other options, such as renovating the existing barn, renting storage space or pursuing other forms of agriculture, have been fully considered and/or ruled out.
28. Moreover, there are no details of what level of profit would be generated once the grain store is in place, or conversely to what extent and how quickly profits would diminish were the existing barn to be retained. I heard anecdotally from the appellant that despite listing considerable assets in the financial information provided, it would be difficult if not impossible to secure a bank loan for the cost of building a new barn. However, there is nothing in evidence to verify that such options have actually been explored and found to be unfeasible.
29. Overall, the evidence does not clearly demonstrate that the farming enterprise would become unviable should development of the site for housing not proceed. However, even if I were to accept the appellant's viability evidence, there is no mechanism before me that would ensure that the income generated from the development under Appeal A would be used to fund a grain store on the site of Appeal B. Without such a mechanism, it would be possible to build the houses and not implement a permission for a grain store. The possibility of planning conditions was discussed at the hearing, but I agree with the Council that such a condition would not be suitable given it would be likely to unreasonably restrict occupation of the new dwellings until the grain store is provided. Moreover, it would not be possible to use a condition to compel the construction and/or use of the grain store.
30. Therefore, whether or not a new grain store is needed for the survival of the farming enterprise, there is no guarantee that the proposal under Appeal A would enable that to be provided. Consequently, I find that the argued benefit of the proposal in funding the grain store under Appeal B is not a consideration weighing significantly in its favour, but rather attracts no more than limited weight in the planning balance.

Fall-back Position

31. As already referred to, the appellant could convert the existing barn to two dwellings under the provisions of Class Q and the prior approval granted in 2020. The Council counters that the proposal contains twice the floorspace of the Class Q scheme and that it would extend over more of the site.
32. I acknowledge the appellant's reference to appeals where Inspectors have placed weight on the existence of a fall-back in determining the suitability of the location for residential development. However, the fall-back scheme in this case, as made clear by the appellant in their viability report, would be insufficient to fund the proposed grain store. This places doubt on the likelihood of the fall-back scheme being implemented, though I accept that the existence

of the prior approval means there is more than a theoretical likelihood of it being implemented should Appeal A be dismissed.

33. However, there are notable differences between the schemes. The Class Q scheme is significantly smaller in terms of the overall residential floorspace provided. Moreover, the conversion of agricultural buildings to dwellings under Class Q enables the productive re-use of existing structures and thus avoids the construction of new dwellings in the countryside. As set out above, the conversion of existing buildings would also retain the existing agricultural aesthetic of the site and effect limited change on the landscape.
34. In contrast, the proposed scheme, for the reasons already set out, would harm the landscape character of the area through its suburban layout and appearance. It would also significantly exceed the floorspace of the Class Q scheme and would fail to make positive re-use of an existing structure. In these respects, I distinguish this proposal from appeals referred to me by the appellant at *Henfield* and *Daventry*, in both of which the proposed dwelling was smaller in footprint than the extant Class Q scheme. Another appeal at *Walgrave* was for prior approval rather than planning permission and so is not comparable to the present appeal.
35. These factors lead me to conclude that the fall-back position is not more harmful in its overall scale and form than the appeal scheme, and therefore the appeal scheme does not represent a more favourable alternative that should merit significant positive weight in the planning balance. Any benefit in terms of removing an aging agricultural building would be minor. Therefore, I afford only limited weight to the fall-back position in favour of the proposal.

Other Matters

36. In terms of highway safety, I note comments from interested parties and the appellant that the replacement of the existing barn and its relocation to the site of Appeal B would result in less farm traffic on the lane and through the village, reducing incidences of conflict between agricultural vehicles and other vehicles and pedestrians. The lane leading to the existing barn is narrow and there would be some benefit for other residents of the lane were it to be no longer required for agricultural vehicles. However, the evidence before me of the frequency of incidents involving agricultural vehicles is limited, and the development of two large dwellings would conversely introduce additional residential traffic along the lane. As such, the effects in terms of highway safety within the village are likely to be neutral.
37. The Council did not refuse permission in respect of other matters, including neighbours' living conditions, contamination, biodiversity, flood risk, archaeology, energy efficiency and internal space standards and accessibility. On the evidence before me, I have no substantive reasons to reach different conclusions in respect of any of these matters. The absence of harm in these respects means they are neutral factors in the planning balance.

Planning Balance

38. The proposal would conflict with the development plan due to the locating of market housing within the open countryside near to an identified restraint village with very limited services and facilities, in conflict with the spatial

strategy of the JCS. The proposal would also cause harm to the character and appearance of the area.

39. A fall-back position has been established through the prior approval application, but there is doubt as to the likelihood of this being implemented, having regard to the appellant's own viability evidence. I have had regard to the various appeal decisions and case law referred to by the appellant, and I accept that the existence of the Class Q scheme weighs against the conflict with the spatial strategy of the JCS, but I am not persuaded that the relevant development plan policies should not still be afforded significant weight in the planning balance, as the proposal is for new build dwellings in the countryside, whereas development under Class Q is not subject to a test of sustainability of location, but is intended as a means of delivering rural housing through the re-use of existing buildings.
40. However, even if I accept that the fall-back establishes the principle of residential development on the site, it would not have as harmful an effect on the character and appearance of the area, nor would it make efficient re-use of an existing building. Therefore, I find that the fall-back scheme, overall, is not more harmful than the proposal and merits only limited weight as a material consideration in favour of the appeal.
41. In addition, the evidence before me in respect of the proposal being required to finance a new grain store is not persuasive. Even if it was, there is no mechanism to secure such a benefit. Accordingly, this attracts only limited weight in favour of the proposal.
42. I accept that the proposal would deliver two additional dwellings to the housing stock, with associated economic benefits from the construction of the dwellings and subsequent engagement by residents in the local economy. However, given the scale of the proposal, the social and economic benefits in these respects would be limited.
43. There would also be minor environmental benefits arising from sustainable features such as air source heat pumps, but this would be offset by the location of the dwelling necessitating reliance on the private motor car for almost all journeys, and the inherent environmental costs of constructing new dwellings, including materials, energy and emissions. As such, the environmental aspect of the proposal would be neutral at best.
44. Taken together, I conclude that the material considerations in this case would not be sufficient to outweigh the identified conflicts with the development plan, taken as a whole. Therefore, Appeal A should not succeed.

Appeal B

Character and Appearance

45. The proposed grain store would take the form of a standard agricultural building, with a shallow, off-set pitched roof, and profiled metal sheeting to the roof and exterior walls. It would be located towards the rear of a presently open agricultural field to the west of the village, with access gained via an existing gate.
46. The scale of the store is such that it would be clearly visible within the field, introducing built form where there is none at present, and would represent an

inherent change to the appearance of the land. However, the design of the store is typical of modern agricultural buildings commonly seen in rural areas, and in this respect it would not appear uncharacteristic or incongruous. The store would also be smaller than that previously approved.

47. The appellant's plans indicate that an earth bund would be created, atop which would be new tree planting to provide screening of the store. This would have a minor visual impact in and of itself, but would have a more natural appearance that in time would assimilate with surrounding hedgerows. In screening the store, it would also reduce the starkness of the building in an otherwise open field. The detailed design of the bund could be addressed by condition were the appeal to be allowed.
48. The proposal would also include areas of hardstanding in front of the store. Such an element is to be expected of a modern barn. It would not have a significant visual impact given it would be set well into the site and partially screened by the proposed bund. The materiality of the hardstanding could also be addressed by condition to ensure a sympathetic overall appearance within the rural surroundings of the site.
49. For these reasons, I conclude that the proposed grain store would preserve the character and appearance of the area, and no conflict would arise with Policies 3 and 8 of the JCS, which require development to be located and designed in a way that is sensitive to its landscape setting and which respond to the local topography and the overall form and character of the settlement.

Effect on Protected Species

50. There are two ponds identified in proximity to the site and it is indicated that the site falls within a 'red zone' for great crested newt, a protected species. No ecological survey or other information has been provided by the appellant which assesses the likely presence or otherwise of great crested newt or other protected species.
51. The Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. Circular 06/2005² states that the presence of a protected species is a material consideration when a development is being considered which would be likely to result in harm to the species or its habitat. It adds at Paragraph 99 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established *before* planning permission is granted (my emphasis).
52. At the hearing, I was advised that the Council operates a licensing regime which the appellant could enter into as an alternative to undertaking a standard ecological survey. However, I was told the licence must be issued prior to planning permission being granted, as conditions would have to be added to the permission to ensure compliance with the terms of the licence and that the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended) are met. This is consistent with the advice of the circular.

² Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

53. The circular further advises that surveys should only be required by condition in exceptional circumstances. Given the limited information currently available in relation to the appeal site, use of a pre-commencement condition requiring a survey would not be an appropriate course of action in this case.
54. Moreover, the absence of survey information means that it is not possible to identify suitable mitigation measures to minimise potential impacts on this protected species. Full details of any mitigation measures would need to be provided to apply for a licence from Natural England. In the absence of this, I cannot be certain that an application for a license would be successful.
55. In the circumstances, the absence of sufficient information means that I cannot rule out potentially significant harm to protected species. Therefore, the proposal would conflict with Policy 4 of the JCS, which requires that existing biodiversity assets should be protected by refusing proposals where significant harm to an asset cannot be avoided, mitigated or, as a last resort, compensated. This reflects the guidance of Paragraph 180 of the Framework.

Neighbours' Living Conditions

56. The Council's reason for refusal in this respect relates to the absence of detail stemming from the missing 'Proposed Block Plan' drawing. At the hearing, the Council questioned the unknown height of the bund and general absence of detail, but there was little by way of specific potential harm identified.
57. I acknowledge that details shown on this specific drawing were not initially available to the Council. However, the general location of the grain store and its proximity to neighbouring dwellings could still be ascertained from the red line of the site location plan. The proposed block plan served mainly to pinpoint the position of the grain store within an already limited area of the wider field. As such, I do not consider that it was beyond the Council's ability to assess the impact of the proposal on neighbours' living conditions.
58. The grain store would be a typical agricultural building intended for storage. It would be set a sufficient distance from the nearest dwelling to the east and separated by two hedgerows that would screen the site from neighbours and mitigate any tangible loss of outlook. Nothing in evidence indicates to me that the expected use of the building to store grain would generate significant levels of noise or activity that would be detrimental to the living conditions of neighbouring occupants.
59. On the evidence before me, therefore, I conclude that the proposal would preserve the living conditions of neighbouring occupants, in accordance with Policy 8 of the JCS, which seeks to ensure quality of life and safer and healthier communities by, among other things, protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

Highway Safety

60. The Council's concern again relates to the lack of detail provided in respect of the proposal, but also the adequacy of the proposed access to the site. It points to the proposal not including tracking details for an articulated lorry as were provided for the 2018 permission, and to doubts that the area falling within the red line of the site would be sufficient to provide a suitable access to satisfy the requirements of the local highway authority.

61. There is an existing gated field entrance which I understand stems from a 2011 permission. The road outside the site is narrow, and the local highway authority points to evidence of overrunning on the verges. Whilst the application does not contain tracking details, the fact that they were previously provided on a similar application indicates that access by large agricultural vehicles is achievable in principle, and specific details of the access to confirm turning requirements could be secured by condition were the appeal to be allowed.
62. I saw the road was lightly trafficked at the time of my visit. The appellant indicated that trips to and from the grain store would be limited, with a concentration of movements at harvest time. The Council confirmed at the hearing that it had no concern with the volume of traffic anticipated. Within the site itself, the plans indicate there would be sufficient space for vehicles to access, manoeuvre, park and exit the site. The store would be in direct sight from the site entrance, such that drivers would be able to see another vehicle entering or exiting and be able to wait, so as to avoid coming into conflict. I also heard from the appellant that the proposed location could be reached primarily from the west, thus reducing the volume of farm traffic travelling through the village.
63. On the evidence before me, therefore, I conclude that the proposal would not lead to demonstrable harm to highway safety, and no conflict would arise with Policy 8 of the JCS which requires developments to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Planning Balance

64. The proposal would deliver a grain store which would contribute to the economic activity of the appellant's farming enterprise and support the rural economy in line with the aims of Policy 25 of the JCS and the Framework. However, as set out earlier, the evidence before me does not demonstrate that the grain store is essential for the survival of the enterprise. As such, I afford this benefit moderate weight overall.
65. The absence of harm in terms of character and appearance, neighbours' living conditions and highway safety are neutral considerations. However, in the absence of sufficient evidence to demonstrate that the scheme would not be harmful to protected species, there would be conflict with the development plan and the guidance of the Framework. This is a significant and decisive consideration which outweighs the identified benefits in this case.

Conclusion

66. I conclude that both Appeal A and Appeal B should be dismissed.

K Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nigel Ozier BA(Hons) MRTPI	Director, Planning and Development, Aitchison Rafferty
Richard Reynolds	Appellant
Anna Reynolds	Wife of Appellant
Michael Reynolds	Son of Appellant
Graham Larkins	

FOR THE LOCAL PLANNING AUTHORITY:

Graham Northern	Senior Planning Officer
Nigel Bell	Solicitor
Heather Webb	Ecological Advisor

INTERESTED PARTIES:

James Marriott	Local Resident
Rob Nash	Local Resident

Documents submitted after the hearing

1. Email dated 17 August 2022 from appellant confirming agreement to proposed conditions for both appeals and attaching copy of planning statement and appendices in respect of Appeal A