



Appeal Decision

Site visit made on 27 September 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2022.

Appeal Ref: APP/M2840/W/22/3298322

420 Kettering Road, Orlingbury NN6 9TB

- 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 Al-Shaikly and Jones against the decision of North Northamptonshire Council.
 - The application Ref NW/21/01075/FUL, dated 11 December 2021, was refused by notice dated 8 February 2022.
 - The development is described as “proposed development on land at 420 Kettering Road”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form described the development simply as “proposed development on land at 420 Kettering Road”. The development is more fully described in the decision notice and appeal form as “2 no. detached, two storey four bedroom dwellings to the side of 420 Kettering Road, vehicular access, hardstanding, landscaping and boundary treatments”. I have used the postcode from the application form which is different to that given on the decision notice and appeal form. Regardless of these variations, the location of the site is clear from the site location plan and the appeal has been determined on the basis of the submitted drawings.

Main Issues

3. The main issues are:
 - Whether the appeal site would be a suitable location for new housing;
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide a suitable mix of housing;
 - The effect of the proposed development on community facilities; and
 - The effect of the proposed development on highway safety.

Reasons

Location of Housing

4. Policy 1 of the North Northamptonshire Joint Core Strategy 2011-2031 (adopted 2016) (JCS) sets out the presumption in favour of sustainable

development, including that to be considered sustainable development proposals need to be compliant with all relevant JCS policies. Policy 11 of the JCS defines the spatial strategy and hierarchy for the area, with the aim of ensuring that development will be distributed to strengthen the network of settlements. In combination with Policies 28 and 29, Policy 11 seeks to direct most new development towards towns. Policy 11 allows for development in rural areas under set circumstances, including locally arising need, small scale infill within a village, or adjoining a village to meet a housing requirement.

5. Policy 13 of the JCS sets out the criteria for rural exception sites. The only exceptions for sites in the open countryside relate to dwellings for rural workers or where there is exceptional design. The established village settlement boundaries are set out under Policy SS1 of the Plan for the Borough of Wellingborough – Part 2 of the Local Plan, (Adopted 2019) (PBW). Policy H6 of the PBW also provides an exception for self-build dwellings, but only where the site complies with Policy 13 of the JCS. Additionally, Policy 8 of the JCS provides the place shaping principles for the area. Together with Policy 13, it seeks to ensure that new development is well connected to existing services and facilities, including by walking, cycling and public transport.
6. The site subject to this appeal is outside of and not adjoining any established settlement so in policy terms is within the open countryside. The appellant does not dispute this. I have been provided with no substantive evidence that would lead me to conclude that the proposal would benefit from any of the exceptions set out in the development plan for housing in the open countryside.
7. The proposed dwellings would be near a small grouping of other buildings, including a few dwellings. Despite this, it would be physically separate and some distance from the nearest settlement. As such, in my planning judgement, they would be isolated homes in the countryside, which Paragraph 80 of the National Planning Policy Framework (the Framework) says should be avoided, other than in exceptional circumstances. I have been presented with no substantive evidence which would lead me to conclude that any of the Framework exceptions apply. Even if I did not consider the site to be isolated, policies within the Framework are material considerations but are not statute. This appeal must be determined in accordance with the development plan and as set out above the proposal does not comply with specific policies relating to dwellings in the countryside.
8. The site is a few kilometres from the nearest settlement, along roads with no footway and limited streetlighting. I have been provided with no information regarding public transport and the nearby petrol station provides limited facilities. Consequently, it is likely that the occupants of the proposed dwelling would rely on private motor vehicles to access services and facilities, which is the least sustainable form of transport. The fact that existing residents have to rely on private vehicles does not justify the addition of new dwellings in an unsustainable location.
9. I conclude that the site would not be a suitable location for new housing. The proposal fails to comply with Policies 1, 8, 11, 13, 28 and 29 of the JCS and Policies SS1 and H6 of the PBW. Together these policies seek to direct new housing development towards sustainable locations within settlement boundaries and limit housing development within the open countryside to defined exceptions. As a result, the proposal would erode the Council's overall

development plan strategy for housing location and undermine the plan-led approach to the delivery of housing as set out in the JCS, the PBW and the Framework.

Character and appearance

10. The site consists of some hard standing and patches of rough grass. On one side it adjoins a car sales garage and a nursery building, which are themselves next to a dwelling and petrol station on the crossroads of the A43 Northampton Road and Redhouse Road. To the other side and to the front, the site is open to the countryside. To the rear, there is a row of mature trees, with a few dwellings and some farm buildings beyond that. Despite the roads, and this loose gathering of buildings, the area is rural in character. There are roadside hedgerows and an area of woodland nearby, but the surroundings are relatively flat and open. The nearby dwellings and other buildings are in a variety of styles and finishes, with no strong or unifying appearance.
11. The nature of the surrounding topography means that despite the trees to the rear, the proposed two storey dwellings would be highly visible within the surrounding landscape. Whilst they would largely be viewed in the context of the existing buildings, they would be higher than the adjoining garage or nursery building and would add new built form to a currently undeveloped and open area. This would have a detrimental impact on the surrounding openness and rural character. Despite this, the specific design and scale of the dwellings would not be out of keeping with the surrounding buildings, given the lack of a common or unifying appearance.
12. Permission was granted in 2016 (Ref WP/15/00803/FUL) to construct a nursery on the site to replace the nursery building currently on the adjoining site. This has not currently been constructed but the consented building would be single storey and cover only half of the site with built form. The proposed dwellings would be higher and hence more visible within the landscape, as well as covering much more of the site with built form. Consequently, the impact on openness and rural character of the proposal subject to this appeal would be significantly greater than the consented scheme.
13. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area with regard to openness and rurality. Consequently, the development would not comply with Policies 3¹ and 8 of the JCS. Amongst other things, these policies seek to ensure that development responds appropriately to the distinctive character and context of a site, including the landscape setting.

Housing Mix

14. The proposal is for 2 dwellings each with 4 bedrooms. They are not proposed as affordable housing. On the basis of the information provided by the Council, the need for 4 bedroom dwellings in the area is very low. The appellant has provided no justification for why 2 dwellings of a size for which the need is low would represent the most efficient use of the site. Consequently, I am unable to conclude that the proposal would provide a suitable mix of housing. This is in conflict with Policy 30 of the JCS which seeks to secure a mix of house types to reflect local need and to accommodate smaller house households.

¹ Policy 3 is not listed in the reasons for refusal but lack of compliance with it is set out within the Council officer report and the appeal statement of case for the appellant and Council.

Community Facilities

15. Policy 7 of the JCS seeks to protect existing community facilities. The supporting text defines community facilities as those that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. On this basis I consider a nursery to be a community facility regardless of ownership.
16. The Council state that the existing lawful use of the site is as a car park for the adjacent nursery building. The appellant has confirmed that details under conditions of the 2016 permission for the replacement nursery at the appeal site were discharged in 2019 (Ref WP/18/00774/CND) and that the permission has been lawfully implemented. Therefore, despite the existing nursery building and the appeal site being in different ownership, there is agreement that the current lawful use of the site relates to a nursery. Although the replacement nursery has not currently been built, I have no substantive evidence that would lead me to conclude that it could not or will not be built in the future. Consequently, changing the use of the site to residential represents the loss of a site with permission for a community facility.
17. It was evident from my site visit that the adjacent nursery building was not currently operating and hence not currently using the appeal site for parking. Despite this, I have not been provided with any substantive evidence that the nursery building and the associated parking on the appeal site is no longer viable, no longer needed, or has been relocated. I also have no evidence regarding whether the loss of parking on the appeal site would have an adverse impact on the operation of the existing nursery building if it were in operation. In the absence of any such evidence I conclude that the proposal would result in the unjustified loss of a community facility, contrary to Policy 7 of the JCS.

Highway Safety

18. Implementation and maintenance of a suitable access and vision splays could be secured by condition. The Council state that due to its location, the proposed development could potentially have a detrimental impact on a proposed strategic road improvement scheme for the A43. Policy 17 of the JCS sets out that development will not be permitted if it would prejudice the role of a strategic connection.
19. I have no substantive information on the proposed road works, their possible timings or how the proposed development might prejudice any such works or the role of a strategic connection. I therefore have no sound basis to find that the proposed development would have a detrimental impact on highway safety or conflict with Policy 17 of the JCS.

Planning balance

20. The site is currently in a poorly maintained and overgrown condition and the proposal would tidy it up. However, the visual impact of the site in its current condition is restricted to the immediate area. The benefits of tidying up the site are therefore limited and do not outweigh the harm I have identified.
21. I note that permission was granted in 2018 (ref DA/2016/0797) for 6 dwellings on a site nearby. In that case it was concluded that material considerations outweighed the principle of restricting new dwellings in the countryside. Full details of the case are not before me, but I have considered the information

provided. The other site contained a derelict building directly on the crossroads. Hence the weight that could be afforded to the benefit of improving the visual impact of the site would have been much greater than for the site subject to this appeal, which is set off the crossroads and does not contain a derelict building. Furthermore, the decision was made by a different planning authority under a different development plan. In any event, each case must be considered on its own merits and impacts and there are material differences between the other site and the proposal subject to this appeal. The permission granted at this other site does not outweigh the need for the proposal to comply with the development plan.

22. The Framework supports the use of suitable brownfield land, particularly within settlements. While the site is brownfield land, the weight I can attribute to this in favour of the proposal is limited because the site is not within a settlement. Regardless of this, proposals on brownfield land still need to comply with the development plan.

Other Matters

23. Any additional matters raised by the Council in their statement of case, which do not relate directly to the reasons for refusal, have not been considered under this appeal.

Conclusion

24. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR