



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/W2845/W/22/3295911

Land North of Furnace Lane, Nether Heyford NN7 3JY

- 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 Murray Morgan against the decision of West Northamptonshire Council.
 - The application Ref WNS/2021/1905/FUL, dated 3 November 2021, was refused by notice dated 17 February 2022.
 - The development proposed is described as single storey barn dwelling with loft rooms and change of use of land from equestrian to domestic curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have been presented with no information to indicate that the application specified that the proposal would be a self or custom build home. The matter was not considered by the Council and the decision notice did not specifically refer to Policy LH5 of the South Northamptonshire Part 2 Local Plan 2011-2029 (adopted 2020) (LPP2) which relates to self and custom build homes.
3. Under the appeal, the appellant states the proposal would be a self-build home. I have therefore considered compliance with Policy LH5 of the LPP2. The Council have had the opportunity to respond to the appellants statement of case but did not do so. Consequently, I do not consider the interests of any party to have been prejudiced in this regard.
4. The Council state that the site lies partially inside and partially outside the Grand Union Canal conservation area. Consideration of the submitted site plan against the Grand Union Canal character area maps show that parts of the wider area under the ownership of the appellant fall within the conservation area, but the appeal site itself lies directly adjacent to but not within the conservation area. I have assessed the appeal on this basis.

Main Issues

5. The main issues are:
 - Whether the appeal site would be a suitable location for new housing; and
 - The effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

Location

6. The site consists of part of a field currently in use for equine purposes. It is outside of but relatively close to the village of Nether Heyford.
7. Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (2014) (JCS) and Policies SS1 and LH1 of the LPP2 set out the spatial strategy for the delivery of houses for the area. Under these policies, the site is beyond the settlement confines of Nether Heyford so is classified as being within the open countryside, where housing will only be supported for specified exceptions.
8. Policy LH5 of the LPP2 sets out that one of the exceptions is for self and custom build homes. The appellant has submitted a signed unilateral undertaking to restrict occupation of the proposed dwelling to the appellant and his family for a period of 3 years. Notwithstanding this, for Policy LH5 to apply, the site would need to be 'immediately adjoining the confines' of Nether Heyford. The site does not immediately adjoin Nether Heyford, being separated from it by the canal and a couple of fields. The proposal therefore cannot be considered to benefit from Policy LH5. Even if the site were considered to fall under Policy LH5, it also requires evidence to demonstrate the ongoing involvement of the intended occupier in the design and planning process, as well as their local connection. I have been presented with no substantive evidence to demonstrate these things.
9. I acknowledge that demand for self and custom build plots has been less than supply and this proposal would help meet demand. Despite this, the Council has an overall 5 year supply of housing land and I consider that Policy LH5 remains broadly in line with paragraphs 60 and 62 of the National Planning Policy Framework (the Framework), in seeking to deliver self and custom build homes. Consequently, the local policy is not silent on the matter and I do not consider the policy to be out of date, hence Framework paragraph 11d is not engaged.
10. The appellant has made reference to other appeals, full details of which are not before me. Having considered the available details, all three examples¹ are from Councils which did not have a specific self and custom build policy, so it was necessary and appropriate in those cases to rely on Framework policy. In addition, two of the examples related to Councils which lacked an overall 5 year supply of deliverable housing land. In this appeal there is a specific policy for self and custom build houses and an adequate overall housing land supply. Whilst the Framework is a material consideration and has been taken into account, the appeal must be determined in accordance with the development plan.
11. Policy LH4 of the LPP2 sets out the exceptions for single market dwellings in the countryside. It includes an exception for where the proposal is linked to an existing and viable agricultural, forestry, equine or equivalent rural business, and it can be demonstrated there is an essential need for the occupant to be on site at all times.
12. The appellant keeps horses on the land and living on site would be more convenient for them, reducing the number of journey made and enabling a

¹ APP/H1840/W/20/3255350; APP/C1570/A/14/2223280 and APP/X2220/W/17/3176895

prompt response to any health emergency or security matter. Notwithstanding these personal benefits to the applicant, I have been presented with no evidence to suggest that this is in connection with an existing and viable equine business. I have no substantiated evidence that anyone needs to be on site all of the time. Consequently, the proposal cannot benefit from the exemption under Policy LH4. The keeping of a few horses on site is not sufficient to justify a new dwelling in the countryside.

13. I have been presented with no information to suggest that any other exception set out in the LPP2 or the JCS to allow a new dwelling in the countryside might apply. In addition, while the proposed dwelling would be near a couple of other dwellings, it would be physically separate from the nearest settlement, with the canal and a couple of fields located between the site and Nether Heyford. As such, in my planning judgement, it would be an isolated home in the countryside, which Paragraph 80 of 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.
14. I conclude that the site would not be a suitable location for new housing. The proposal fails to comply with Policies SS1, LH1, LH4 and LH5 of the LPP2 and R1 of the JCS, which together seek to direct new housing development towards 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 LPP2 and the Framework, including paragraph 80.

Character and appearance

15. The immediate surrounding area is rural in character, with dispersed dwellings and a mix of business uses including farming, a canal side marina and a yard (referred to as the coal yard) adjacent to the site. The yard contains a building adjacent to the road with box profile metal walls and corrugated roof of an appearance not untypical of modern barns. Dwellings are predominantly brick or stone with slate or tile roofs. The site is set back from the road, behind the yard and contains a small brick building and has a grass and compacted earth surface. A row of mature trees along much of one boundary, separates the site from the yard and the road beyond that. The land between the site and the canal is open but is higher which provides some screening. On the other two sides, the site is open to the wider field, which is under the ownership of the appellant and has mature trees and hedgerow around much of the boundary. The wider field also contains 2 modest buildings, one in blockwork and one in wood.
16. The site is adjacent to the Grand Union Canal conservation area. The character appraisal and management plan for the conservation area (2014) notes that for the section nearest to the site, the attractive landscape setting and views across the countryside are significant, along with the variety of canal related buildings, many of which are red brick or stone.
17. At present, the open and undeveloped nature of the site contributes positively to the rural character of the surrounding area. Views across the site from the canal contribute positively to the significant landscape setting of the conservation area.

18. The proposal would add a dwelling to the site. While its scale would be modest its design and use of materials would be uncharacteristic of the surroundings. The use of wood cladding is not typical of dwellings in this area, other than in small outbuilding/stables, and as such the proposed dwelling would appear out of keeping with the established character of canal side buildings. Whilst wood may be used in some agricultural buildings, again that does not seem to be typical in this area.
19. Due to the topography, vegetation and intervening development, visibility of the proposal from the canal would be relatively limited, but it would still have a negative impact on views for canal users, adding uncharacteristic built form near the canal, closing down an open landscape setting and hence having a detrimental impact on the setting of the Grand Union canal conservation area. The trees between the site and the yard currently provide good screening when viewed from the road and parts of the canal. However, these trees do not appear to be under the control of the appellant so their retention cannot be secured under this appeal. Consequently, the screening they provide could be lost and would result in the proposal being much more visible.
20. I note there is extant permission for a storage building to be constructed on the site. Despite their similar footprint, dimensions and materials, the approved storage building and the proposed dwelling are materially different in terms of both the policy requirements (as set out above) and the impact on character and appearance. The proposed new dwelling would not only add new built form but would also add a domestic curtilage, with the associated domestic paraphernalia, spreading development into a currently open and undeveloped part of the site. This domestication of the area would have a negative impact on the locally distinctive rural character and appearance. Whilst this impact could potentially be reduced by limiting the size of the curtilage, the negative impact of the domestication would remain.
21. Policy HE5 of the LPP2 requires that where a proposal would cause harm to the setting of a conservation area the harm needs to be weighed against the public benefits. In terms of benefits, the proposal would provide a temporary contribution to the rural economy during the construction phase and would provide an additional household likely to use local services and facilities. However, as the proposal is for one, small, self-build dwelling, the public benefits would be minimal and insufficient to outweigh the identified harm.
22. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site and the surrounding area, including the setting of the Grand Union Canal conservation area. As such, the proposed development would be contrary to Policies HE6 of the LPP2 and BN5 of the JCS. Together, amongst other things, these policies seek to ensure that development is well designed and does not have an adverse effect on the setting of a conservation area or views into and out of it. Furthermore, it would not accord with Paragraph 200 of the Framework which seeks to protect heritage assets and their settings.

Other Matters

23. The appellant argues that the existing buildings on the site mean it is considered to be brownfield land. Even if this is the case, being brownfield land does not override the need for a proposal to comply with the development plan.

24. The consented storage building has not been constructed. Therefore, the proposal cannot be considered a conversion.

Conclusion

25. 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