



Appeal Decision

Site visit made on 29 November 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/W2845/W/22/3298581

Windmill Close, Braybrooke Road, Great Oxendon LE16 8LU

- 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 Andy Allen of J D Excavations Limited against the decision of West Northamptonshire Council.
 - The application Ref WND/2021/0835, dated 18 November 2021, was refused by notice dated 3 February 2022.
 - The development proposed is the demolition of existing buildings and the erection of a detached dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is an appropriate location with regard to local and national policy and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the surrounding area, with particular reference to the Special Landscape Area.

Reasons

Location of Proposed Development

3. The appeal site comprises a largely rectangular-shaped piece of land with associated access, on the southern side of Braybrooke Road. Building work is currently taking place on the wider site with the construction of two replacement dwellings. The appeal site (plot 3) is located to the rear of plot 1 and plot 2. Opposite the appeal site is a commercial site occupied by a variety of businesses and adjacent to the commercial site is a detached dwelling. Beyond this small cluster of buildings, the surrounding area comprises open fields interspersed with sporadic development.
4. To the west of the appeal site is the village of Great Oxendon that is concentrated around Main Street, part of Harborough Road (A508) to the north of Main Street, and the section of Braybrooke Road closest to the junction with Harborough Road. Policy RA3 of the of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029, adopted 2020 ("Part 2 LP") defines Great Oxendon as an "other village" - a smaller village with a more limited range of services and facilities (Great Oxendon has a public house, a

farm shop and a village hall). The built-up part of the village is easily discernible from the surrounding open fields.

5. The appeal site, together with plots 1 and 2, the commercial site and dwelling opposite, are surrounded by open fields and are physically and visually separate from Great Oxendon. Therefore, the appeal site does not form part of the village of Great Oxendon and is located in the open countryside.
6. The West Northamptonshire Joint Core Strategy Local Plan (Part 1) ("Part 1 LP") was adopted in 2014, prior to the publication of the most recent National Planning Policy Framework (NPPF). Paragraph 219 of the NPPF outlines that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Instead, due weight should be given to them, according to their degree of consistency with the NPPF. Policies S1 and R1 of the Part 1 LP are consistent with the NPPF in that they set out an overall strategy for the pattern of development and therefore I attribute them full weight.
7. Policy S1 of the Part 1 LP sets out the locational strategy for new development and seeks to ensure that the majority of new development is within defined settlements. Outside of these defined settlements, part (D) of the policy states that development in the rural areas will be limited, with an emphasis on four criteria, including (1) enhancing and maintaining the distinctive character and vitality of rural communities; and (2) shortening journeys and facilitating access to jobs and services.
8. Great Oxendon is clearly set away from the appeal site and would require a journey to get to it. The route between them has no pavement or street lighting for a considerable distance and the road is narrow with passing places along its length. No bus stops are located in close proximity of the appeal site, with the closest being positioned within Great Oxendon. Limited information has been provided as to the operation of this service. The general condition of local infrastructure, together with the distance, is such that travel to this village by means such as walking and cycling would be unlikely, particularly for occupants with young children or mobility issues, especially after dark or during inclement weather. Furthermore, Great Oxendon has a limited range of services and facilities. Consequently, future occupants would be dependent on the private car to access shops, education, jobs and services to support their day-to-day living. Therefore, the proposed development would fail to shorten journeys or facilitate access to jobs and services.
9. I accept that the provision of one new dwelling would provide some support for the vitality of the rural community, and it would provide some contribution towards the local economy through such things as the use of local builders during its construction and tradespeople thereafter. However, this would be limited due to the location of the site outside the nearest village of Great Oxendon, the limited services and facilities within this village, and the access constraints of the site.
10. Policy R1 of the Part 1 Local Plan sets out the spatial strategy for the rural areas. Development outside the existing confines of a village will be permitted where it involves the re-use of buildings, or in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy.

11. As I have already determined, the appeal site falls outside the confines of Great Oxendon, and the proposal does not involve the re-use of an existing building. I have also accepted that the provision of one dwelling would provide some support for the vitality of the rural economy but that it would make a limited contribution. Furthermore, the evidence before me does not suggest that such matters comprise exceptional circumstances.
12. From the information before me, it appears that the housing requirement for the rural areas has been met through planning permissions and/or future allocations. Therefore, in these circumstances, Policy R1 of the Part 1 LP states that further housing development will only be permitted in the rural areas where it can be demonstrated that it meets one of the criteria listed at (i)-(v).
13. In respect of (i), it has been suggested that the proposal would result in environmental improvements on the appeal site. However, the demolition of the remaining former agricultural building formed part of the previously approved scheme¹ for two replacement dwellings and its demolition was used to off-set part of the appellant's Community Infrastructure Levy payment. Therefore, its demolition would not be a benefit of the appeal scheme. In addition, I have limited information as to how such environmental improvements would result in a net increase in biodiversity, or how the proposal would result in environmental improvements over and above the approved scheme. Furthermore, I have not been provided with evidence to support (ii), (iii), (iv) or (v) of Policy R1 of the Part 1 LP.
14. Policy RA6 of the Part 2 LP sets out a closed list of development that will be supported in the open countryside outside the confines of villages. From the information before me, the proposed development would not comply with (i), (ii), (iv), (v), (vi), (vii), (viii), (ix), (x) or (xii). The proposed development would involve a well-designed building utilising materials similar to those on the newly constructed dwelling on Plot 1. However, this would not be of an exceptional quality or an innovative design necessary to comply with part (iii).
15. In respect of part (xi), the proposed development would not meet an identified need established through an up-to-date Housing Needs Survey, and I have already concluded that it would not support an essential local service that is under threat. Furthermore, Policies RA1 and RA2 of the Part 2 LP relate to Primary and Secondary Service Villages, rather than an "other village".
16. In respect of the first main issue, the proposed development would not be in an appropriate location with regard to local and national policy and accessibility to services and facilities. It would therefore not comply with Policies S1 and R1 of the Part 1 LP, or Policy RA6 of the Part 2 LP, which seek to distribute development in a hierarchical manner in the interests of encouraging sustainable patterns of development and to strictly control development outside of defined settlements to protect the countryside. The proposed development would also not comply with the exceptions detailed within paragraph 80 of the NPPF.

Character and Appearance

17. The appeal site is located within a Special Landscape Area (SLA). Policy ENV2 of the Part 2 LP states that Special Landscape Areas comprise high-quality

¹ Planning Ref DA/2017/0529

landscapes and proposals will be resisted that would have a harmful effect on their special qualities.

18. The appellant has advanced in support of their case a "Landscape and Visual Statement for Appeal," dated May 2022 (LVS). The LVS states that the appeal site is located within the Welland SLA and that the justification for the need for the designation includes the generally good condition of the landscape that is generally well managed which needs conserving, and limited development reinforcing rural character and the sense of remoteness. This has not been disputed by the Council.
19. The appeal site is located behind plots 1 and 2, and so is sited the furthest from Braybrooke Road. Ground levels have changed across the site due to the construction of the two replacement dwellings, but they rise upwards towards the field to the rear. The proposed dwelling would be L-shaped and sited at the head of the access road with its front elevation facing towards the road. It would comprise a substantial two-storey, 6-bedroom, 4-bathroom dwelling with an attached double garage. The proposed dwelling would be sited almost at the top of the brow of the hill.
20. Crossing the fields to the rear of the appeal site is a Public Right of Way (PRoW) that connects Great Oxendon to Arthingworth. The newly constructed dwelling on plot 1 and the roof of the existing single storey agricultural building are clearly visible from the PRoW. The proposed dwelling would be sited in a similar position as the agricultural building, but its scale and massing would be significantly greater, with the two-storey rear projection further increasing its massing. The proposed dwelling would be sited closer to the western and southern field boundaries and closer to the brow of the hill than the two previously approved replacement dwellings, therefore increasing its visual prominence when viewed from the PRoW.
21. The appeal site is particularly prominent when viewed immediately in front of the site from Braybrooke Road. I recognise that the site is currently a construction site, however, I have not been provided with agreed details of landscaping or boundary treatments to plots 1 and 2 and therefore I am unable to determine how the prominence of the appeal site may be mitigated from Braybrooke Road.
22. Further away from the appeal site, Braybrooke Road is flanked on either side by hedgerows and trees. However, glimpses of the appeal site can be viewed when travelling along the road, particularly as at the time of my site visit, the leaves had fallen. The scale and massing of the proposed dwelling, together with its siting on a higher ground level and towards the brow of the hill, would result in the dwelling being visible from Braybrooke Road, elongating the spread of the development on the site and cumulatively, with plots 1 and 2, resulting in an urbanising effect, that would erode the rural character of the surrounding area. Furthermore, no mitigation proposals have been provided to comply with Part B of Policy ENV2 of the Part 2 LP. Having considered the appellant's LVS, for the reasons detailed above, I disagree with its findings.
23. In respect of the second main issue, the proposed development would cause harm to the character and appearance of the surrounding area, with particular reference to the Special Landscape Area. It would be contrary to Policy ENV2 of the Part 2 LP which, amongst other things, seeks to resist proposals that would

have a harmful effect on the special qualities of the Special Landscape Areas, including cumulative impacts.

Other Matters

24. The provision of one additional dwelling weighs in favour of the proposal and would make a contribution, albeit limited, to the Government's objective of significantly boosting the supply of new homes. The proposal would also provide a limited amount of short-term employment through the construction of the development and to suppliers and trades once the proposed dwelling was occupied. Further modest benefits would result from the additional support to the local community and its services from the future occupiers of the proposed dwelling. However, given the nature and scale of the proposed development, the benefits would be relatively limited.
25. Limited evidence has been provided that the proposed dwelling would meet the housing needs of the residents of Great Oxendon. Furthermore, it would be an open-market dwelling with no mechanism to control its occupation.
26. As previously discussed, the policies in the Part 1 LP and Part 2 LP are considered up-to-date, and I have not been provided with evidence that the Council does not have a five-year supply of deliverable housing sites or that it is not complying with its Housing Delivery Test. Therefore, paragraph 11 of the NPPF is not engaged for the purposes of this appeal.

Conclusion

27. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that the appeal is dismissed.

A Berry

INSPECTOR