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# Appeal Decision

Site visit made on 18 April 2023

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 April 2023**

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**Appeal Ref: APP/M2840/W/22/3310730**

**Land At Braybrooke Road, Dingley, Market Harborough LE16 8PF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Maddock Developments Ltd against North Northamptonshire Council.
  - The application Ref NK/2022/0137, is dated 11 February 2022.
  - The development proposed is construction of 3 no dwellings and garages.
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## Decision

1. The appeal is dismissed and planning permission for the construction of 3 no dwellings and garages is refused.

## Preliminary Matter

2. A revised site layout plan has been provided with information on visibility splays, drainage and electric vehicle charging points. This was not part of the planning application but the Council raises no objections to its submission. The proposal remains fundamentally the same and so no injustice would be caused by taking the revised plan into account.

## Main Issues

3. The Council has made no determination on the planning application leading to this appeal. In light of the submissions, I consider the main issues are (i) whether the development would be in a suitable location having regard to the policies of the North Northamptonshire Joint Core Strategy 2016 (JCS) and the Kettering Site Specific Part 2 Local Plan 2021 (LP) as well as the National Planning Policy Framework (the Framework) and accessibility, and (ii) the development's effect on the character and appearance of the area.

## Reasons

### *Suitability of location*

4. JCS policy 11 states that development will be distributed to strengthen the network of settlements in accordance with various defined roles. The urban areas of growth towns and market towns are identified as the main locations for housing growth. The appeal site is not within or next to a town.
5. Under JCS policy 11 part 2(a), development in rural areas is limited to that required to support a prosperous rural economy or to meet a locally arising need that cannot be met more sustainably at a nearby larger settlement. Part 2(b) of the policy allows small scale infill development on suitable sites in

villages, subject to various provisos. Under part 2(d), rural diversification and appropriate re-use of rural buildings are permitted in the open countryside, neither of which apply in this case. Otherwise, development in the countryside is resisted unless in accordance with JCS policy 13 or with national policy.

6. Dingley is identified under LP policy RS3 as a category C village. These are settlements that are dispersed in character with a small number of dwellings at a low density. LP policy RS3 states that development in category C villages should accord with LP policy RS4.
7. The Council contends that as the village has no defined boundaries the site should be classed as lying in open countryside. The appellant notes that Dingley is recognised as a village but accepts that the Council's contention is correct if applying a strict interpretation of policy. Therefore, even if it would be infill development, the proposal would not be in a village and so it would not be permitted under JCS policy 11 part 2(b). Also, infill development is not allowed under the terms of LP policy RS4. Moreover, the scheme would not involve the replacement of an existing dwelling nor the re-use of a building. As such, it would not accord with LP policy RS4 parts b and c.
8. No claim is made that the proposal would constitute a rural exceptions scheme as allowed under part 1 of JCS policy 13. Also, it would not fall within any of the categories of residential development allowed in open countryside under part 2 of this policy. Therefore, it would not be permissible under JCS policy 13. As such, it would not accord with JCS policy 11 and LP policies RS3 and RS4 unless it meets requirements as set out in national planning policy.
9. The appellant contends that occupiers of the scheme would support facilities in a group of villages and so its location would accord with paragraph 79 of the Framework. Dingley itself contains a church and village hall, with little evidence of places of employment or facilities to serve the day to day needs of residents. Services such as pubs, shops, a primary school and pre-school are at other villages such as Stoke Albany and Wilbarston but these would be beyond a reasonable walking distance for future residents. Bus stops on the A427 would be quite close to the houses but no information has been submitted on the frequency or duration of bus services. As such, I am unconvinced that public transport would be a realistic option for future occupants and so the proposal would lead to a high reliance on car usage.
10. Residents of the houses would have a short drive to the broad range of shops and facilities at Market Harborough with the A427 providing a convenient highway link. It is more likely they would travel to Market Harborough rather than drive a similar distance in a different direction to villages where the range of facilities is limited. As such, the development would not be located so as to provide meaningful support to services in rural communities. Accordingly, it would be contrary to the provisions at paragraph 79 of the Framework.
11. The proposed dwellings would not be isolated homes as generally advised against under paragraph 80 of the Framework. However, acceptability in these regards does not override nor address the conflict with paragraph 79. Overall, the proposal would not meet the requirements of national planning policy on rural housing and so it would be contrary to the identified JCS and LP policies.
12. The appellant refers to cases where the Council has previously supported housing schemes in Dingley. However, one of these proposed a dwelling of

exceptional design quality which is permissible as an exception under JCS policy 13 and paragraph 80 of the Framework. Another was a replacement dwelling which is permissible under LP policy RS4. These other developments are significantly different to the current scheme and so they do not set a precedent that is bound to be followed.

13. I am referred to appeal decision reference number APP/L2820/W/19/3219920. This decision predates the adoption of the LP and LP policy RS3 has since defined Dingley as a category C village. Also, LP policy RS4 has been introduced. In allowing the appeal, the Inspector attached weight to the lack of a sufficient housing land supply. In light of the change in planning policy context and the different circumstances, I am not bound to follow the previous decision with this appeal. The same proposal was granted planning permission by the Council in November 2021, although the reasons for that decision are not before me. As such, it fails to influence my views on this main issue.
14. For the above reasons, I conclude the development would not be in a suitable location having regard to JCS and LP policies, as well as the Framework and accessibility. The proposal would not accord with JCS policies 11 and 13 and LP policies RS3 and RS4. Subsequently, it would also not accord with JCS policy 29 on the distribution of new homes.
15. The Planning Practice Guidance states blanket policies that restrict housing in some types of settlements will need to be supported by robust evidence. The appellant contends JCS and LP policies are inconsistent with this advice. However, the policies allow housing development in line with national policy and so they do not constitute a blanket restriction. I find no inconsistency between the development plan and national planning policies and so the identified conflict attracts significant weight.

#### *Character and appearance*

16. The appeal site is a field with a hedgerow and a line of trees along the roadside frontage. The site lies between residences on Home Close and a short run of dwellings on Braybrooke Road. Roadside trees and hedges as well as extensive views of fields on the other side of the road give the locality a distinct rural feel, albeit influenced by the nearby residences.
17. Each of the proposed dwellings would have a garage with parking and turning area to the front and its own access off the road. The retained roadside trees and hedgerow would screen and filter views of the dwellings and garages from the highway. However, there would be partial sight of the development through the accesses and gaps in the vegetation, particularly during times of leaf fall.
18. The dwellings would be detached and of a traditional style that in general terms would fit in with nearby residences. The orientation of the houses and linear pattern would follow those to the south of the plot. Also, they would be set back from the road by a similar distance. The garages would be closer to the highway but they would be single storey and set to the side and away from the proposed accesses. Most of the roadside vegetation would be retained and would help ensure the houses and garages would not appear unduly prominent. Moreover, the spaces to the front and side of the dwellings would ensure they do not appear uncharacteristically cramped.

19. The houses would be similar to each other in appearance. Existing nearby properties vary in design and so a run of fairly uniform houses would be unusual. However, the front vegetation would prevent easy sight of the 3 dwellings together and so their uniformity would not be obvious.
20. The development would clearly erode the rural feel to the site. However, the layout would ensure that the majority of the roadside vegetation is retained. The accesses would lead to a minor loss of hedgerow but the vegetation's contribution to the visual qualities of the area would be preserved. As such, the development would recognise the character of the countryside whilst reflecting the appearance of adjacent residential properties.
21. For these reasons, I conclude the development would avoid unacceptable harm to the character and appearance of the area. In these regards it would accord with JCS policy 8 and LP policy RS5. These look for development to respond to the immediate and wider context, including open and rural character. Acceptability in these respects is a neutral factor in my assessment.

### **Other Matters and Planning Balance**

22. In terms of benefits, the appellant claims drainage to serve the development would reduce flooding to nearby properties. However, there is little information that shows how water run-off from the site currently causes flooding elsewhere. Therefore, this factor attracts limited weight. Also, the appellant states the development would include wildlife enhancement measures such as bat and swift boxes and hedgehog holes. These would make a minor contribution to biodiversity to which I attribute modest weight.
23. The development would generate construction employment and residents are likely to support existing businesses and services, although these are more likely to be in Market Harborough than rural communities. These would be modest economic benefits given the scale of the development.
24. The proposal would add to the housing stock and development plan policies rely on the provision of dwellings on windfall rural sites in order to meet housing targets. However, 3 units would be a minor contribution and the appellant has not sought to dispute the Council's claim that it can demonstrate in excess of 5 years housing land supply as required under the Framework. As such, I give modest weight to the benefits in these regards.
25. Overall, the advantages of the scheme attract no more than moderate weight. For reasons as outlined under the first main issue, the proposal would be contrary to JCS and LP policies. The benefits are of insufficient weight to justify a determination other than in accordance with the development plan.

### **Conclusion**

26. For the reasons given above I conclude that the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR