



Appeal Decision

Site visit made on 19 December 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/M2840/W/22/3297918

The Wheatsheaf, 1 High Street South, Rushden NN10 0QU

- 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 J Barker of Barker Homes Wheatsheaf Ltd against the decision of North Northamptonshire Council.
 - The application Ref NE/21/01555/FUL, dated 16 October 2021, was refused by notice dated 11 March 2022.
 - The development proposed is the change of use/conversion of the former public house to office use, and part conversion to 3No. one-bedroom residential units; and erection of 3No. one-bedroom two-storey dwellings with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the Rushden Conservation Area; and
 - Highway safety, with particular regard to access to and egress from the site, the provision of adequate car parking, and the proposed arrangements for the collection of refuse from the site.

Reasons

3. The appeal relates to the Wheatsheaf, a former public house on the eastern side of the High Street at the southern end of Rushden's town centre, and the former car park and garden space at the rear of the building. The Wheatsheaf ceased trading as a pub some time ago – the Council's evidence implies that this happened no later than early 2017. Planning permission has since been granted¹ for the change of use and conversion of the Wheatsheaf building to offices on the ground floor (with ancillary storage space at basement level), six one-bedroom dwellings at the rear of the ground floor and on the first and attic floors, with associated parking and amenity space at the rear of the building ("the 2020 planning permission").
4. The appellant has proposed an alternative scheme to that allowed by the 2020 planning permission. All four levels (two main floors, plus cellars and attic) of the "main" Wheatsheaf building, facing High Street South, would be converted to office use. The attached two-storey rear outbuildings would be converted (with a small extension at the eastern end of the first floor) into three two-

¹ LPA Ref: 19/02006/FUL

storey, one-bedroom dwellings. A new two-storey terraced block providing three one-bedroom dwellings would be erected at the rear of the existing building. The front part of the car park nearest to High Street South would become a parking and service courtyard, while the remaining eastern part of the site beyond the new block would be given over to private gardens and a shared allotment space for the new dwellings.

5. My attention was also drawn to a dismissed appeal² in which the Inspector refused planning permission for a further four two-bedroom houses and associated parking and amenity space at the rear of the site ("the 2021 appeal"). I address matters arising from the 2021 appeal decision, as well as the 2020 planning permission, at the relevant points of this decision.

Character and appearance

6. The appeal site lies within the Rushden Conservation Area ("the RCA"), and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework ("the Framework") states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
7. I have not been provided with a Conservation Area appraisal for the RCA. However based on all the evidence before me, including what I saw while walking around the area during my site visit, its significance primarily lies in the way it reflects both the historic origins of Rushden and illustrates, through the character and appearance of its streets and several relatively grand civic, religious and commercial buildings, the growth of the town in the second half of the 19th Century into the early part of the 20th Century.
8. The Wheatsheaf is within the historic core of Rushden. The "main" building at the western end of the site is a substantial late 19th Century public house, and so dates from the period of the town's rapid growth. It has a relatively ornate coursed limestone front elevation with carved details; the side elevations are also of coursed stone but much simpler in their execution. The rear elevation is of more utilitarian brick, though with a stone ground floor connecting to the long rear range of stone outbuildings extending away from the main pub building along the northern site boundary. The outbuildings, which it is suggested are rather older than the main pub building, step down in height towards the rear of the site; at the same time, the site slopes upwards towards the rear.
9. The Wheatsheaf is an attractive and prominent building which adds visual interest to the streetscene and to the wider RCA, although its current poor condition (and that of the site as a whole) means that it presently detracts from the quality of the surrounding area.
10. The new terrace of three houses would be on a backland part of the site, and the Council considers that its form and siting would be contrived, cramped, and would have a poor relationship with the main former public house building.

² PINS Ref: APP/G2815/W/21/3269821

However, the size of new the houses would be in keeping with the converted outbuildings at the rear of the Wheatsheaf, while their position close (and approximately perpendicular) to the outbuildings would create a modestly-scaled courtyard type development, which would only be seen in public views in limited glimpses up the driveway from High Street South. The proposed materials – natural stone and facing brick walls, with clay tile roofs – would also be in keeping with the existing pub and its rear outbuildings. I consider that the proposed development would be acceptable in these respects.

11. Developments at Park Place and Dell Place nearby to which the appellant drew my attention (and which I viewed on my site visit) are short streets of houses facing on to cul-de-sacs; I agree with the Council that these are not directly comparable to the current proposal and do not therefore carry significant weight in its favour. I also accept that most residential development within the surrounding area has a street frontage, and courtyard schemes do not appear to be common. However, they are not totally unknown, as evidenced by the courtyard style development which I saw at Russell Court off Newton Road, just outside the boundary of the RCA a very short walk from the appeal site. It is also a form of development which it would not be unexpected to find behind a former inn. Again, I consider that in this respect the development would be broadly acceptable. I acknowledge that in reaching this view I am taking a different direction to that of my colleague Inspector in the 2021 appeal decision. However, I consider that this is justified having regard to the smaller scale of the proposed new buildings in this case, as well as their closer relationship to the existing buildings.
12. I note the Council's description of the site as having an "undesirable location to the rear of a shopping precinct". I accept that the adjoining precinct on High Street South is not an especially visually attractive neighbour, nor does it make a particularly positive contribution to the surrounding environment. The use of a short stairway at the back of the precinct as (what I take to be a secondary) pedestrian access to the appeal site would be less than ideal, and would provide a poor-quality entry to the proposed new houses. However, this is principally a failing of the form and design of the existing precinct, and it does not in itself amount to the appeal scheme causing significant harm to the character or appearance of the area.
13. Taking all of these points together together, I find that the form, scale and siting of the proposed terrace of three houses would be appropriate for their surroundings, and would not cause unacceptable harm to the character or appearance of the area.
14. Notwithstanding that it has some concerns about the likely success of the office element of the scheme (in respect of both the amount of office floorspace proposed, and the internal layout of some of the offices), the Council considered that the conversion of the existing buildings to offices and three flats would be acceptable in terms of their impact on the character and appearance of the area. Indeed, it goes further than that, and is of the view that the repair and redevelopment works which would be necessary to bring the building back into use would be a benefit of the scheme. None of the evidence before me leads me to a different conclusion on this point.
15. I therefore conclude that the character and appearance, and indeed the setting and significance, of the Rushden Conservation Area would be preserved. On

this issue the proposal would therefore comply with Policies 2 and 8 of the 2016 North Northamptonshire Joint Core Strategy ("the JCS") and Policies EN1 and EN2 of the 2018 Rushden Neighbourhood Plan ("the RNP"). Together, and among other things, these policies seek to ensure that development is well-designed, respects the density, pattern and materials of its surroundings, and that heritage assets including Conservation Areas are protected and enhanced. For the same reasons I consider that the proposal complies with the requirements of Chapter 12 of the Framework which seek to achieve well-designed places.

16. The proposal would also comply with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of heritage assets, it is not necessary to apply the public benefit test set out in paragraph 202 of the Framework.
17. The decision notice indicated that the development would conflict with Policy 3 of the JCS; that policy addresses matters relating to landscapes, and there is nothing before me to indicate that the proposal would have adverse effects in that respect. Accordingly, I also find no conflict with that policy.

Highway safety

18. The primary (and only vehicular) access to the development is from High Street South, leading into the former pub car park area. There is also a secondary pedestrian access via a short stairway at the rear of the shopping precinct to the south of the site.

Access and egress

19. The primary access to the site onto High Street South is to the south of the Wheatsheaf building. High Street South is a busy urban road, with a 30mph speed limit; the footway in front of the Wheatsheaf building is slightly elevated above the carriageway, and behind a guardrail.
20. The trip generation evidence submitted for the 2020 planning permission, to which the appellant referred, indicates that that scheme would be expected to generate a total of 16 vehicle movements into and out of the site per day. The proposal before me would provide the same amount of housing, and therefore the same amount of vehicle movements would be expected.
21. The car park (and thus the vehicular access) would serve the six residential units only – parking needs for the office use would be expected to be met by public car parks within Rushden town centre. Policy DM15 of the Northamptonshire Highway Development Management Strategy 2013 ("the NHDMS") allows no more than five dwellings to share a private drive, in the interests of highway safety and ensuring suitable access. The NHDMS does not form part of the adopted development plan, although it provides guidance and support for the delivery of the development plan.
22. In order to provide safe access from the site onto the highway, the local highway authority requires a pedestrian visibility splay to be provided to 2m by 2m on both sides of the access within land entirely within the appellant's site. It also requires a vehicular visibility splay to be provided to 43m in each direction from a 2.4m set back from the highway boundary.

23. The submitted drawings show a 2m by 2m pedestrian visibility splay, although as this cannot be contained entirely on the appellant's land (due to the position of the buildings on either side of the entrance way) it would not comply with the required standard.
24. The submitted drawings for this proposal do not show a 43m vehicular visibility splay. On this point the appellant referred to the Council's decision in granting the 2020 planning permission, when it concluded that while "the substandard access situation is not ideal, with obscured visibility splays, however, due to the proposal resulting in a betterment to highway safety the scheme is ultimately acceptable in its current form". It was therefore argued that, as the same number of dwellings is proposed and only residential parking is to be provided on site (albeit with one less parking space), the implications of the proposed development are identical to the approved scheme.
25. I find myself in agreement with the Inspector in the 2021 appeal decision, when they found that while it may be possible to achieve the visibility splay, visibility is restricted by signage and the guardrail at the side of the elevated footway. I acknowledge that the scheme before me would result in there being less housing on the appeal site, and therefore fewer vehicle movements, than the Inspector was considering in 2021. Nevertheless, in absolute terms the access is, and would remain, substandard, and the use of a single accessway for multiple households (albeit that the desired maximum would be exceeded by only a single unit) would lead to a risk of conflict between the users of the site.

Car parking

26. The 2016 Northamptonshire Parking Standards ("The NPS") require the provision of one resident car parking space and one visitor car parking space for a one-bedroom dwelling; this would mean that a total of 12 spaces would be needed to serve a development of six one-bedroom dwellings.
27. The proposed development would provide 8 car parking spaces for residents and visitors, and so would therefore provide only three quarters of the spaces required by the standard. There would be enough spaces to meet the requirement of one per dwelling for residential occupiers, although there would be only two spaces in total for visitors.
28. The site is within Rushden town centre, and at the time of my site visit I saw that there was a considerable amount of free off-street car parking available, including at John Street car park a short distance from the appeal site. Although there is of course no guarantee that free and convenient off-street parking would be available in perpetuity in the town, there is nothing before me to suggest that public car parks could not meet any excess demand arising from visitors to the development for the foreseeable future.
29. There would be no on-site parking provision at all for the office element of the scheme, as was the case with the 2020 planning permission. Although the proposed amount of office floorspace would be rather greater than that previously permitted (369m² of gross office floorspace compared to 123m²), the Council was nevertheless satisfied that public car parks (along with public transport) would be able to support the office use. In view of the availability of public car parking which I have described in the previous paragraph, I see no reason to reach a different conclusion on this point

Refuse collections

30. The proposed parking/servicing courtyard would be a tight and constrained space. The appellant has submitted a swept path analysis showing that a 10m rigid vehicle (such as a refuse truck) could enter and turn within the site, although in order to do so it would pass very close to the edges of the Wheatsheaf building and the shopping precinct building on either side of the entrance way.
31. The site entrance rises steeply over the first few metres from High Street South; the waste and recycling storage area would be at the in this part of the appeal site, adjacent to (and behind) the shopping precinct. I note that the Council reports that "refuse crews will not collect the 1100 [litre] Euro bins from the development as they could easily lose control of them causing both a health and safety risk and a highway safety risk if they were to run down the steeply sloped drive into the main road".
32. I understand the proposed refuse and recycling storage areas to be in the same place as approved by the 2020 planning permission; the appellant's evidence did not go further in addressing this point. However, with up to three times as much office floorspace in this proposal it is quite possible that there would be a need for more frequent commercial waste collections as well as other servicing needs, increasing the risk of conflict or accident. The siting of the storage area close to the site entrance means that a refuse or recycling lorry would almost inevitably block the site entrance while collections were taking place.
33. The Inspector in the 2021 appeal noted that "if a car entered the site and found that it was unable to access a parking space because the refuse lorry was present, there would be little option other than to reverse back out onto the highway. Alternatively, a car may have to wait on the highway until the refuse lorry exits the site. Given that the site has access onto a relatively busy road with limited visibility, I find that this could result in an unacceptable hazard to highway safety, especially during rush hour periods". I agree.
34. It may well be that this particular point is a matter which could be resolved by a redesign of the parking and servicing area to relocate the refuse store and provide a reasonably level space where crews could access it without a bin lorry obstructing the site entrance throughout the process. However, in my view this matter is fundamental as to whether or not the proposed amount of development can be made to work on the site, and it is not therefore something which it would be appropriate to address by a condition requiring the submission and approval of revised details.

Findings on the second main issue

35. The access to the proposed development would be sub-standard due to its restricted visibility. The shared car park and service area also serves more dwellings than is desirable, leading to a small increase in the potential for parking disputes and similar conflict among occupiers or visitors. The proposed refuse collection arrangements would be likely to lead to conflict between users of the highway and a consequent increase in the risk of accidents. It would therefore significantly harm highway safety. There would be some shortfall in the quantity of parking provision assessed against the desired standard though, for the reasons I have set out in paragraphs 28 and 29 this would not in itself be likely to cause significant harm to highway safety.

36. Nevertheless, drawing all the relevant points together, the proposal would conflict with Policy 8 of the JCS and Policy T1 of the RNP; together, and among other things, these seek to ensure that development has a satisfactory means of access, parking and servicing, and to resist development which would prejudice highway safety. For the same reasons would conflict with the requirements of Chapter 9 of the Framework which seek to allow efficient access by service vehicles and to prevent unacceptable impacts on highway safety. I return to the implications of the existing permission and the question of “fallback” below

Other Matters

37. The principle of development, including the loss of the Wheatsheaf as a public house and community facility, is considered acceptable by the Council. There is no suggestion that the development would have an adverse effect on the living conditions of nearby residents, nor would it be harmful to local ecology.
38. I note also that the appellant has made a financial contribution towards the mitigation of the impact of the proposed residential element of the scheme on the Nene Valley Special Protection Area (“the SPA”), and the Council is therefore satisfied that the development would comply with the requirements of the adopted Biodiversity Supplementary Planning Document and Policy 4 of the JCS in respect of the SPA. Nevertheless, as the competent authority in this case if I were minded to allow the appeal I would need to undertake an appropriate assessment to confirm that the proposal would not adversely affect the integrity of the sites. However, as I am dismissing the appeal for other reasons, I do not need to address this matter further.
39. The development would bring a vacant property back into use, supporting jobs on site and in the local economy, and providing six new dwellings. These are benefits which carry moderate weight in the scheme’s favour.
40. The appeal site is close to Listed Buildings within the RCA, most notably St Mary’s Church beyond the northern site boundary. I also have a statutory duty to have special regard to the desirability of preserving the setting of the Listed Buildings. The Council considered that because of the scale and siting of the proposed new terrace of houses, the proposed development (including the loss and replanting of some mature trees) would have little impact on the designated heritage asset, a view consistent with the conclusion of the Inspector in the 2021 appeal decision. The Council in fact suggested that the repair and re-use of the Wheatsheaf building would enhance the setting of St Mary’s Church. None of the evidence before me leads me to a different view; I am satisfied that the setting of the church would be (at least) preserved.
41. The 2020 planning permission is a fallback position which would provide the same number of dwellings on the site, using the same site access, with a similar level of car parking on site. I consider that the existence of that planning permission, and the submission of the scheme refused permission in the 2021 appeal, to be indicative of the appellants obvious desire to redevelop the site. There is therefore a very real prospect of the site being developed under the 2020 permission in the event of my dismissing this appeal. However, in view of the increased office space proposed for the site in this scheme, the overall amount of development on the site would be greater than that allowed by the 2020 permission. As I have explained in paragraph 32 above, this would be likely to give rise to greater servicing needs (including refuse collections)

and, having regard to the findings of the Inspector in the 2021 appeal decision I consider that this would increase the risk of conflict between users of the site and accidents on the highway. The 2020 planning permission is a consideration to which I therefore attach only limited weight as a fallback position in this case.

42. The appellant has also mooted, notably in the context of consideration of trip generation, a second fallback position of the resumption of the use of the site access to serve an "uncontrolled parking area related to the lawful public house". It was argued that this would "generate significant more parking and traffic movements than the current proposal". It is not necessary at this point for me to divert into considering the actual number of trips which may or may not be expected to be generated by the Wheatsheaf as a public house, which my colleague considered at length in the 2021 appeal decision; given the lengthy unsuccessful attempts to market the site as a public house between 2017 and 2019, and the subsequent widely-reported continued decline in the number of pubs across the country, notwithstanding that it may remain a lawful use it seems to me that the prospect of the Wheatsheaf returning to life as a busy pub in the foreseeable future is a very slim one. In my view it does not therefore carry weight as a realistic fallback position for the appellant.
43. The Council expressed concern in its evidence (and, indeed, in its decision notice) that the three proposed terrace dwellings at the rear of the site could be adapted from one-bedroom to two-bedroom units by converting a first-floor landing or study area to a second bedroom. Having regard to the submitted drawings, it was not obvious to me how this might realistically be done while continuing to provide both adequate headroom and access to the bathroom. I have made my decision based on the scheme as it was described and submitted.

Planning Balance and Conclusion

44. I have found that the proposed development would not be harmful to the character or appearance of the area, and the character and appearance of the RCA would be preserved; these are neutral matters in the overall balance. The benefits of the scheme, as I have described above, and the fallback position of the 2020 planning permission carry in total moderate weight in favour of the proposal.
45. However, the sub-standard site access arrangements and, in particular, the siting and operation of the proposed refuse storage and collection point, would cause significant harm to highway safety. This harm would not be outweighed by the benefits of the scheme.
46. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector