
Appeal Decision

Site visit made on 6 March 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/W2845/W/22/3305996

Sands Farm, Watling Street, Pattishall, West Northamptonshire NN12 8NT

- 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 and Mrs M Kittle against the decision of West Northamptonshire Council.
 - The application Ref WNS/2022/0646/FUL, dated 21 March 2022, was refused by notice dated 7 June 2022.
 - The development proposed is described on the application form as “proposed demolition and rebuilding of single dwelling with associated internal / external works”.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs M Kittle against West Northamptonshire Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the host property, a non-designated heritage asset; and the effect on protected species.

Reasons

Character and appearance

4. The appeal site comprises a farmhouse and associated buildings located to the east of Watling Street (the A5) within a countryside setting, a relatively short distance south of Pattishall. The farmhouse, which is of eighteenth or nineteenth century origin with later addition, is a two storey, two pile structure with an attractive stone frontage with the remaining walls in red brick and render underneath a slate roof. The attached single storey range of farm buildings to the east of the farmhouse has infilled arched openings to the front. This range connects to a further barn which has been converted to a dwelling.
5. Notwithstanding the physical condition of the buildings and some of the external alterations that have been carried out, the farmhouse and attached range reflect the rural, agricultural character of the site and contribute positively to the surrounding countryside.
6. The Council considers that the appeal property is a non-designated heritage asset. Whilst that is disputed by the appellants, their own Heritage Statement

also concludes that the property is a non-designated heritage asset. Despite the nearby barn conversion and addition of a more modern farm building, the enclosed farmyard layout of the buildings is still clearly legible. The appeal building is of some and has some surviving features as set out in the Heritage Statement. The evidence before me indicates that the significance of this building group stems from its agriculturally derived historic, aesthetic and evidential value. Thus, based on the evidence, I consider that the building is of sufficient historic interest to be considered a non-designated heritage asset.

7. Paragraph 203 of the National Planning Policy Framework (the Framework) requires the significance of a non-designated heritage asset to be taken into account in determining an application. It also requires the decision maker, in weighing applications that directly or indirectly affect a non-designated heritage asset, to make a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The appeal proposal would result in the demolition of the farmhouse and a large part of the attached single storey range. The loss of these buildings would significantly erode the historic layout and legibility of the farmyard complex and the overall significance of the non-designated heritage asset. Although the development of the adjacent neighbouring barn into residential accommodation and addition of more modern farm buildings to the south has diminished the setting of the group of buildings to some degree, I consider that the proposal would be significantly harmful having regard to the effect on the historic layout of the farmhouse and adjoining range.
9. The appellants' Structural Report of the building reveals structural failings and makes numerous recommendations for related repairs. The appellant's costings indicate that the costs of repairs and refurbishment of the existing building would be significant and that it would be more financially viable to demolish and rebuild. However, there is no substantive evidence before me to demonstrate that it would not be possible to retain the attached range which contribute to the historic layout of the farmyard and the significance of the non-designated heritage asset.
10. The appellant suggests that the attached range could be retained, but that is not what is shown on the plans. I have no details before me of an alternative proposal and the appeal process should not be used to evolve a scheme. I have therefore considered the appeal on the basis of the plans that were before the Council. Consequently, I conclude that the loss of this non-designated heritage asset has not been adequately justified in this particular scheme.
11. The replacement dwelling would be a substantial detached property with accommodation over three floors. It would be positioned slightly further west within the garden area but still partly occupy the footprint of the existing dwelling. The scale of the proposal, particularly its width and height, means that it would appear as a more substantial and unduly dominant feature in the landscape compared to the existing dwelling and attached range. Unlike the existing farmhouse, the new dwelling would be disconnected from the agricultural buildings which would diminish the enclosed farmyard setting and harm the way in which the buildings and the surrounding area are experienced.
12. The Georgian design of the replacement dwelling features a wide frontage with a regular pattern of windows, steep narrow gables, rear extensions and dormer windows. The Council's Design Guide says that Georgian architectural styles

contribute largely to the character of South Northamptonshire. However, in this case the imposing scale and Georgian style of the proposed dwelling would not reflect the agricultural origins or simple character of the existing buildings which make a positive contribution to the area's character and appearance. In contrast to the formal symmetry of the front elevation, the varying size and style of extensions and window openings to the rear would give the rear elevation a disordered appearance which would exacerbate the visual harm.

13. Given its substantial scale the proposal would be highly visible from nearby public rights of way and unduly prominent within the wider landscape. Due to its scale and design, the proposal would therefore represent an inappropriate form of development that would significantly diminish the landscape value of the area, which would be harmful to the character of this part of the countryside.
14. I also note the Council's concern regarding a possible expansion of the dwelling's residential curtilage. However, the appellants have provided a plan defining the boundaries of the residential curtilage. This broadly corresponds to the extent of the existing curtilage of the property, which appears to be confined to the garden areas to the front, rear and side of the farmhouse.
15. The appellants contend that the replacement dwelling is significantly smaller than what could be achieved by extending the existing dwelling using permitted development rights. In the absence of a lawful development certificate or details of any proposals that could be carried out under permitted development to compare against the appeal proposal, I give this matter little weight.
16. The appellants have referred to examples of other approved residential developments in the local area, including those involving the demolition of non-designated heritage assets. However, each has a planning history, surrounding context and particular set of considerations specific to it rather than to the appeal site. Accordingly, I have determined the appeal on its own merits.
17. For the above reasons, I conclude that the proposal would harm the character and appearance of the area, including the non-designated heritage asset. It would be contrary to Policies SS2, LH1 and LH4 of the LPP2¹ and Policies S10 and R1 of the JCS². Amongst other things, these policies seek to ensure that development integrates with its surroundings and distinctive local character of the area, is of an appropriate scale and enhances its immediate setting, and conserves and enhances heritage assets and their settings. The proposal would also conflict with the aims of the Framework in requiring development to be sympathetic to local character, including the surrounding built environment and landscape setting, and conserving and enhancing the historic environment.

Protected species

18. The appeal documents include a Preliminary Ecological Appraisal, which includes a habitat appraisal and bat survey. Although the site lies within an amber/red zone for Great Crested Newts no records for this species occur within the surrounding area and there appear to be no ponds within proximity of the site.
19. The appraisal and survey found evidence of a bat roost within the farmhouse and identified that the site is used more generally by several species of commuting and foraging bats. Bats and their roosts are protected by the

¹ South Northamptonshire Part 2 Local Plan 2011-2029

² West Northamptonshire Joint Core Strategy Local Plan (Part 1) December 2014

Regulations³. The appraisal recommends mitigation measures for bats, which include removing the building's ridge tiles under the supervision of a licensed ecologist, avoiding the hibernating period and providing new bat boxes.

20. Based on the evidence before me, it is likely that a licence would be required from Natural England to carry out the works. As the appropriate decision-maker I have had regard to the three derogation tests set out in the Regulations. The new dwelling could provide for a more sustainable development when compared to the existing building due to its age. The first test would be met. In relation to the second test, the proposal is for a replacement dwelling which could not reasonably be located elsewhere. In terms of the third test, compensation measures have been recommended. Therefore, the evidence suggests that the favourable status of the protected species would be maintained.
21. The appraisal includes other enhancement measures, including hedgerow planting, to provide an overall biodiversity net gain. Had I been minded to allow the appeal, conditions could have been imposed to secure sufficient safeguards for protected species and provide ecological enhancements.
22. I conclude that the proposal would not have an adverse effect upon protected species. Accordingly, the proposal would comply with Policy NE5 of the LPP2, Policy BN2 of the JCS, and the Framework. These require development to maintain biodiversity assets and protect and enhance the natural environment.

Other Matters

23. I note the letters of support for the proposal, but these do not justify allowing a development which I have found to be harmful and contrary to the policies of the development plan and the Framework.

Planning Balance and Conclusion

24. I have found that the proposal would not adversely affect protected species, subject to the imposition of conditions. However, I have also found that it would have a harmful effect on the character and appearance of the area and the non-designated heritage asset. The proposal would offer potential economic benefits including through employment opportunities created during the construction phase. There are likely environmental benefits associated with improved energy efficiency of the proposed dwelling and ecological enhancements. Given the modest scale of the development, I afford these benefits limited weight and conclude that they would not outweigh the harmful effect of the proposal on the significance of the non-designated heritage asset, nor the harm to the character and appearance of the area.
25. The proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

³ The Conservation of Habitats and Species Regulations 2017 (the Regulations) and the Wildlife and Countryside Act 1981 (as amended).