



Appeal Decision

Site visit made on 25 April 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/M2840/W/22/3307294

Land to the South of Dusthill Road, Brigstock, Northamptonshire NN14 3ET

- 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 & Mrs A Dickson against the decision of North Northamptonshire Council.
 - The application Ref NE/22/00723/FUL, dated 30 May 2022, was refused by notice dated 5 August 2022.
 - The development proposed is change of use of agricultural building to residential dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area,
 - whether the site is an appropriate location for the development proposed having regard to the development plan; and,
 - highway safety.

Reasons

Character and appearance

3. The appeal site contains a building and is accessed from Dusthill Road. The road is lined with low hedgerows which gives expansive views to open fields and some sparsely located agricultural buildings which gives the area a distinctively open and rural character and appearance.
4. The appeal building is located close to the road and is visible on approach from Brigstock due to the low hedgerows and open landscape. The simple construction of the building gives it the appearance of an agricultural building which contributes positively to the rural character and appearance of the area.
5. External changes are proposed to the building which include cladding and the insertion of some additional windows and doors. Whilst existing opening would be used, the use of black window frames as well as render would alter the appearance of the building and give it a distinctly domestic appearance. The

building would stand out as an inharmonious feature and erode the rural character and appearance of the area.

6. The garden for the proposal would surround the building and due to the open expansive views of the area and low hedgerows much of this garden would be visible in long range views. I note that the proposal includes low post and rail fencing which would assist in maintaining the open character and appearance of the area, but also retain open views of the site. As a result, the domestic garden planting and likely associated domestic paraphernalia would appear inharmonious in the context of the distinctly open and rural character and appearance of the area.
7. I note the appellants concern over the tired appearance of the building, as well as the potential for it to fall into a state of disrepair which its re-use could prevent. However, I am not convinced that the scheme proposed is the only way to resolve this matter.
8. I conclude that the proposal would harm the character and appearance of the area. It would be contrary to policies 8 and 13 of the North Northamptonshire Joint Core Strategy 2011-2031 (CS) and the general aim of Policy B6 of the Brigstock Neighbourhood Development Plan 2011-2031 made 21 January 2019 (NP). Amongst other things, these policies seek to preserve the character and appearance of the area.

Whether the site is in an appropriate location

9. The appeal proposal would be located outside of the defined settlement boundary of Brigstock as identified within the NP. As such, the proposal is considered to be within the open countryside where new residential development is generally not supported. I note that the appellant contends that the buildings size is no longer suitable for use as part of an agricultural business and as such is seeking its re-use for an alternative purpose.
10. Policy 11 of the CS and policy EN5 of the East Northamptonshire Local Plan Part 2 2011-2031 Submission Plan – March 2021 (LP) provides some support for the appropriate re-use of buildings subject to other CS policies. Policy 25 refers to supporting the on-going viability of existing business and policy 26 refers to renewable energy. It also states that other forms of development are generally resisted unless there are special circumstances which are set out in policy 13 of the CS. The proposal would not meet the full exemption criteria set out in policy 13, including, as set out above, by not being of an appropriate nature to its surroundings, and as such would not accord with this policy.
11. The Framework advises that development in the open countryside should be avoided unless they meet a list of circumstances which includes the re-use of redundant or disused buildings which would enhance its immediate setting. I have found that the proposal would cause harm to the character and appearance of the area and as such it would not be supported by the Framework in this regard.
12. Policy B6 of the NP limits the forms of development that could be acceptable within the open countryside. I note the Council's comments that the policy is limiting and agree as it does not support all development within the open countryside. However, it does support the re-use and adaptation of buildings

for residential or employment purposes. As the proposal concerns the re-use of a building it meets this particular exemption.

13. Policy EN1 of the LP sets out the spatial development strategy whereby at section 3. a) outlines that there is a general presumption against new build residential units in isolated locations away from defined villages, however it adds that proposals for rural diversification or the appropriate reuse or conversion of rural buildings will be supported.
14. The proposal is supported in principle by policies EN1 of the LP and B6 of the NP however policies 8 and 13 of the CS go on to provide more detailed requirements for the re-use of existing buildings to be considered acceptable. For these reasons the proposal's conflict with policies 8 and 13 attracts substantial weight and therefore outweighs the proposals accordance with other policies in the CS and LP.
15. I conclude that the proposal would not be located in an appropriate location. It would therefore be contrary to policies 8, 11 and 13 of the CS and policy EN5 of the LP. Amongst other things, these policies seek to restrict general housing development in the countryside that does not meet specific needs and exemptions and protect and respond to local character and landscape. The development would also be contrary to paragraph 80 of the Framework as set out above.

Highway safety

16. The appeal site is located within 0.5km of Brigstock however the route to the village is via an unlit, rural, single-trackway road with no footpaths. There is a grass verge however this is an uneven surface that would not be usable for pedestrians with mobility issues or cyclists. There are also no bus stops or convenient access to any other public transport. As a result, any means of transport other than by private motor vehicles would be unappealing.
17. There are Public Rights of Way (PROW) that are accessed from the road. I appreciate that these might be frequently used by walkers however, the use of PROW's for accessing day-to-day services would not be practical for future occupiers. This is due to the uneven nature of PROW's as well as the condition of such routes in adverse weather conditions or in hours of darkness.
18. I note that the highway authority did not raise an objection to the planning application however they did raise concerns over the remote location of the site, in particular the reliance on private motor vehicles.
19. The site has an existing access and would generally result in a reduction of vehicle movements to and from the site. However, these matters do not outweigh the harm to highway safety with regards to pedestrian access.
20. I conclude that the development would result in harm to highway safety. It would therefore be contrary to Policy 8 of the CS which amongst other things, seeks to ensure development prioritises the needs of pedestrians, cyclists and public transport users and resisting development that would prejudice highway safety. The development would also be contrary to paragraphs 111, 112 and 130 of the Framework which seek to give priority first to pedestrian and cycle movements, create places that are safe, inclusive and accessible and prevent development that would have an unacceptable impact on highway safety.

Other Matters

21. The Council's decision notice refers to policies B1 and B2 of the NP. However, these policies relate to housing allocations within Brigstock and infill developments. As the proposal does not concern a site allocated for housing within Brigstock or infill development these policies are not relevant to the appeal.
22. The proposal would provide ecological enhancements with the provision of bird boxes to support swallows as well as landscape planting. I also acknowledge the potential for local employment during construction, that future occupiers would be likely to spend money locally and the benefit of providing housing.
23. I note that a 2-bedroom home could attract downsizers and be a suitable home for young professionals/families who have grown up in the area and wish to stay close to family and support systems. However, the proposal is for an open market dwelling and as such there is no guarantee it would be reserved for these groups of people. These matters therefore do not outweigh the harm I have identified.
24. The appellant refers to providing rural housing with reference to conversions under Class Q of the General Permitted Development Order 2015 (as amended). However, the proposal before me isn't a conversion under Class Q it is distinctly different and is assessed on a different basis.

Conclusion

25. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR