



Appeal Decision

Site visit made on 18 April 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2023

Appeal Ref: APP/W2845/W/22/3311436

Land adjacent to 30 West End, West Haddon, Northamptonshire NN6 7AY

- 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 Malcolm Longley against the decision of West Northamptonshire Council.
 - The application Ref WND/2021/0391, dated 6 July 2021, was refused by notice dated 9 June 2022.
 - The development proposed is the construction of a new cottage dwelling with associated landscaping (self and custom build).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West Haddon Conservation Area.

Reasons

3. The appeal site comprises of part of the open ground fronting West End and adjacent to 30 West End, up to and including the existing vehicular access. The appeal proposal would result in the development of one dwelling, a garage and garden area on more than half of the roadside frontage. Currently the site can be viewed from outside the site and from both directions along West End. There are also longer distance views just after entering the village.
4. The appeal site lies within the West Haddon Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides, at section 72(1), that with respect to any buildings or other land, in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
5. The Conservation Area is supported by the West Haddon Conservation Area Appraisal and Management Plan, February 2020 (MP) which details the historic development of the village and the characteristics which are of special architectural or historic interest. In so far as it is relevant to the appeal, I consider that the significance of the Conservation Area is mainly derived from the settlement form and the spaces between the buildings, which contribute positively to the character and appearance of the Conservation Area as a whole.
6. As part of the spatial analysis of the Conservation Area the MP also defines 16 areas of open space noting that the character of the settlement is not only

formed by the buildings but also the spaces between buildings. The appeal site lies within the area identified under OS10 in the MP as a large area of open ground that makes a significant contribution towards the rural atmosphere of, and open views across, the Conservation Area.

7. I acknowledge that the site is identified as open ground, not public open space as it is not publicly accessible. It is therefore different to the open spaces within the West Haddon Neighbourhood Development Plan (WHNDP) noted by an interested party, who has challenged the classification of the site as open ground in OS10 of the MP. However, the lack of public access or identification in the WHNDP does not reduce the importance of the open ground in contributing positively to the character, appearance and significance of the Conservation Area. Neither does the lack of a clear use for the land or the previous lack of maintenance.
8. The rear boundary of the appeal site is not currently defined and would retain a large part of the open ground behind the appeal site. However, even though the proposal only represents partial development of the open ground, the space retained on the frontage, between the appeal site and the adjacent property, would be significantly reduced. This reduced area would not retain the character of the open ground or its contribution to the character of the Conservation Area, as a whole.
9. Moreover, although the submitted Landscape and Visual Impact Assessment provides evidence that there is no adverse effect on Protected Local Green Areas or Protected Views, the proposed development would adversely affect the views of the open ground and the views of the groups of trees by reason of introducing development within those views.
10. The appeal proposal would not create a terraced appearance with any other houses, and I acknowledge that the proposal is of a comparable size to others in the village. However, the appeal proposal is not a logical infill and does not respect the pattern or grain in an area where the MP specifically notes that the settlement is more dispersed. Furthermore, the proposal would reduce the current openness of this part of the village and add built development which would, therefore, be harmful to the dispersed edge of the settlement and cause harm to the West Haddon Conservation Area.
11. I, therefore, find that the proposal fails to preserve or enhance the character or appearance of the West Haddon Conservation Area. As such the proposal is contrary to Policies S1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), 2014 (JCSLP), which, taken together, seek to respect the quality and tranquillity, and the rural character of the area, and ensure that new development in rural areas does not affect open land which is of particular significance to the character of the village, and preserve and enhance the Conservation Area.
12. The appeal proposal would also fail to comply with Policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan (part 2) for Daventry District, 2020 (S&CLP), which, taken together, seek to protect and enhance the built environment and heritage assets, including open land that makes an important contribution to the form, character and setting of the settlement, and seek to promote or reinforce local distinctiveness, and ensure that new development relates to its surroundings.

13. Furthermore, the appeal proposal would not comply with Policies WH1, WH10 and WH13 of the WHNDP, which, taken together, seek to maintain the scale, form and character of the settlement; and ensure that development within the settlement boundary preserves and enhances the built and historic environment whilst also resisting loss of open green space.
14. The proposal would also not align with paragraph 206 of the National Planning Policy Framework (the Framework) which aims for new development within Conservation Areas to enhance or better reveal their significance and preserve those elements of the setting that make a positive contribution.
15. The Council has also referred to Policy WH11 of the WHNDP which is the policy relating to development outside the settlement boundaries. However, the evidence from both main parties show that the site lies within the development boundary and therefore WH11 is not relevant to the appeal.
16. The harm to the Conservation Area is less than substantial, nevertheless this harm is of considerable importance and weight in my decision. There is a presumption in favour of the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Framework advises that such harm should be weighed against the public benefits of the proposal and any harm requires clear and convincing justification.
17. The appellants have sought to argue that the development would provide benefits in tidying up the site and ensuring the maintenance of the historic wall along the roadside. However, at the time of my visit the site did not appear untidy and does not, in its current form, harm the character or appearance of the Conservation Area. On the contrary, the site contributes positively to the significance of the Conservation Area by reason of being a beneficial parcel of open ground.
18. The development would provide one additional house with energy efficiencies and associated social and economic benefits both during and post construction. It would also accord with the Framework and the aim to significantly boost the supply of housing and support the rural economy. However, even in a designated Secondary Service Village, although the provision of one additional house can be considered a public benefit, the benefit is very limited. Moreover, the benefit is significantly and demonstrably outweighed by the harm the development would cause to the character and appearance of the Conservation Area.

Other Matters

19. That there are no refusal reasons relating to living conditions of existing or proposed occupiers; or highway, biodiversity, or drainage matters are neutral factors. Furthermore, that the concerns relating to the potential effect on the TPO trees have been resolved through revisions to the scheme, prior to the Council determining the planning application, is also a neutral factor and such benefits would not be significant enough to alter or outweigh my conclusions on the main issue.
20. The description of development within the application form also indicates that the proposal is for a self and custom build. However, there is no mechanism within the appeal submission to secure the scheme as a self-build dwelling, such as a legal agreement, and as such I am only able to give this matter

limited weight. The appellants have also asserted that the land was previously garden associated with 30 West End. However, for the aforementioned reasons I have determined the appeal as being open land, rather than what any previous use may or may not have been.

21. The procedure for determining the planning application and Committee meetings is not a matter for me in considering the appeal. The Council has provided justification for the reason for refusal, and I have considered the appeal before me. There is no fallback position of an approval of planning permission for this development.
22. The Council has provided a copy of the West Northamptonshire Council Five Year Housing Land Supply Assessment: Section 5 – Daventry Area, dated June 2022 in response to the appellant's assertion that the Council may not be able to demonstrate a five-year housing land supply. The evidence within this document details that the Council has a 7.5-year housing land supply for the Daventry Area.
23. The appellants have had an opportunity to comment on the above document and advise that West Northamptonshire Council is now a unitary authority and that, if the housing land supply was calculated for the authority as a whole, this could show a shortfall. However, the appellants have not provided an alternative supply figure and reference the monitoring report for the Daventry area, which pre-dates the Housing Land Supply Assessment submitted by the Council. As such I do not have any substantive evidence of any other supply figure other than the one provided by the Council and I, therefore, afford very limited weight to the appellant's assertions.

Conclusion

24. For the reasons given above I have found that the proposal is contrary to the development plan as a whole, including the Neighbourhood Plan and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR