



Appeal Decision

Site visit made on 18 July 2023

by J Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/M2840/W/22/3313858

Land to the rear of 323 Grendon Road, Earls Barton NN6 0RB

- 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 Allied Parks, c/o Mr Fuller against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00332/FUL, dated 13 May 2022, was refused by notice dated 30 June 2022.
 - The development proposed is described on the application form as 'Application for the change of use for 10 residential caravans on land to the rear of the existing residential mobile home park.'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Allied Parks, against North Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. The name of the appellant given on the appeal form does not match with the name of the applicant shown on the application form. The appellant has confirmed that Messrs Fuller are the owners of the subject land under the company umbrella Allied Parks and with Joe Fuller being the agent's contact. The applicant should be Allied Parks c/o Mr Fuller. Consequently, I have used this name in the banner heading above.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposal with reference to the spatial strategy in the development plan;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to noise, internal space and accessibility;
 - The effect of the proposal on flood risk;
 - The effect of the proposal on highway safety, with particular regard to parking provision;

- The effect of the proposal on biodiversity, with particular regard to Great Crested Newts.
- The effect of the proposal on the delivery of services and facilities, the provision of affordable housing for the over 50's, and their delivery through a legal agreement.

Reasons

Spatial Strategy

5. Policy 11 of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) sets out the spatial strategy for the districts. It seeks to guide development to sites within defined settlement boundaries in order to protect the countryside and promote sustainable patterns of development. The corollary is that development outside the settlement boundaries is not supported. Policy 13 indicates that for locations in open countryside, away from established settlements, permission will not normally be granted for new build residential development. The exception to this would be for individual dwellings of exceptional quality or innovative design, or for rural workers at or near their place of work in the countryside.
6. The appeal site is located to the south of Earls Barton with a distance of approximately 500 metres between the site and the southern edge of the village. The intervening land is in agricultural use with the A45 dual carriageway bisecting the open countryside. These uses and features provide a definitive barrier between the appeal site and the nearest identifiable settlement. Therefore, whilst acknowledging the site may be within the Earls Barton Development Area, it does not adjoin the settlement boundary and for planning purposes it is in the open countryside. Furthermore, it does not fall within any of the exceptions set out in Policy 13.
7. Notwithstanding the above, the appellant asserts that the proposal should be considered as having exceptional criteria in that it would provide low cost housing and meet the needs of older people. Whilst accepting that Policy 13 (1) allows Rural Exception sites on land adjoining existing settlements beyond their existing built up area or defined boundary I do not accept that the current proposal, which is on land separated by a significant distance from Earls Barton, meets the criteria regarding proximity to existing urban centres. Moreover, given the absence of public transport in the locality the site would not be in a sustainable location.
8. I have also taken into account the appellants intention to provide low cost affordable housing to meet the needs of residents over the age of 55. Whilst the type of accommodation proposed may be attractive to elderly residents, seeking low cost housing, I have no substantive evidence before me regarding the need for this type of accommodation in the Earls Barton area. Moreover, in the absence of a legal agreement controlling future occupancy and sale price, there is no certainty that the properties would be sold at below market value, or that occupation would be limited to elderly residents. Consequently, I do not accept that the proposed development can be considered as an exception to the criteria as set out in Policy 13.
9. Accordingly, on this main issue, I conclude that the proposal would not be in a suitable location with reference to the spatial strategy in the development plan.

Therefore, it would be contrary to Policies 11 and 13 of the JCS as set out above. It would also be contrary to Policy EB.GB2 of the made version of the Earls Barton Neighbourhood Plan as the need for affordable housing as identified through the Housing Needs Survey for the village has not been fully demonstrated. This is a matter to which I attribute significant weight as part of my planning balances to follow.

Character and appearance

10. The appeal site comprises a rectangular parcel of flat featureless grassland enclosed by a high close boarded fence. Although the site itself has little inherent landscape value it is set within a wider countryside setting which is centred on the river valley created by the River Nene. It incorporates a wide tapestry of landscapes including a patchwork of fields bounded by hedges and individual trees, a small woodland, and land reclaimed from former quarrying activities. These features make a positive contribution to the character and appearance of the area.
11. I have taken into account the evidence provided by the appellant's landscape consultant, who refers to the appeal site as being in an area of existing urban and light industrial development. The consultant concludes that the existing development could be assessed as insensitive to the landscape character and generally the landscape quality is assessed as low value.
12. On my site visit I saw that there are a number of other activities in the vicinity of the appeal site, including the existing mobile home park, a caravan and motorhome storage facility on the land shown as 'Existing Showman's site' on the submitted block plan, gravel extraction, a marina and other commercial undertakings. I accept that some of these features do not make a positive contribution towards the area, and the existing landscape quality is reduced as a result. I also accept that the proposed buildings would be low level structures and with the addition of further landscaping, the visual impact of the proposal could be further reduced. That said, the appeal site would intrude further into the countryside, and as a result further erode the rural character it has.
13. Accordingly, on this main issue, I conclude that the proposal would cause harm to the landscape character of the area. Consequently, the proposal would be contrary to Policies 3 a), b) and e) and 8 d) (i) and ii) of the JCS which, amongst other matters, requires developments to respond to their immediate and wider context, and where possible enhance the character and qualities of the landscape with appropriate mitigation. I give this matter moderate weight.

Flood risk

14. The part of the appeal site where the caravans would be situated falls within flood zone 1, and hence would be not susceptible to flooding. That said, the appellant accepts, at paragraph 2.7 of their appeal statement, that the south west corner of the appeal site falls within flood zones 2 and 3.
15. Annex 3 to the National Planning Policy Framework (the Framework) is clear that caravans, mobile homes and park homes intended for permanent residential use are 'highly vulnerable' to flood risk. The appellant's Flood Risk Assessment recommends that the finished floor level of the mobile homes should be 300mm above ground level and have a void below them to allow water to flow. The submitted details appear to indicate compliance with these

recommendations. However, this does not take away the risk that clearly remains for that part of the site which is within flood zone 2 and 3 which includes parking areas, access and potentially gardens and outbuildings, as shown on the proposed site layout.

16. I also note the appellants concern, as expressed in paragraph 6.1 of the Flood Risk Assessment, that there could be residual risks in the event of incidences such as a breach of flood defences, blockage of a surface water conveyance system, or a severe flood event that exceeds management design standard or an intense rainfall event. In this regard I have taken into account the potential to reduce the risk of flooding within the proposed development by using water butts, permeable paving and providing attenuation storage. However, I have no specific proposals before me to indicate that this would adequately address future flood risk. This is a matter that goes to the heart of the proposal and, in my view, is not a matter that could be addressed via a planning condition.
17. Accordingly, on this main issue, I conclude that the proposal would conflict with Policy 5 of the JCS and paragraph 167 of the Framework, which jointly seek to reduce risk of flooding, and where development is allowed ensure that it is appropriately flood resistant and resilient. This is a matter to which I give moderate weight.

Biodiversity

18. Evidence in support of the proposal was submitted in the form of a Preliminary Ecology Appraisal produced by AVAL Consulting Group. The Council's ecologist raised issues with the status of the report, and more particularly identified that the appeal site is located within a red zone for Great Crested Newts. Further site surveys would be required as a consequence. The appellant has not disputed the need for further surveys, and they indicate that had they been given further time these would have been undertaken.
19. No further survey information has been submitted alongside the appeal. In the absence of this information, I am unable to determine what the effect, if any, the proposal would have on biodiversity. As matters relating to biodiversity need to be fully assessed prior to the grant of permission this is not a matter that could be addressed by planning condition.
20. Accordingly, on this main issue, I conclude that the proposal would conflict with Policies 4 a) i), and v), 4 b) ii) and 4 c) of the JCS, the Northamptonshire Biodiversity SPD and paragraph 180 of the Framework, which jointly seek to protect existing biodiversity. This is a matter to which I give significant weight.

Living conditions for future occupiers

Noise

21. The Council are concerned that future occupiers would suffer from noise disturbance from traffic using the A45. The appellant indicates that the road is approximately 230m from the site. The site would be enclosed by a high fence boundary, and proposed hedge planting, which would further reduce noise.
22. On my site visit, which I acknowledge represents only a snapshot in time, I was not aware of any intrusive traffic noise arising from the A45. While I accept that noise is likely to vary throughout the day, I have no compelling evidence before me to indicate that noise levels would be so high as to cause

disturbance to future occupiers. Even if noise levels were elevated, beyond what I experienced, conditions could be imposed to secure noise mitigation measures thereby protecting the living conditions of future residents.

Internal space

23. Policy 30 b) of the JCS requires that the internal floor area of new dwellings meet the National Space Standards. The Council asserts that no floor plans were submitted to demonstrate that adequate built in storage and floor area for the bedrooms would be available to comply with the standards. In this regard the appellant indicates that floor plans were submitted for consideration by the Council.
24. The evidence before me includes floor plans of the proposed mobile homes, which illustrate 3 bedroom units. Moreover, the drawings illustrate the provision of 6 bed spaces. This conflicts with the details provided on the application form which refers to the provision of 10 x 2 bedroom units. Even if I were to accept the floor plans submitted in support of the appeal, I am not persuaded they would provide sufficient internal floor area and storage space to meet with the National Space Standards.
25. I have carefully considered the appellants arguments, including their assertion that the proposal is for the change of use of land, and does not comprise operational development. Moreover, they contend that other legislation is available to control such matters. However, the policy does not differentiate between mobile homes and other forms of housing and offer no flexibility to reduce the room sizes below the minimum requirements. To do so would allow development that would be in direct conflict with the core planning principle of the Framework that planning should be genuinely plan-led (paragraph 15).

Accessibility

26. The Flood Risk Assessment requires all units to be a minimum of 300mm above ground level. The elevations of the mobile units illustrate such an arrangement, with the doorway being set above a brick plinth. Moreover paragraph 6.4 of the landscape appraisal indicates that a ramped access would be provided for each unit, which would allow access by a wheelchair. Subject to details being provided of the ramped access's I am satisfied that each unit would be provided with an access that meets with Category 2 of the National Accessibility Standards. This could be achieved via a suitably worded planning condition.

Conclusion on living conditions for future occupiers

27. I accept that future occupiers would not be unduly disturbed by noise arising from traffic using the A45, and adequate access provision could be made to meet the National Accessibility Standards, subject to appropriate conditions. However, I am not persuaded the proposal would provide adequate internal floor space and storage to meet the needs of future occupiers in accordance with the National Space Standards. Accordingly on this main issue, I conclude that the proposal conflicts with Policy 30 b) of the JCS which requires developments to provide residents with adequate space for basic furnishings, storage and activities. This is a matter to which I give limited weight.

Highway safety

28. The appellant asserts that each mobile home would be provided with 2 parking spaces in accordance with the parking standards for new residential developments. However, given the size of the spaces shown on the layout plan, I am not convinced that there is sufficient space to accommodate the number of vehicles required by the Northamptonshire Parking Standards - Supplementary Planning Document (2016) (SPD). This would be the case even taking into account the additional space that would be available at the top of the site.
29. Notwithstanding the above, I noted on my site visit that there was adequate space to accommodate the number of cars parked on the existing mobile home park and vehicular activity on the site was very limited. In the event that occupancy of the proposed mobile homes was to follow a similar pattern, the demand for parking space provision within the site would be adequate to meet future needs. Even if the allocated spaces did not provide sufficient capacity, it would be unlikely that parking would spill over into the public highway and cause danger to road users.
30. Accordingly, on this main issue, I conclude that the proposal would not harm highway safety. It would not be contrary to the Policy 8 b) i and ii of the JCS which seeks to resist development that prejudice highway safety. Whilst the proposal would be contrary to the Council's minimum parking standard as set out in the SPD, I have no compelling evidence before me to indicate that the development would not provide adequate parking to meet the needs of the proposal or cause harm to road users. That said, this is a neutral matter and is not a factor that weighs in favour of the proposed development.

Services and facilities, and the provision of affordable housing

31. The Council, in their officers report has identified a need for financial contributions towards the cost of providing new, extended and/or improved library facilities, and open space and sport facilities, with a detailed justification for the contributions. This is specified as a reason for refusal in their decision. The reason for refusal also makes reference to the absence of an agreement with respect to affordable housing for the over 55's.
32. The appellant does not dispute the need for a planning obligation under S106 of the Act to address the matters identified in the reason for refusal and indicates that given time this matter could have been addressed. However, given that the proposal would fail on other substantive matters, as identified above, the lack of a legal agreement is not a decisive factor in this appeal.

Other Matters

33. I am mindful that, as a competent authority, I am required to consider the impact of the proposed development on the Upper Nene Valley Special Protection Area (SPA). In this regard I note, from the Officer's report, that a Habitat Regulations Assessment has been carried out to identify the likely effects of the proposed development on the SPA. Furthermore, it would appear that an SPA mitigation payment has been made by the appellant in accordance with Upper Nene Special Protection Area SPD. I have no reason to disagree with the approach adopted by the Council, or the mitigation measures they have sought.

Planning Balance and Conclusion

34. For the reasons set out above, I find that the appeal site would not be in a suitable location with reference to the spatial strategy in the development plan and there would be harm caused to the character and appearance of the area. The proposal also fails to provide adequate information to mitigate against the risk of flooding and impacts on biodiversity. Furthermore, no provision has been made for contributions towards services and/or facilities and no agreement has been reached to control the occupancy of the caravans. As a result, the appeal proposal would be in conflict with the development plan, and the Framework.
35. The adverse impact of granting permission for the proposal would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. There are no material considerations which lead me to determine the appeal otherwise than in accordance with the development plan. Accordingly, the proposal would not comprise sustainable development.
36. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Gunn

INSPECTOR