



Appeal Decision

Site visit made on 5 September 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/M2840/W/23/3318973

Land at Slipton Lane, Slipton Lane, Slipton, Kettering NN14 3AS

- 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 M & A Knightsbridge Properties Ltd against the decision of North Northamptonshire Council.
 - The application Ref NE/22/01409/FUL, dated 8 November 2022, was refused by notice dated 6 February 2023.
 - The development proposed is construction of 2 residential dwellings (Use Class C3), together with access, car parking, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the 'construction of 2 residential dwellings (Use Class C3), together with access, car parking, landscaping and associated works' at Land at Slipton Lane, Slipton Lane, Slipton, Kettering NN14 3AS in accordance with the terms of the application, Ref NE/22/01409/FUL, dated 8 November 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 1st April 2021 the former Public House building was listed as an Asset of Community Value. In June 2022 planning permission (Ref: NE/22/00238/FUL) was granted for the partial demolition and conversion of the former public house building to a single residential dwelling.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area and the non-designated heritage asset, with regard to plot 3.

Reasons

4. The appeal site is located to the north of Slipton Lane at the southern end of Slipton village. The site comprises of a vacant former Public House building, which fronts onto the corner of Main Street and Slipton Lane. The former Public House is a part two and one-storey traditional stone building that sits centrally within its grounds, with a small garden area to the north and a parcel of land to the south.
5. The surrounding area is predominantly residential and rural. The properties within the immediate vicinity of the appeal site consist of a mix of detached and semi-detached dwellings, with some single-storey dwellings located along Main Street. The properties are mainly set back from and facing the road with

- spacious rear gardens. This creates a sense of space and openness that contributes positively to the character and appearance of the area.
6. The former public house is recognised as a non-designated heritage asset. The significance of the heritage asset relates, in part, to its architectural detailing, which has characteristic features relating to its historic function as a rural public house. It makes a positive contribution to the rural character of the surrounding area.
 7. The National Planning Policy Framework (Framework) states that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness. In terms of non-designated heritage assets, the Framework at paragraph 203 requires that a balanced judgement is made when assessing the application, having regard to the scale of any harm or loss and the significance of the heritage asset.
 8. The dispute between the main parties relates solely to Plot 3. Plot 3 would comprise a detached four-bedroom dwelling with an adjoining single garage with a lean-to roof to the side. The proposed dwelling would be two-storey, which would be consistent with the height of the former public house building and the neighbouring dwelling known as Rose Cottage. The size of the proposed dwelling would be smaller than the public house building. Due to the land levels dropping to the east, the proposed dwelling would appear at a slightly lower level than the existing building. Thus, the proposed dwelling would be subservient in massing to the public house building and would not appear dominant in the street-scene.
 9. The proposed dwelling would also be set back from the road, retaining the ability to see the former public house when entering the village. Therefore, the proposal would not unacceptably block views of the public house when approaching from the south-east along Slipton Lane. Importantly, this would retain the ability to see the key architectural features of the former public house when entering the village. I therefore conclude that the proposal would represent a neutral effect on the non-designated heritage asset.
 10. Furthermore, the overall design of the proposed dwelling would reflect the traditional characteristics of the built form evident throughout the street-scene. Given the proposed use of local natural stone combined with the terracotta roof tiles, the materials would not look out of keeping with the existing buildings and its semi-rural surroundings.
 11. In addition, landscaping would be introduced to the side of Plot 3 which would significantly soften the entrance to the village by replacing the gravelled car park area with soft landscaping. This landscaping is significant and would introduce around 12 new trees, together with wildflowers and grassland. This would soften any impact of the proposed dwelling on Plot 3 and would provide an enhancement to views of the site from Slipton Lane.
 12. Therefore, Plot 3 would not detract from the important gateway into the village, the proposed landscaping would soften the site's appearance and create a transition from the rural countryside to the urban form of the village. The proposed dwelling would be acceptable in terms of design, scale, and visual impact and would respond appropriately to its surroundings and contribute positively towards the character and appearance of the area.

13. With the above in mind, the proposal would not be harmful to the character and appearance of the area. In addition, its scale, siting and design would not be harmful to the setting or significance of the non-designated heritage asset.
14. As such, the proposal would accord with Policy 8 (d) of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (JCS), which amongst other things, requires development to respond to the sites immediate and wider context and local character. Furthermore, the proposal would also accord with Sections 12 and 16 of the Framework relating to design and the historic environment.

Other Matters

15. I note the objections regarding the loss of the public house as an Asset of Community Value. However, the principle of residential development for the former public house building has already been established with the approval of planning application ref: NE/22/00238/FUL. I therefore attach little weight to this matter.
16. Highway safety has been cited as a concern, but the Council and the relevant highway authority have raised no objection, subject to appropriate conditions which are included in the schedule. I have no reason to form a different view.
17. I note the concerns raised that granting permission to this proposal would set a precedent for other sites to come forward. However, I have determined this appeal on its own individual merits with regard to its site-specific characteristics.
18. I acknowledge that there were a number of representations, including those by Lowick & Slipton Parish Council in respect of the proposal, which in addition to the main issues included concerns relating to biodiversity and parking issues. However, given my findings above, and the suggested conditions provided by the Council, I have found no justification to dismiss the appeal or the benefits associated with the proposal.

Planning Balance

19. The proposal would optimise a vacant and under-used previously developed site that lies within a settlement boundary. It would contribute to the area's housing supply and provide high quality family sized dwellings. Taken together, these benefits of the proposal would attract substantial weight.
20. The proposal constitutes a sustainable form of development within the meaning of the Framework. Therefore, having regard to the provisions of the development plan and all material considerations, I conclude that planning permission should be granted.

Conditions

21. The Council has suggested conditions which I have considered, making amendments where necessary in the interests of clarity and consistency, and to ensure compliance with the tests contained in the Planning Practice Guidance and paragraph 56 of the Framework.
22. In the interests of certainty, I have imposed the relevant conditions concerning the timescales for the commencement of the development, and the approved

- plans. A materials condition is appropriate to ensure that those used are in keeping with the area.
23. A condition relating to hard and soft landscaping has been imposed to ensure the satisfactory appearance of the development.
24. A condition is imposed for refuse storage facilities in the interests of sustainable waste management and recycling. A condition relating to the burning of material is necessary to minimise pollution and disturbance to neighbours. I have also imposed a condition relating to noise in the interests of safeguarding residential amenity.
25. Conditions relating to dust and mud are imposed in the interests of health and well-being and highway safety. A condition relating to a Construction Management Plan is required to protect the living conditions of neighbouring occupiers and for the purposes of highway safety throughout the development works. This is worded as a pre-commencement condition so that the approved scheme is implemented in accordance with the Construction Management Plan.
26. A condition relating to water use is necessary as this is an area of water stress and to accord with Policy 9 of the JCS. I have imposed a condition to ensure features of archaeological interest are properly examined and recorded.
27. A condition relating to biodiversity is necessary to safeguard and increase opportunities for biodiversity and wildlife on and around the site.
28. In the interests of highway safety, conditions relating to parking provision, vehicular access, visibility splays and gates are imposed.
29. Finally, I have also imposed a condition to ensure adequate foul and surface water collection and disposal methods and to avoid flooding. This is worded as pre-commencement condition so that the approved scheme is implemented in accordance with the agreed details.
30. I have given consideration to the Council's suggested condition relating to the removal of permitted development rights for extensions. However, no clear justification to restrict these rights has been presented to me. Moreover, I have not been made aware that such restrictions apply to other properties nearby. It would therefore be unnecessary and inequitable to restrict permitted development rights in relation to this development. Therefore, I have not imposed the suggested condition.
31. I have also considered the suggested condition relating to Building Regulations. However, this is a matter that could be considered and resolved through the building regulations process. Therefore, I have not imposed the suggested condition.

Conclusion

32. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Layout and Location Plan, PL-001 Rev D
Floor Plans and Elevations, PL-002 Rev C
Skeletal Levels, 701-1001-P02
Skeletal Drainage, 701-1002-P02
Proposed Landscaping Plan, AFA-345-P-001 PL2
Proposed Planting Plan, AFA-345-PP-002 PL3
- 3) The development hereby permitted shall be finished externally in materials as detailed on the submitted application form and approved plans. The approved materials should be maintained and retained in perpetuity thereafter.
- 4) No development above slab level shall take place in connection with the development hereby approved until full details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The details shall include the following:
 - a. Hard landscape works, to include but not be limited to, full details of boundary treatments (including the position, height, design, material) to be erected and paved surfaces (including manufacturer, type, colour and size).
 - b. Soft landscape works, to include planting plans (which show the relationship to all underground services and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree pit details (where appropriate) including, but not limited to, locations, soil volume in cubic metres, cross sections and dimensions.
 - c. Full details of landscape maintenance regimes.
 - d. An implementation programme for the landscape works,

The landscaping works shall be carried out in full accordance with the approved details. The works shall be carried out in the first planting season and maintained in perpetuity. Any trees or plants planted in connection with the approved soft landscape details which within a period of five years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally approved.
- 5) Prior to first occupation of the development, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 6) There shall be no burning of any material during construction, demolition or site preparation works.

- 7) No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.
- 8) At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsters, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the local planning authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
- 9) Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc deposited on the road as a result of the development must be removed immediately by the operator/contractor.
- 10) Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include and specify the provision to be made for the following:
 - a. The timing/schedule of works.
 - b. Details of hours of working.
 - c. Parking areas for the vehicles of site operatives and visitors.
 - d. Areas for the loading and unloading of plant and materials.
 - e. Areas for the storage of plant and materials used in constructing the development.
 - f. Details of the erection and maintenance of security hoarding.
 - g. Provision of wheel washing facilities.
 - h. Measures to control the emission of dust and dirt during construction.
 - i. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - j. Access and haul routes for construction vehicles, deliveries, waste vehicles, etc. All such routes should not pass through Brigstock village centre.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

- 11) Prior to the first occupation of the development hereby permitted, measures shall be implemented to encourage water use to no more than 105 litres / person / day (plus 5 litres / person / day external water use).
- 12) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will

include the following components, completion of each of which will trigger the phased discharging of the condition:

- a. Fieldwork in accordance with the agreed written scheme of investigation.
 - b. Post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed with the local planning authority).
 - c. Completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority.
- 13) No development hereby permitted shall commence, including enabling works and site clearance, until a precautionary working method statement for Great Crested Newts has been submitted and approved in writing by the local planning authority. The precautionary working method statement must be produced by a suitably qualified ecologist and shall detail all methods of mitigation to be employed to prevent harm to Great Crested Newts for all phases of the development project. The development shall thereafter be implemented in accordance with the approved statement.
- 14) Before the dwellings hereby permitted are occupied, at least 3 car parking spaces shall have been laid out within the curtilage of those dwellings and shall have been connected to the public highway. This car parking provision shall thereafter be retained in perpetuity.
- 15) Prior to first use or occupation of the development, pedestrian visibility splays of at least 2m x shall be provided on each side of the vehicular accesses. These measurements are taken from the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.9m above access / carriageway level.
- 16) Prior to first use or occupation of the development, vehicular visibility splays of 2.0m from the carriageway edge along the centre of the access by a distance of 43m measured from the centre of the access along the carriageway edge. Any features within or affecting the resultant triangular areas shall not exceed 0.9m above access / carriageway level.
- 17) The accesses must be constructed in a hard bound material for the first 5.5 metres from the highway boundary.
- 18) Any gates across a private drive must be set back a minimum 5.5 metres from the highway boundary to enable a vehicle to stand clear of the highway before gates are opened. Alternatively, they must be operated by electric remote fobs and in this case the setback will not be required. Gates must be hung to open inwards only.
- 19) A minimum clearance of 1 metre between the face of any building, retaining structure, garage or wall etc and the highway boundary is required. This ensures that foundations and construction does not undermine or encroach upon the highway. It also ensures that building drainage, rainwater down pipes,

eaves, outward opening windows etc do not encroach onto or over the highway and / or Public Right of Way.

- 20) Prior to the commencement of the development, a detailed drainage plan, to include details of foul and surface water collection and disposal methods and details of any water saving measures to be employed on the application site shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained as such thereafter in perpetuity.

****End of Conditions****