



Appeal Decision

Site visit made on 3 October 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/W2845/W/23/3316269

Station Cottages The Wharf, Braunston, West Northamptonshire NN11 7JH

- 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 Timothy Warr against the decision of West Northamptonshire Council.
 - The application Ref WND/2022/0478, dated 24 May 2022, was refused by notice dated 18 August 2022.
 - The development proposed is described as 'Erection of a special needs pre-fabricated self build bungalow, access and landscape works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in September 2023, replacing the version published 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

3. The main issues are:
 - i) whether the site represents a suitable location for housing with particular regard to its countryside location and accessibility;
 - ii) the impact of the proposals on biodiversity and ecology; and
 - iii) if there is conflict with the development plan whether there are other material considerations that indicate a decision otherwise than in accordance with it.

Reasons

Location

4. The appeal site lies to the north of the existing cottages, accessed by an extension of the existing driveway. It comprises an area of scrub and woodland with grass areas interspersed. The appeal site lies outside of the settlement boundary of Braunston. It is therefore classified as lying in open countryside.
5. The development plan for the application site is made up of the West Northamptonshire Joint Core Strategy Part 1 2014 (JCS) and the Daventry

District Council Settlements and Countryside Local Plan Part 2 For Daventry District 2020 (LP). In addition, the Braunston Neighbourhood Development Plan (NP) was made in 2017.

6. Policy S1 of the JCS requires developments to be provided in a hierarchy of settlements, and that new developments in rural areas are limited with meeting defined criteria. Policy R1 of the JCS states that residential development in rural areas will be required to be within the existing confines of the village, be of an appropriate scale to the existing settlement; and not affect open land which is of particular significance to the form and character of the village.
7. Limited information has been supplied regarding the site's former use as railway land, including a station and storage yard and its connection to the confines of Braunston Wharf. In any event, the appeal site currently has an undeveloped character formed of overgrown land with vegetation, including some mature trees. The Framework glossary definition of previously developed land excludes land that was previously developed but where the remains of permanent structure or fixed surface structure have blended into the landscape, as is the case here.
8. Whilst located close to Nos 1-3 Station Cottages, an area of dense vegetation, a driveway and outbuildings physically separate the appeal site from these dwellings. Therefore, the appeal site does not form a cluster of development with these properties. Furthermore, the appeal site would not be viewed in the context of existing built development at Braunston Marina by reason of the separation distance and mature landscaping which physically separates the appeal site from these dwellings.
9. Policy RA6 of the LP seeks to protect the characteristics and role of the countryside and restrict development outside the confines of villages unless in certain exceptional circumstances. The proposed development would not satisfy any of the exceptions listed.
10. Whilst the NP provides support for limited infilling within the existing settlement confines, it is common ground between the parties, that the appeal site lies outside of the settlement confines of Braunston. Accordingly, the proposed development would conflict with Policy A of the NP and its various exemptions.
11. In terms of accessibility, Braunston is located within reasonably close proximity to the appeal site, which contains a range of services that would meet day-to-day needs of residents. The route from the appeal site to the village by footpath runs parallel to the A45, before leading to local roads towards the village centre. The A45 is subject to the national speed limit, which I observed to carry a high volume of traffic, including HGVs, and is largely unlit and carries a narrow footpath. As such, the general condition of the route to Braunston is likely to discourage use by pedestrians and would not be a realistic choice for many users. I observed a bus stop close to the appeal site; however, I have not been provided with any details of the regularity of the service and cannot be sure that it would be a convenient service for future occupiers. It is therefore likely that the future occupiers of the dwelling would be dependent on private motor vehicle to meet their everyday essential needs.
12. The future occupier's reliance on the private motor vehicle undermines the aims of the Framework of locating new dwellings in rural areas close to services

and facilities as a means of reducing unnecessary travel by car. However, the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and I consider that the harm would be limited by the proximity of the appeal site to the settlement of Braunston and the low level of traffic movements likely to be associated with the dwelling.

13. Policy RA2 of the LP sets out a number of circumstances where development would be acceptable outside the defined confines of villages. Amongst others, Policy RA2 supports proposals that would clearly meet an identified local housing need. From the evidence before me the most recent housing needs survey identifies a need for a 1no. 3-bed self-build bungalow. Whilst the proposal would provide for a single storey 3-bed dwelling it has not been satisfactorily demonstrated that this could not otherwise be met within the defined village confines.
14. The appellant states that the proposal would support an essential local service that may be under threat as per criterion iii) of Policy RA2 of the LP. The examples given in the policy relate to school or a healthcare facility, and while the list as written does not exclude other uses, I find the use of the word 'essential' indicates a high bar. Notwithstanding the importance of preserving biodiversity there is no evidence before me to indicate that the site is essential for this purpose. Accordingly, I do not consider this criterion is determinative to this case. In any event, whilst the land may have deteriorated, and been downgraded from a Wildlife Site (WS) to a Potential Wildlife Site (PWS), it has not been demonstrated that the proposal is the only means of halting the deterioration of the land.
15. Policy R1 of the JCS states that development outside the confines of villages is acceptable if it involves the re-use of buildings or, in exceptional circumstances, would maintain the vitality of the community and contribute to the local economy. The proposal would not involve the re-use of existing buildings and, whilst it would provide some support for the local economy and would help to maintain the vitality of the community. However, the contribution from the development in this regard would be limited and I do not consider that it constitutes an 'exceptional circumstance'.
16. The appeal site is not located within a settlement, nevertheless it is not in a physically isolated countryside location for the purposes of Paragraph 80 of the Framework. However, for the reasons above, there would be some harm caused by the location of the site resulting in the reliance of the occupiers on accessing services by the car. The proposed development would be at odds with, and harmfully undermine, the spatial strategy for rural housing in the development plan.
17. I have been directed to other examples¹ where similar developments have been approved in the locality, to support the view that the location of the proposed development would be suitable. While the full details of the other cases are not before me, these appeals differ from the current proposal in a number of ways including being of a differing quantum of development which limits the equivalence of the other cases to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.

¹ DA/2015/0072, DA/2013/0677 and DA/2014/0500

18. For the reasons outlined above, I therefore conclude that the development would not be an appropriate location for housing, with particular regard to its countryside location and accessibility. Accordingly, I find conflict with Policies S1 and R1 of the JCS, Policies RA2 and RA6 of the LP and Policy A of the NP. Collectively, these policies seek to restrict development in the countryside and to direct development to places that enable sustainable journeys to be made to key services and facilities. It would also conflict with the Framework which seeks to promote sustainable development and protect the open countryside.

Biodiversity and Ecology

19. Notwithstanding its designation as a PWS, rather than a WS, the Framework states that planning decisions should contribute to, and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
20. The ecological value of the access road has been identified as low; however, I note the findings of the Phase 1 Ecology Report which identified the site of where the dwelling would be constructed to be of moderate ecological value.
21. Whilst a certain level of ecological information has been submitted, the ecology report concludes that significant on-site mitigation and compensation would be required to ensure no net loss of biodiversity. Based on the evidence before me I cannot be certain that such mitigation would not require the reconfiguration of the site layout. Accordingly, I am not satisfied that the ecological assessment of the appeal site is sufficiently robust to persuade me that the impact of development has been appropriately assessed at the application stage. I therefore cannot be satisfied that the proposal would not adversely affect biodiversity and ecology, including protected species.
22. The appellant has indicated that they would be agreeable to a condition for the submission of an Ecological Enhancement Plan. I am mindful of the guidance as set out in Circular 06/2005 which sets out the importance of identifying protected species, and any required mitigation, prior to determination of an application. This is a factor of great weight in consideration of the appeal. Accordingly, I consider that such a condition would not be reasonable and therefore not meet the Framework tests and guidance in the Planning Practice Guide.
23. The appellant's stewardship of land may have brought about environmental benefits in terms of enhancing biodiversity, however, limited evidence of this has been provided. Nevertheless, this is a neutral matter.
24. Consequently, there is insufficient evidence to demonstrate that the proposal would not have a harmful effect on biodiversity and ecology. I therefore find that the development fails to accord with Policy BN2 of the JCS and Policy ENV5 of the LP. Collectively, these policies seek to ensure that development proposals avoid negative impacts on biodiversity and protected species. Furthermore, there is clear conflict with the Framework and Circular 06/2005 which seek to conserve and enhance biological diversity.

Other Material Planning Considerations

25. The proposed dwelling would provide suitable accommodation for a family member with deteriorating health. Therefore, I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010.

The duty includes having regard to the need to eliminate discrimination, harassment, and advance equality of opportunity between those sharing relevant protected characteristics and those who do not.

26. The appellant asserts that the dwelling would be constructed to Lifetime Homes standards to enable wheelchair access and that it would provide accommodation for a live-in carer.
27. I am mindful of the needs of the family member. I also acknowledge that the Framework encourages self-build/custom build homes and that the housing needs assessment identified a need for a 3no. bed single storey dwelling. However, from the evidence before me it has not been demonstrated that the scale and design of the proposal is specific to their needs, or that they cannot be met by a less harmful scheme. Accordingly, this would not outweigh the harms in respect of location. Therefore, the PSED considerations do not lead me to an alternative view in this case, and following careful consideration of these matters, I am satisfied that the impact of dismissing this appeal would be proportionate and justified.
28. I note the appellant's assertion that they have taken stewardship of the land and have consequently stopped anti-social behaviour associated with it. I have no evidence before me to contradict this assertion. However, I am not satisfied that the proposed dwelling is the only means of securing the land from anti-social behaviour and its long-term maintenance. This is therefore a neutral factor in the determination of the appeal.
29. I appreciate that the appellant wishes to construct the dwelling so that they can continue to reside in the locality. The appellant states that two bungalows for sale in the village do not meet their needs. Although I have limited details of the properties, I see no reason to disagree. Further to the appellant's assertion that their current home is unsuitable for modification I do not have any substantive evidence before me that the existing dwelling could not be modified to meet the current needs.
30. I note the environmental credentials of the proposed development in terms of the inclusion of energy efficiency measures. However, these factors carry no more than limited weight in favour of the development.

Other Matters

31. The site lies outside of both the Braunston Conservation Area (BCA) and the Braunston Marina Conservation Area (BMCA). Considering the distance of the appeal site from these conservation area boundaries and the intervening vegetation, I concur with the Council that the appeal proposal would not adversely harm the setting of either the BCA or BMCA.
32. With regards to the design and external appearance, living conditions, archaeology, highway impacts and parking, subject to the imposition of suitably worded conditions I find no harms. However, these are neutral matters.
33. I note the Parish Council's reference to the potential availability of bungalows on a large-scale development within the confines of Braunston. From the information available to me this application is undetermined, and I therefore cannot be certain of the outcomes of this case.

34. Support for the proposal from local residents is noted, however, this does not overcome the harms I have identified.
35. Any concerns regarding due process during the processing of the planning application fall outside of the remit of this decision.

Planning Balance and Conclusion

36. As set out above, I conclude that the development would be in an unsuitable location for new residential development with regard to its countryside location and accessibility. I also cannot be satisfied that it would not have a harmful impact upon biodiversity and ecology. It would be contrary to the development plan in these respects.
37. Set against this, I acknowledge that the Framework is supportive of small and medium sized sites, such as this, which can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly. There would be moderate, social and economic benefits associated with the proposal relating to construction employment and provide limited support to local services from future occupiers that may enhance or maintain the vitality of rural communities once the dwelling is occupied. The dwelling would also contribute towards housing provision. However, given the small scale of the proposed development the weight afforded to these benefits is limited.
38. Even when taken alongside the other considerations forwarded by the appellant, these circumstances either individually, or cumulatively, would not outweigh the harm and conflict with the development plan that I have identified in this case.
39. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
40. For the reasons given above I conclude that the appeal should be dismissed.

R. Gee

INSPECTOR