
Appeal Decision

Site visit undertaken on 26 January 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/W2845/W/23/3321570

Land adjacent to No.30 West End, West Haddon, Daventry 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 Mc Gowan Investments Ltd against the decision of West Northamptonshire Council.
 - The application Ref WND/2022/0850, is dated 21 September 2022.
 - The development is described as the 'Construction of two new dwellings with associated landscaping.'
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs is made by Mr Malcolm Longley (Mc Gowan Investments Ltd) against West Northamptonshire Council. This application is the subject of a separate decision.

Procedural Matters

3. I note that both parties in their appeal documents reference the paragraphs of the National Planning Policy Framework 2021 (the Framework). Since the submission of the appeal, the 2021 version of the Framework has been superseded by the 2023 version. The wording of the paragraphs of the new Framework relevant to this appeal remain unchanged from the 2021 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. I have considered the appeal on this basis and refer only to the updated 2023 Framework within my decision.

Background and Main issue

4. The appeal was made prior to the Council's determination of the application. Following the submission of the appeal, the Council issued a Statement of Case (SoC) regarding the application and states that if the Council had made a determination, they would have refused the application for the following reason:

"It is considered that the proposed dwellings would have a detrimental impact on the character and appearance of the Conservation Area and in particular of this piece of open space that would fundamentally change its character and appearance of the area due to the loss of the openness of the land and the prominence of the two storey dwellings. The proposal would therefore conflict with policies S1 and R1 of the West Northamptonshire Joint Core Strategy, and

policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan as well as policies within the West Haddon Neighbourhood Development Plan and OS10 of the West Haddon Conservation Area Appraisal and Management Plan as well as having regard to the Framework.”

5. On the basis of the above, the main issue is the effect of the proposed development upon the character and appearance of the site and the locality, with special attention as to whether the proposal would preserve or enhance the character and appearance of the West Haddon Conservation Area (CA).

Reasons

6. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in the determination of a planning application.
7. With regards to undertaking development, relevant policies of the West Northamptonshire Joint Core Strategy (JCS) Policy S1 provides a number of principles for the distribution of housing development, where the appeal site is considered to be a 'rural area' where development will be limited but have an emphasis on enhancing and maintaining the distinctive character and vitality of rural communities, improving access to jobs, respecting the quality of tranquillity, amongst others. JCS Policy R1 provides a spatial strategy for rural areas where residential development will be required to provide an appropriate mix of dwellings, not affect open land which is of particular significance to the form and character of the village, be of an appropriate scale and preserve and enhance areas of historic and/or environmental importance, amongst others.
8. The Daventry Settlements and Countryside Local Plan (LP) is specific to the Daventry Area where Policy SP1 is the spatial strategy for the area where development is directed to locations dependent upon their sustainable pattern of development, and that protects and enhances the existing built and natural environment, including the District's heritage assets. LP Policy RA2 identifies the appeal site within the West Haddon settlement which is designated as a 'Secondary Service Village' and contains a number of principles to assess the appropriateness of development, such as meeting identified local needs, and be of an appropriate scale, form and character, including areas of environmental and/or historic importance, amongst others. LP Policy ENV7 relates to the historic environment and seeks that development sustain and enhance the historic environment by responding to their context, reinforcing local distinctiveness, and sustain those features of elements that have been identified as making a positive contribution, amongst others. LP Policy ENV10 relates to design principles, where development should promote or reinforce local distinctiveness, ensure the site blends well with the site and with its surroundings; and responds to the wider landscape and open space, amongst others. Whilst the Council state that the proposal would be contrary to the policies of the West Haddon Neighbourhood Plan (NP), there is no specific reference to which policies the scheme is in conflict with. Despite this, I will consider these policies as a whole with relation to the proposed scheme.
9. The significance of the CA is detailed within the West Haddon Conservation Area Appraisal where the CA boundary follows the historic core of the village which is a linear development that is situated predominantly along the main roads of High Street, West End and Station Road. Along these roads there are a

number of historic buildings. There is an emphasis on spaciousness, visual gaps and well vegetated spaces in and around dwellings, with glimpses between dwellings to vegetation and open countryside beyond which reinforces the relationship between the rural location and the countryside beyond. Dwellings tend to be two storey and of a functional design and appearance and contain similar small setbacks to no setback at all from the road edge. The appeal site is noted within the CA Appraisal as being part of a designated open space OS10 which makes a significant contribution to the CA. The CA Appraisal also notes the importance of setting and developments that can have negative impacts such as the developments which affect the views into, out of and through the CA, with particular emphasis on the north end of West End where the settlement pattern is less dense and buildings are separated by agricultural fields.

10. The appeal site displays a number of positive characteristics which contribute to the significance of the CA. The appeal site represents a positive break in the built form of the village, is a designated open space which makes a significant contribution to the settlement, and which reinforces the relationship between the rural village and the countryside beyond. From my site visit I agree that the appeal site contributes positively to the local distinctiveness, character and appearance of the CA. The appeal site still maintains a positive presence to the settlement and the CA alongside the other historic buildings found within the locality.
11. The proposed building would contain two dwellings, 'House 1' is a linear dwelling that is situated along the rear boundary and has a forward projection which forms a single storey carport, which then continues forward into a single storey carport for 'House 2' and a further projection of a two storey dwelling which would face side on to West End. The development would have an awkward and overcomplicated appearance, neither dwelling addresses the street or relates well to the dwellings surrounding, in terms of their positioning, context, scale or appearance. Whilst I can appreciate that there have been design attempts to reduce their scale and bulk with the use of the single storey carport link, this is unsuccessful and creates a bulky and uncharacteristic scheme which does not reinforce the local character or distinctiveness of the area.
12. Despite the issues with the overall design of the proposed scheme, there is a clear policy emphasis around the maintaining of open spaces that significantly contribute to the character and appearance of the settlement and the significance of the CA. Whilst only part of the area would be development and would still maintain some openness, the scale of built form combined with the residential paraphernalia from the two dwellings would erode a large part of the significance and sever the current relationship of open countryside entering the rural village and the reinforcement of views in, out and through the CA. Whilst I appreciate comments made through a Landscape Visual Impact Assessment¹ with regards to causing a low level of landscape harm, this is an assessment of views and landscape, and does not take into account the heritage value of the space which contributes to the significance of the CA, which elevates the impact of the proposal.

¹ Landscape & Visual Impact Assessment- by Sacha Barnes Ltd, July 2020, Ref SB/JS/716/L&VIA

13. In conclusion of this matter it is clear to me that the proposal would unacceptably harm the character and appearance of the locality, and erode open space that is important to the significance of the CA thus failing to preserve the character and appearance of the wider CA and the duty under s72 of the PLBCA. The proposed scheme would therefore conflict with Paragraph 208 of the Framework, JCS Policies S1 and R1; LP Policies ENV7 and ENV10 and the NP, in particular policies WH1 (protecting and enhancing landscape and local countryside character); and Policy WH10 (New residential development in West Haddon Village) as described previously.
14. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 208 of the Framework. Paragraph 206 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 208 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
15. The Appellant has suggested that the public benefits of the scheme would be that the development would remove the need to maintain the current land which in their opinion has no use. Whilst it was clear on my site visit that the site is not being maintained, I am not convinced that the site cannot be maintained, for example being grazed upon or used in association with agricultural fields beyond the site, or a use which maintains the significance of the open area of land. As a result of lack of substantive evidence regarding why an alternative use cannot be sought, the tidying up of the site is of only limited benefit. There are some public benefits, such as the development of small sites for 2 dwellings, the restoration of the front historic boundary wall, socio-economic benefits from increased local expenditure as a result of new residents, and the economic benefits from short term employment opportunities from the construction of the proposed scheme which attracts low-medium weight. However, these benefits are not sufficient to outweigh the harm caused to the CA, in which I attach great weight.
16. I note comments in the Appellant's final comments as to the willingness to be open to a mechanism to retain one of the proposed dwellings as affordable housing. Whilst no mechanism has been presented with this appeal to consider, even so, in my view if this was considered of additional benefit, it would not be sufficient to outweigh the harm caused.
17. I therefore find that the public benefits arising from the proposed development would not outweigh the harm I have identified. The scheme therefore conflicts with the Framework, which directs, at paragraph 205, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'

Conclusion

18. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR