



Appeal Decision

Site visit made on 9 January 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/W2845/W/23/3325657

Plot 1, Tythe Farm, East Haddon, Northampton NN6 8DW

- 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 Eddie Nixon against the decision of West Northamptonshire Council.
 - The application Ref WND/2022/0906, dated 3 October 2022, was refused by notice dated 12 April 2023.
 - The development proposed is remedial work following breach of planning of DA/2018/0157 and subsequent appeals APP/W2845/C/21/3279492 and APP/W2845/C/21/3279517.
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Decision

1. The appeal is allowed, and planning permission is granted for remedial work following breach of planning of DA/2018/0157 and subsequent appeals APP/W2845/C/21/3279492 and APP/W2845/C/21/3279517 at Plot 1, Tythe Farm, Northampton NN6 8DW in accordance with the terms of the application, Ref WND/2022/0906, dated 3 October 2022, subject to the conditions set out in the attached schedule.

Applications for Costs

2. An application for costs was made by Mr Eddie Nixon against West Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
4. There is an extensive planning history on the appeal site. Most recently an enforcement appeal¹ determined that the dwelling as constructed on site should have remedial works completed to bring it in line with an extant permission² or that it should be demolished. Although this appeal relates to a proposal in its own right for a scheme of remedial works, the extant permission

¹ Appeal Reference: APP/W2845/C/21/3279492

² Application Reference: DA/2018/0157

from 2018 forms a fallback position. As such I have considered it throughout my decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area including the group of former farm buildings and the Special Landscape Area.

Reasons

6. The appeal site falls within land designated as a Special Landscape Area. It is within an enclave of former agricultural buildings, now in residential use, and is accessed via a long private drive from Holdenby Road to the south. The appeal site comprises a significant detached house that faces east towards a large red-brick barn conversion, to the west the rear garden drops away steeply towards adjoining fields. Directly to the south in an elevated position is a large, detached dwelling in a substantial plot. A further, large detached new build house is positioned to the north.
7. The small enclave of five houses is in an elevated position, encircled by undulating open countryside, characterised by large agricultural fields bound by hedgerows, and interspersed with trees and isolated farmsteads. There are several public footpaths within the wider landscape where views of the enclave are possible. As a former rural farmstead, the built form of the enclave is inherently dominant within the open rural landscape.
8. Whilst I note that the dwelling would be substantial in scale, the eaves and ridge height would be the same as the fallback position with a proportional roof pitch. The increased depth and width would largely be imperceptible when viewed from the surrounding properties nor the wider landscape. Despite its scale, due to the slope of the land and the reduced height, it would appear subservient to the adjacent properties. While it would be prominent within the landscape, it would not be to any greater degree than the fallback position.
9. Despite the differences between the proposal and the fallback position, it would appear distinctly agricultural in its overall appearance. It is clear upon inspection that the proposed dwelling replicates certain architectural elements from the surrounding historic agricultural buildings, including its robust, linear form and half-hip roof. There would be no step in the front elevation. However, the overall mass would be broken down by a notable change in height and material. Overall, the elevations, including the oak porch, would be balanced and in keeping with the rural agricultural appearance of the surrounding buildings and the wider area.
10. Given the above, I conclude that the proposal would not harm the character and appearance of the area, including the group of former farm buildings and the Special Landscape Area. It would accord with Policies R1, S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (December 2014) and Policies SP1, ENV2, ENV10, RA6 of the Settlements and Countryside Local Plan (Part 2) For Daventry District 2011-2029 (February 2020). Together these policies seek to ensure that development is of high-quality design, is sympathetic to local character and protects Special Landscape Areas.

11. The proposal would accord with the Framework and the National Design Guide where they require development to add to the overall quality of the area, be visually attractive as a result of good architecture, be sympathetic to local character and history, including the surrounding built environment and landscape setting and protect and enhance valued landscapes.

Other Matters

12. I note concerns raised regarding increased internal floor area. However, this has not altered my analysis of the overall mass of the proposed structure and its effects. Further, there are no local requirements for dwellings to comprise a garage and the future addition of a detached garage could be controlled via condition.

Conditions

13. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council and the comments made by the appellant against the Framework and Planning Practice Guidance and where necessary I have amended the wording.
14. I have amended the time limit condition to ensure that it is enforceable. The condition is necessary in order to provide certainty on the implementation of the permission and in regularising the existing unlawful development. A condition is required to indicate the approved plans in order to provide certainty on the remedial works. I have imposed conditions in relation to contamination, to ensure that best practice guidance is adhered to and in the interests of the health and safety of the occupiers.
15. While Planning Practice Guidance states that conditions restricting the future use of permitted development rights often do not pass the test of reasonableness or necessity, given the scale and location of the proposal within the SLA, in this instance, I am satisfied that it is necessary to prevent future enlargements, improvements or alterations to safeguard the rural character of the group of former farmstead buildings and the SLA.

Conclusion

16. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR

Schedule of Conditions

- 1) Within 3 months of the date of this decision a timetable for the implementation of the works comprising the development hereby permitted, shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved timetable.
- 2) The works comprising the development hereby permitted shall be carried out in accordance with the following approved plans:
 - 022-054-005 Rev A Location and Block Plan
 - 022-054-504 Rev B As Proposed Elevations
 - 022-054-505 Rev A As Proposed Plans
- 3) The works comprising the development hereby approved shall be carried out in accordance with the recommendations contained within the Stage 1: Desktop Study and Risk Assessment, Report No YE2764 Rev 1, prepared by Your Environment, dated November 2016, agreed under application reference DA/2015/0459.
- 4) Any contamination that is found during the course of the works comprising the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the works comprising the approved development are resumed or continued.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement, or other alteration of the dwellinghouse or buildings etc incidental to the enjoyment of the dwellinghouse, as described in Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall not be undertaken without the prior written permission of the local planning authority.

***** End of Conditions *****