
Appeal Decision

Site visit made on 26 June 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/M2840/W/23/3327763

Field rear of Church Lane, Church Lane, Great Cransley NN14 1PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Claypole against the decision of North Northamptonshire Council.
 - The application Ref is NK/2022/0543.
 - The development proposed is erection of 10 no. dwellings with 5 affordable dwellings, including alterations to existing site access, landscaping and biodiversity enhancements.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J Claypole against North Northamptonshire Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The description in the header above is taken from the appeal form and the Council's decision notice as it is more precise than that given on the application form.
4. One of the reasons for refusal related to the lack of a planning obligation to secure affordable housing and infrastructure. To address this, an obligation has now been submitted and signed by both parties. I address this later.

Main Issues

5. The main issues are whether the development is suitably located, and the effects of the development on the character and appearance of the area; the setting of heritage assets; archaeology; the living conditions of nearby occupiers; and highway safety.

Reasons

Location

6. Great Cransley is a small village with few facilities. The appeal site is linear in shape and runs parallel to Church Lane but is separated from it by a dense vegetative buffer of bushes and mature trees. It lies outside, but close to, the village's settlement boundary, and is therefore considered to be in open countryside for planning policy purposes.

7. Policy 11 of the North Northamptonshire Joint Core Strategy (2016) (NNJCS) refers to development in urban and rural areas. It states that Part 2 Local Plans or Neighbourhood Plans may identify sites within or adjoining villages to help meet the local housing requirement. Other development will be resisted unless it constitutes a rural exception scheme or small scale infilling within villages.
8. A Housing Needs Survey was undertaken in 2020 which identified a need for five affordable houses and two market houses in the village. Policy CRC2 of the Kettering Site Specific Part 2 Local Plan (2021) allocates a site in the village, on Loddington Road, to provide 10 – 15 units. NNJCS policy 30 sets out that on any scheme of 11 houses or more, 40% of the units should be affordable. Were this site developed as allocated, 4-6 of the units would be affordable, which would broadly fulfil the identified need. In view of this, the proposed development is not needed to meet the local housing requirement, so would be contrary to Policy 11.
9. The appellant doubts the ability of the allocated site to meet the identified affordable housing needs, and this view is shared by the Council's Strategic Lead for Housing Development and Enabling. However, although I agree it is by no means certain that affordable housing would be provided on the Loddington Road site, it is a reasonable assumption. There is no persuasive evidence to demonstrate that a quantum of development including a policy compliant amount of affordable housing could not fit on the site and which would still allow for views through to the countryside beyond, space for vehicle turning, and biodiversity net gain. Indeed, although I note that one planning application for only nine houses for the site was made, and was ultimately withdrawn, that scheme included several detached houses. It may be feasible for a greater number of units to be provided with a different form of housing.
10. Furthermore, whilst I recognise future developers may suggest that a scheme including affordable housing would be unviable or may only propose developments that do not reach the threshold upon which affordable housing is required, it would be for the Council to assess the authenticity of those proposals at that time.
11. Moreover, policy 30 alternatively requires affordable housing on schemes whose floor area exceeds 1000sqm. So even if less than 11 units were provided, the requirement for affordable housing may remain. It is also the case that the National Planning Policy Framework (the 'Framework'), which postdates the NNJCS, requires affordable housing on schemes of 10 units or more.
12. As such, whilst I do not doubt the proposal would provide a quantum of affordable housing that would accord with policy 30, it would be unreasonable to disregard the ability of the allocated site to meet the identified affordable housing need for the village. Particularly as the Part 2 Local Plan has only been adopted for a relatively short time.
13. Alternatively, were the development to be considered as a rural exception site, NNJCS Policy 13 would apply. This says that development in the rural areas may be permitted if a number of criteria are all met. With regard to sites adjoining settlements, such as is the case in this appeal, it says development should meet an identified need arising in the village. However as already set out above, the Loddington Road site is allocated to meet the identified need, and the development of this site would be in addition to that.

14. The proposal consequently represents an unjustified development beyond the settlement boundary in the open countryside. It would not accord with policies 11 or 13 as set out above.

Character and appearance

15. The site constitutes the southern section of a larger field of undulating pasture. Views of the site from Church Lane are limited by the thick and mature tree belt which separates the site from the road. However, there is a public footpath which runs along the north boundary of the larger field affording views across the site down to the tree belt to its south. From here, the houses on Loddington Road are visible over the informal boundary treatment along their rear boundaries, as are the few houses to the west of the site on Church Lane. Nonetheless, overall, the site has a strong rural character and its openness contributes to the rural setting of the village particularly as seen from the footpath to the north.
16. The plans indicate a substantial area of public open space in the west of the site and boundary vegetation along the rear of the site. However this would not compare favourably with the row of mature trees there is currently along Church Lane. Those trees would remain to be visible above the proposed dwellings, but the development itself would erode the soft verdant edge to the settlement provided by those trees. Instead, when seen from the footpath, the development would provide a more urban character which would be inconsistent with its rural location. The fact that the rear gardens of the proposed dwellings would be shorter than those visible of the dwellings on Loddington Road means the development would appear incongruously prominent when seen from the from the footpath adding to the contrast with the prevailing character.
17. The proposal would therefore significantly harm the character and appearance of the area. It would conflict with policy 8 of the NNJCS which aims to ensure that development responds to the site's immediate and wider context and local character.

Heritage assets

18. The Great Cransley Conservation Area (GCCA) is primarily focussed along Church Lane, incorporating the cluster of buildings at its junction with Loddington Road, the buildings and vegetation along its length, and St Andrews Church with its surrounding land. The majority of the houses in the village, along Loddington Road, are not within the Conservation Area. Its main significance stems from the historic buildings within it, including the Grade I church and the Grade II* listed Cransley Hall. As such, whilst the appeal site lends a rural surround to the GCCA, this provides only a modest contribution to its significance.
19. The development, by comprising the provision of substantial built form on a currently undeveloped site, would affect the rural setting of the GCCA, but this would have very little effect on its significance.
20. The listed buildings on the south side of Church Lane are separated from the site by the dense tree belt. Cransley Hall significance is as an attractive 17th century hall set in a spacious and verdant garden. Its setting is tightly constrained by the mature trees that line its boundary with Church Lane. It is

unlikely that any more than very limited views would be possible from the appeal site to this listed building and vice versa, and they would not be seen together. Hence there would be no harmful impact on its setting.

21. The Grade I listed church's significance is as the village's historic church. It is set well back from Church Lane but its spire is visible from a number of positions within the village. It is possible that from the footpath to the north of the appeal site, the proposed dwellings may be visible in the same views as the church. However the church would be in the distance and other houses in the village would also be visible in these same vistas. There would therefore be no harm caused to the setting of this heritage asset.
22. Overall although the proposal would not harm the setting of the listed buildings, it would cause harm, albeit less than substantial harm, to the setting of the conservation area. It would therefore fail to accord with NNJCS policy 2 which seeks to preserve the historic environment.
23. Whilst I give great weight to the conservation of the heritage asset, paragraph 208 of the Framework sets out that where less than substantial harm would be caused to a heritage asset, that harm should be weighed against public benefits.
24. A completed legal agreement has been provided. This purports to secure the provision of affordable housing and public open space on the site, and contributions towards libraries, secondary education and healthcare.
25. The affordable housing would comprise one social rented unit and four shared ownership units, to which the Council raise no objection. Indeed this mix reflects the results of the Housing Needs Survey. I consider the obligation for affordable housing would accord with NNJCS policy 30. Moreover I consider that this obligation would be fairly and reasonably related to the development proposed and that it would pass the statutory tests. I have therefore taken it into account. The proposed public open space would incorporate an orchard, planting and a pond. There appears to be no policy requirement for this. Nonetheless, the provision would be fairly and reasonably related to the development and I take it into consideration. The open space provision would also allow for a considerable net gain in biodiversity. These are public benefits of substantial weight.
26. The proposal would provide some support to services and facilities in nearby villages such as Broughton or Loddington. However the development provides only 10 units. Also the larger town of Kettering, with the wider range of shops and services, is only a little further away so may be more convenient for many shopping trips. As such, I would consider the public benefit to the facilities in these nearby villages to be limited.
27. The other obligations in the legal agreement, to provide contributions towards libraries, secondary education and healthcare, would be to mitigate the effects of the development and so could attract no positive weight. Nonetheless, I consider that the public benefits outweigh the less than substantial harm to the setting of the conservation area.

Archaeology

28. An Archaeological Evaluation was carried out based on a geophysical survey and 16 trenches being dug across the site. These found a significant quantity of

multi period archaeological remains still extant of which the Saxo-Norman material could be of both national and regional significance. There was also evidence of a World War Two prisoner of war hostel.

29. The conclusions of the Evaluation were that the remains of the hostel would need a suitable level of recording and that the extent of the earlier medieval settlement should be fully established.
30. On that basis, the Council's archaeological advisor recommended that this mitigation could be secured by condition, and conditions have been suggested. Although mitigation was not detailed in the Evaluation, I am satisfied that such measures could be secured by a condition were planning permission to be granted. The proposal would, in this respect, accord with policy 2 of the NNJCS.

Living conditions

31. The bin collection area would be alongside the rear garden of No 2. There currently is a low post and rail fence along this boundary. Given the distance this area is from even the nearest of the proposed dwellings, it is unlikely that bins would be here other than to be collected. The rest of the time they would be at the individual houses for convenience.
32. Neighbouring houses have wheely bins and, as it is likely the new houses would have similar, I have no reason to consider that loose rubbish would be stored here or that the bins would attract pests. There would be some noise generated during the collection of the waste by collection vehicles, and by the movement of the bins to and from the collection area, but this would be for a short period of time once a week.
33. Overall, in this respect, the development would not unacceptably affect the living conditions of neighbouring residents. It would therefore comply with policy 8 which seeks to protect the amenity of neighbouring properties.

Highway safety

34. The plans indicate that an area by the site entrance would be used to accommodate waste bins on collection days. From my site visit, I estimate that the existing grass verge which would be used for the bin collection area, would be sufficient to accommodate two bins each from the proposed 10 units and from the existing house at Wood View Lodge. There appears to be space at the front of 2 Church Lane for their own bins. There would be no need therefore for bins to be placed on the highway such that they would obstruct the flow of traffic. The proposal would therefore comply with policy 8 which states that developments that would prejudice highway safety should be resisted.

Planning Balance and conclusion

35. The development would harm the character and appearance of the area contrary to policy 8, and by being outside the development boundary without any overriding need for it, would conflict with policies 11 and 13. It would also cause less than substantial harm to the setting of the conservation area.
36. Whilst I have found that the public benefits outweigh the harm to the setting of the conservation area, when the other harms are accounted for in the planning balance added it is considered that, overall, the harms outweigh the benefits.

The lack of harm to archaeology, living conditions and highway safety are neutral factors.

37. The proposal would therefore fail to accord with the development plan taken as a whole. As such, and taking account of all other considerations, the appeal is dismissed.

A Owen

INSPECTOR