



Appeal Decision

Site visit made on 17 June 2024

by **John Felgate** BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 31 July 2024

Appeal Ref: APP/M2840/W/24/3340893

Land at Church View, Main Street, Orton, Northamptonshire NN14 1LJ

- 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 Andy Bull and Mrs Sue Bull, against the decision of North Northamptonshire Council.
 - The application Ref NK/2023/0325, dated 26 May 2023, was refused by notice dated 15 February 2024.
 - The development proposed is "Partial demolition of existing dwelling and erection of one new dwelling, with alterations to existing, new access, parking and landscaping".
-

Decision

1. The appeal is allowed and planning permission is granted for the partial demolition of the existing dwelling, and the erection of one new dwelling, with alterations to the existing dwelling, new access, parking and landscaping, on land at Church View, Main Street, Orton, Northamptonshire NN14 1LJ, in accordance with the terms of the application, Ref NK/2023/0325, dated 26 May 2023, subject to the conditions in the attached schedule.

Main issues

2. From the submissions before me, I find that the main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - and whether the scheme would accord with the relevant planning policies relating to housing development in the rural part of the District.

Reasons for decision

Character and appearance

3. 'Church View' is a substantial, 2-storey detached house, set within an extensive plot, said to be around 0.7ha, on the edge of the village of Orton. The existing house is sited towards the western end of the plot. To the front, the house has its own gravel driveway and parking area, with access from another private drive, on the western boundary. To the side, there is a large patio area.
4. The development now proposed would involve the construction of an additional dwelling, positioned on the eastern part of the of the plot, served by a new, separate access and driveway from Main Street. In addition, the scheme would include the demolition of the eastern wing of the existing house. A landscaping and ecological scheme is proposed, which would include a new central

- hedgerow and tree belt, to separate the curtilages of the new and existing dwellings, together with other planting and wildlife measures.
5. Policy 3 of the Joint Core Strategy¹ (the JCS) seeks to protect and enhance the distinctive character and qualities of the District's landscape, and the landscape setting of its settlements. JCS Policy 8 similarly seeks, amongst other things, to protect settlement character by ensuring that developments respond to their local context and topography.
 6. In the present case, the eastern part of the appeal site, within which the new dwelling would be sited, adjoins the built-up part of Orton village on two sides. To the west is Church View, then a large house known as The Oaks, and a collection of further dwellings and other buildings around Manor Farm and The Grange. To the north, on the opposite side of Main Street, is a row of residential properties, plus the former Church of All Saints, and the Orton Trust's old workshop building. To the south and east there is open country, but the appeal site is enclosed on both of these boundaries by substantial tree belts, and also by Orton Road to the east. The site is therefore well related to the village, and seems to me to fall within its natural and visual boundaries.
 7. The site is seen from close range, from those sections of Main Street and Orton Road that directly bound the site itself. In the case of Main Street, as well as having existing development on one side, this section of road has a tarmac footway along one side, and stone or concrete kerbing on both sides. There is also a village entrance sign at the far eastern end of the site frontage, and 30mph signs further out. In views from Orton Road, the existing property Church View is clearly visible across the site, as are the patio and vehicles parked on the driveway. From both directions therefore, the visual context is that of the village, rather than the countryside. There are no longer, or middle distance, views of the site. All the available views therefore reinforce the impression that the site forms part of the village.
 8. The site itself comprises a sweeping expanse of lawn, surrounding Church View and its patio, and extending to all the site's boundaries. At the time of my visit, the grass was closely mown, and given its evidently immaculate condition, it seems probable that this is the manner in which it is normally maintained. Seen in the context of the existing house, the site's appearance is that of an extensive residential garden. The Council does not appear to dispute that the whole of the site lies within Church View's residential curtilage, and I have no reason to disagree. This again further reinforces my view that the appeal site is more closely related to the village, and forms part of it, rather than having any relationship to the countryside.
 9. The new dwelling that is now proposed would have two main elements. The main building would house the main living areas and one bedroom on the ground floor, with two further bedrooms in the roof. The second, smaller element would have an office and boot room, connected by a short, glazed link. Both elements would be simple rectangular structures, linear in shape, with low eaves and steeply pitched roofs. The larger building would also have a shallow gabled projection to the rear, creating a vertical feature as a visual counterpoint to the prevailing horizontal emphasis. The roof would have a deep overhang at one end to provide a covered outdoor seating area. The materials would include reclaimed bricks, random rubble stonework, slate tiles, and black

¹ The North Northants Joint Core Strategy, adopted July 2016

metal roof cladding to the rear projection. The windows would have arched stone lintels, with black aluminium framing. Oak joinery would be used on the external doors and panelling, and on the framing to the roof overhang. The proposed new driveway would make use of an existing gap in the boundary trees, with only minor widening, and would follow the existing contours.

10. Overall, it seems to me that the scheme has been designed with considerable skill and care, and with great regard for the site and its context. Whilst the general approach, of attempting to replicate the appearance of a group of farm buildings, is not in itself particularly novel, in this case it seems to me that the design is of a quality that elevates the appeal scheme above most others of that type. To my mind, the design is pleasingly restrained. The massing would be broken up by the division of the building into its main and subsidiary elements. The fenestration, incorporating a degree of carefully controlled asymmetry, would be well balanced. The scale and configuration of the building would enable it to fit comfortably within the space available, and to sit well in relation to the site topography. The proposed new landscaping would provide a softening backdrop. The overall composition, of the new building within its site, would be harmonious. In short, the development would be an attractive addition to the village. Consequently, in my view, the result would be an enhancement of the site and its surroundings.
11. The demolition of the eastern wing of Church View would make the existing building significantly smaller than it is now. The part that would be demolished is an extension to the original, and is not particularly attractive. But it is not so unattractive as to cause any significant harm to the surroundings. In terms of visual impact therefore, the net effect of the proposed demolition would be neutral.
12. Taking account of both the new dwelling and the proposed partial demolition, I conclude that the appeal scheme as a whole would enhance the area's character and appearance. As such, it would protect the character and quality of the local landscape and the setting of the village of Orton, in accordance with JCS Policies 3 and 8.

Rural housing policies

13. In the JCS, Policy 11 seeks to strengthen the District's network of settlements. In the rural areas, under part 2(a) of the policy, development is to be limited to that which is required to support the rural economy, or to meet locally arising needs which cannot be met more sustainably at larger settlements. In addition, under part 2(b), small scale infill development is permissible on suitable sites within villages, where this would not materially harm either the character of the settlement or residential amenity, nor exceed the capacity of local infrastructure and services. Infilling is defined at paragraph 5.17, to include under-developed land with built development on at least two sides.
14. JCS Policy 13 sets out various further exceptions to Policy 11. These include provision for individual dwellings of exceptional quality or innovative design. Paragraph 5.42 of the JCS requires that such cases should be truly outstanding, reflecting the highest standards of architecture, significantly enhancing their setting, and sensitive to the area's defining characteristics. Paragraph 5.43 also states that schemes should exceed the sustainable design standards set out in JCS Policy 9.

15. In the Local Plan² (the KLP), Orton is classified as a Category C village, where Policy RS4 states that development will generally be resisted. However, the policy allows for certain exceptions, one of which is for schemes that comply with Policy 13 of the JCS.
16. In the present case, as set out above, the appeal site is within the village of Orton, with development on two sides. It also clearly comprises under-developed land, being a large site which currently supports only one dwelling. The site therefore meets the JCS' definition of an acceptable infill site. The proposed additional dwelling would be a small-scale development. For the reasons already explained, I am satisfied that the scheme would not harm the character of the settlement; indeed I consider that it would result in an enhancement. There is no suggestion that it would affect residential amenity or exceed the capacities of any local infrastructure. On this basis, the development seems to me to meet the requirements of part 2(b) of Policy 11, and is therefore permissible under the terms of that policy.
17. In addition, for the reasons also already stated, it is evident to me that the proposed scheme would represent an example of outstanding, high quality design, reflecting an exceptionally high standard of architecture, and significantly enhancing the site and its village setting. As far as sustainability is concerned, the appellants state that the building has been designed to maximise natural lighting and ventilation through passive solar gain; to achieve energy efficiency through air source heat pumps, photovoltaic solar panels and LED lighting; and to reduce water consumption to less than 105 litres per person per day, through water-efficient fittings and rainwater harvesting. These contentions have not been disputed. Although there is little further detail at this stage, such information could be required by condition, and the appellants have confirmed their agreement to such a requirement. On this basis, it seems to me that the appeal scheme is capable of meeting the exception allowed by JCS Policy 13 for dwellings of exceptional quality.
18. In the light of this latter finding, it follows that the proposed development would also meet the exception that Policy RS4 of the KLP provides, for schemes that accord with JCS Policy 13. As such, the proposal would also accord with Policy RS4.
19. The proposed new dwelling would not be a replacement, nor would it be accessible to any local services or facilities, other than by car. Nor has it been demonstrated that the appellants' future housing needs, or those of their family, could not be met in some other way. And whilst I have no reason to doubt the appellants' intention to carry out the development as a self-build project, in the absence of any legal undertaking, there is no means of enforcing that intention. But nevertheless, in the light of my findings on the matters discussed above, it is not necessary to consider these alternative arguments further, because I am satisfied that policy compliance has been demonstrated in any event.
20. For the reasons set out above, I conclude that the proposed scheme would be an acceptable small-scale infill development, strengthening the role of Orton in the District's settlement network. It would also provide an exceptionally high quality of design, enhancing its setting. As such, the development would

² 'The Kettering Site Specific Part 2 Local Plan', adopted December 2021

comply with the most relevant policies relating to development in the rural parts of the District, including JCS Policies 11 and 13, and KLP Policy RS4.

Other matters

Listed Building settings

21. There are two listed buildings nearby, one being the former All Saints' Church, and the other Manor Farmhouse. The Church building is recorded as having been converted to a stonemasonry centre for the Orton Trust. From the former Church, the new dwelling and driveway would be partially visible through the new access, but for the reasons already explained, the development's effect would be to enhance the surroundings, and this would include an enhancement of the listed building's setting.
22. From Manor Farmhouse, the appeal site is well screened by the existing dense tree belt on the site's southern boundary, and as such, the appeal site is outside the listed building's setting. In this case therefore, the setting would be unaffected.
23. The listed building settings would therefore be either protected or enhanced, in accordance with JCS Policy 2.

Biodiversity gain

24. Although the provisions of the Environment Act 2021 are not applicable in this case, the appellants' biodiversity report and metric calculation shows that the submitted landscape and ecological scheme would be capable of producing a net gain, in both habitat and hedgerow units. Whilst the Council has some reservations about the detailed calculations, it is not disputed that a net gain could be achieved, meeting the requirements of JCS Policy 4. This benefit to biodiversity weighs in favour of the scheme, although the weight that can be attached to it is only modest, given that the JCS policy requirement would apply in any event.

The proposed partial demolition

25. The appellants state that the demolition of the east wing of Church View was included in the appeal scheme only as a response to matters raised during pre-application discussions, and that this was not their own preference. From the information provided however, it is not clear whether this suggestion was in fact intended by the Council, nor what the potential reasons would have been.
26. For the reasons discussed earlier in this decision, my own view is that the demolition is not necessary to make the proposed new dwelling acceptable. Nor do I consider that any significant benefits would arise from it. Indeed, it seems to me that any such benefits would be offset, by the wastage of building materials and resources, and by the loss of usable residential accommodation.
27. On balance, I find that the inclusion of the proposed partial demolition weighs neutrally, neither for nor against the proposed scheme.

Conditions

28. I have considered the conditions suggested by both parties, in the light of the tests set out in the National Planning Policy Framework (NPPF). In some cases I have also edited the suggested wording, in the interests of clarity and conciseness. Those that I intend to impose are listed in the attached schedule.

29. I agree that a condition specifying the approved plans is needed, to define the nature of the permission. I also agree that control over the details of the external materials is necessary, to ensure a satisfactory appearance. And in this case, a requirement for measures to limit energy and water usage is reasonable, for the reasons set out elsewhere in this decision.
30. Conditions to ensure the provision of the new access, driveway and parking area, and a condition relating to entrance gates, are all needed for reasons of highway safety. For the same reason, I agree that these should include a requirement for the provision of 2m x 43m vehicular visibility splays. But the suggested 2m x 2m splays for pedestrians would be wholly within the vehicular splay area, and therefore would serve little purpose; and in any event, there is no footway on this side of Main Street. Furthermore, as the vehicular splays would be wholly within highway land, a requirement to keep them clear of obstruction would be unreasonable.
31. With regard to landscaping, I agree that some new planting is needed, to ensure a good appearance. However, the proposals already submitted seem to me a sympathetic and attractive design, and I see no need to add to this. The submitted proposals also provide adequate details of boundary treatments where necessary. Similarly with regard to ecology and biodiversity, the submitted scheme seems to me sufficient to satisfy the JCS requirement for a net gain. But from the submitted ecology report, it appears that the site contains no existing habitat of any significance. In the circumstances, the suggested requirement for a landscape and ecological management plan, and a construction environmental management plan, would be disproportionate. Accordingly, the only condition that is necessary in relation to these matters is one which secures the implementation of the approved landscape and ecological scheme.
32. A general construction management plan seems unnecessary, given that the site is clearly large enough for construction works to be contained within it, away from the highway and neighbouring properties. The suggested condition relating to contamination also seems to me unjustified, as there is no evidence of any potential sources or relevant previous uses.
33. With regard to the proposed partial demolition of Church View, it has not been suggested by any party that the implementation of this part of the scheme should be secured by condition, or indeed by any other means. For the avoidance of doubt, and for the reasons that I have already made clear, I am satisfied that no such condition or requirement is necessary or justified.

Conclusion

34. For the reasons set out above, I have found that the proposed development would cause no harm to the area's character and appearance, and indeed would bring about a modest enhancement in this regard, due to the quality of the design and layout, thus complying with Policies 3 and 8 of the JCS. The scheme would also meet the requirements of JCS Policies 11 and 13, and Policy RS4 of the KLP, relating to housing in the District's rural area. The proposal would therefore accord with the development plan as a whole.
35. The development would have the potential to achieve a small net gain in biodiversity, as required by JCS Policy 4, and in the absence of any specific

requirement under the Environment Act 2021 in this case, this adds some further modest weight in favour.

36. No material considerations weighing against the scheme have been identified or substantiated.
37. Taking all the above into account, I conclude that permission should be granted. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans (except where otherwise specified by other conditions in this schedule):

(00)003	Proposed Ground Floor Plan
(00)004	Proposed First Floor Plan
(00)005	Proposed Elevations
(00)007B	Alterations to Existing Dwelling
(00)008	Proposed Access
(00)010	Proposed Site Sections
(00)012	Proposed Landscaping and Ecology Plans
(00)013	Proposed Block Plan
- 3) No development shall take place above ground floor slab level until details of the materials to be used on the external surfaces of the proposed building have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in accordance with these approved details.
- 4) No development shall take place above ground floor slab level until a scheme of energy and water use efficiency measures has been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in accordance with these approved details.
- 5) The new dwelling shall not be occupied until the proposed new vehicular access has been constructed, in accordance with Plan No. (00)008, including visibility splays of 2m x 43m in both directions. Thereafter, the access shall be retained in accordance with the approved details.
- 6) The new dwelling shall not be occupied until the proposed driveway and parking area have been constructed, in accordance with Plans No. (00)008 and (00)012, and brought into use. Thereafter, the parking area shall be retained as such at all times, and kept available for the parking of vehicles.
- 7) Notwithstanding the details shown on the approved plans, any gates erected across the proposed new access or driveway shall be set at a distance no less than 5.5m from the edge of the highway carriageway, and shall be hung so as to open into the site only.
- 8) The new dwelling shall not be occupied until a programme for the implementation of the proposed landscaping and ecological scheme, shown on Plan No. (00)012, has been submitted to the local planning authority and approved in writing. The programme shall make provision for the landscape and ecological works to be completed no later than the end of the first planting season following the occupation of the new dwelling. Thereafter, within the first 5 years after planting, any new tree or plant which dies or is removed, or becomes seriously damaged or diseased, shall be replaced with another of the same size and species, unless otherwise approved in writing by the local planning authority.

[END OF SCHEDULE]