



Appeal Decision

Site visit made on 15 October 2024

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/M2840/W/24/3345986

The School House, 65 Main Street, Woodnewton, Northamptonshire

PE8 5EB

- 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 Charles Forrest on behalf of The Trustees of Woodnewton School House and Land Charity against the decision of North Northamptonshire Council.
 - The application Ref is NE/23/00698/FUL.
 - The development proposed is described as: Form new vehicle access and construct new dwelling and detached outbuilding. Provide off street parking for existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the site falls within a conservation area as well as the settings of listed buildings, I have had special regard to the statutory duties set out under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

3. The main issues are:
 - Whether or not the proposal would accord with relevant provisions of the development plan, in so far as they pertain to "backland" development;
 - Whether or not the proposal would preserve or enhance the character or appearance of the Woodnewton Conservation Area (the CA);
 - The effect of the proposal upon the setting and thereby the significance of the Grade II* Listed Church of St Mary (the Church);
 - Whether or not it has been satisfactorily demonstrated that acceptable living conditions would prevail for occupiers of The School House, having particular regard to privacy;
 - The effect of the proposal upon biodiversity.

Reasons

Provisions of the development plan pertaining to "backland" development

4. Woodnewton is defined as a small freestanding village through the East Northamptonshire Local Plan Part 2 (October 2023) (the LPP2). The site,

which abuts Main Street and is surrounded by neighbouring residential land uses, can be fairly considered to fall within the built-up area of the settlement. Policy EN1 of the LPP2 indicates that, to help maintain and strengthen local services, infill development opportunities within the existing built-up areas of freestanding villages shall typically be supported. This is subject to compliance with the detailed provisions of Policy EN2 of the LPP2.

5. Criterion (ii)(c) of Policy EN2 indicates that infill development sites should be bounded by existing or committed development on at least two sides (which is a provision met by the appeal site) and should be adjoined by a highway such that development would not extend the built form away from a highway to create a "backland" form of development.
6. It has been suggested that the site does adjoin a highway and that "backland" development is not under consideration. Although the red line boundary as depicted upon the submitted Location Plan does bound a highway, the scheme is centred upon a sub-division of the site whereby a new residential plot would be formed to the rear of The School House and made accessible via a newly created shared driveway. Moreover, the proposed infill dwelling would extend built form away from a highway and comprise a "backland" form of development.
7. I acknowledge that Nos 63 and 67a Main Street, the dwellings situated either side of the site, are set a similar distance back from the highway when compared to where the proposed dwelling would be sited. In this sense the scheme would not extend the built form/edge of the village away from the highway. However, this is not the relevant policy test which is explicit in its aim to guard against "backland" forms of development. It is also relevant to note that both Nos 63 and 67a occupy individual plots that bound Main Street, such that neither mirrors the form of development being proposed here.
8. For the above reasons, the proposal would fail to accord with relevant provisions of the development plan in so far as they pertain to "backland" forms of development. Accordingly, there is conflict with Criterion (ii)(c) of Policy EN2 and thus identifiable harm due to non-compliance with a development principle that underpins the Council's adopted spatial strategy. I shall now move on to consider the scheme's implications in a character and appearance realm.

The CA

9. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its array of often featureful historic buildings and the clear sense of enclosure that is applicable along Main Street by virtue of a prevalence of street-fronting buildings and historic boundary walls. This significance and special interest is further underpinned by a predominance of limestone as a traditional building material and the verdant ruralness of the CA's wider surroundings.
10. The School House is an historic stone-built cottage that directly addresses Main Street and, despite alterations over time, makes a positive contribution to the CA. This is especially so when considered in conjunction with an adjoining long-established front boundary wall of approximately two metre height that has a corresponding coursed limestone exterior.

11. The proposed one and a half storey dwelling would be of relatively modest size and setback from Main Street upon a similar building line to adjacent dwellings. It would be neither read as a prominent nor wholly unexpected addition to the streetscene and, as to be set in from the site's boundaries, an excessive visual bulk of built development in a location stepped back from the highway would be avoided. Indeed, the dwelling would be visible from a limited range of publicly accessible vantage points within the CA and no undue reduction in the availability of outward views across the open countryside would avail. This is even though a small, detached outbuilding is also intended to be constructed.
12. I have noted concerns raised with respect to an alleged basic design and an absence of vernacular features. However, in the context of its discreet setback positioning and the presence of modern built influences close by, there is no clear reason for me to take issue with the uncomplicated design approach that has been taken. I also note that hints to the local vernacular would be made by a suite of external facing materials that would include coursed limestone, natural slates, and painted timber windows/doors. For the avoidance of doubt, I have interpreted the proposed plans to indicate the utilisation of natural coursed limestone to all elevations at ground floor.
13. It has been suggested that cedar cladding, which is intended to elevations above ground floor, is not a common feature within the CA and would appear at odds with the historic and traditional character of the wider streetscene. However, upon inspection of the CA, it was possible to observe multiple instances of where cedar/timber cladding has been utilised. This included at No 67a. As such, the intended selective use of cedar cladding would, to my mind, be acceptable in a character or appearance sense.
14. Notwithstanding the positive nature of my findings in relation to the visual effects and detailed design of the proposed dwelling when taken in isolation, a new vehicular access is also under consideration. Moreover, a sizeable punctuation of the site's front boundary wall would be necessitated by plans to introduce a shared access and associated visibility splays. This is along a stretch of Main Street where breaks in enclosure can be observed to be relatively few and far between.
15. The removal of this extent of historic coursed limestone walling sited immediately adjacent to Main Street would inevitably lead to some loss of heritage significance. Indeed, it is accepted through the appellant's Heritage Impact Statement (June 2023) (the HIS) that the stone wall to Main Street makes a positive contribution to the character of the CA. It is the case that historic fabric would be lost and the clear sense of enclosure that is experienceable along Main Street would be diminished to a material degree.
16. For the above reasons, the proposal, when taken as a whole, would fail to preserve the character or appearance of the CA and thus cause harm to its heritage significance. Under the terms of the National Planning Policy Framework (December 2023) (the Framework), I would qualify that the degree of harm to the CA as a designated heritage asset would be less than substantial. Paragraph 208 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall turn to in my Heritage Balance below.

The Church

17. The Church is Grade II* Listed and stands on elevated land at the western edge of the CA. Its significance and special interest as a designated heritage asset is drawn, in part, from its age, its relevance to the historic evolution of the village, and its role and function as a visual and social landmark. This significance and special interest is further underpinned by the asset's traditional materials – predominated by coursed limestone – and the inherently rural nature of the asset's wider surroundings. The site, owing to its proximity, comprises a part of the Church's setting.
18. I have already identified that the proposed dwelling would not be read as a prominent addition to the streetscene. Consistent with this, various buildings of differing compositions and setback distances already feature in southward views from the churchyard. In this context, the new dwelling would comprise an innocuous and inoffensive addition to the Church's setting. Furthermore, including from churchyard locations, a continued appreciation of the open countryside to the south of the settlement would be neither unacceptably eroded nor prejudiced.
19. Even so, I must also consider any implications of the intended punctuation of the front boundary wall in a position directly opposite the churchyard's easternmost part. In conjunction with other historic coursed limestone walls that bound Main Street in this location, including a low-level retaining wall in place to the churchyard's edge, the site's front boundary wall synergises with the Church and reinforces the historic nature of the asset's immediate surroundings in this part of Main Street. As such, the site's front boundary wall makes a positive contribution to the Church's setting.
20. Whilst it is proposed that elements of the wall be retained and repaired either side of the new access, it remains that a wide and meaningful punctuation is intended. Further, the extent of fabric to be lost would be exacerbated by virtue of the wall's considerable height. The loss would be noticeable in northward views from churchyard locations opposite and in westward views along Main Street from positions where the Church and front of the site are visible in unison.
21. Thus, the proposal, when taken as a whole, would cause harm to the heritage significance of the Church by virtue of a loss of historic stone wall within its setting. As a result, harm, albeit at a low level, would be caused to the designated asset's heritage significance. I would qualify the degree of harm to be less than substantial under the terms of the Framework, which I shall return to under my Heritage Balance below.

Living conditions – privacy

22. There is an acceptance from the Council that The School House and proposed dwelling would be sufficiently separated to avoid the creation of unduly sensitive overlooking opportunities between facing openings. It is the potential for the rear garden space of The School House to be overlooked by newly created first-floor bedroom windows that is the focus of the Council's objections in a privacy sense.
23. A short distance of separation between the front elevation of the new dwelling and the southern edge of the garden intended to serve The Old School House

would avail. However, newly proposed boundary treatment would offer some degree of mitigation in conjunction with the screening effects of a long-established Yew tree that is to be retained. It is also the case that the site comprises part of a compact residential environment whereby some degree of mutual overlooking (on either a direct or oblique basis) across neighbouring garden spaces is already commonplace. In this context, I am sufficiently content that unacceptable overlooking opportunities would not avail.

24. For the above reasons, having particular regard to privacy, it has been satisfactorily demonstrated that acceptable living conditions would prevail for occupiers of The School House. The proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016) (the JCS) in so far as this policy sets out that development should not result in an unacceptable impact on the amenities of future occupiers, neighbouring occupiers, or the wider area by reason of overlooking.

Biodiversity

25. The proposal is supported by a Preliminary Ecological Appraisal (November 2022) (the PEA) informed by on-site survey work. Its findings include no evidence of protected species and that the site has a low ecological value such that an opportunity for enhancement prevails. Having undertaken my own walkover of the site, I have no reason to doubt a current low value and a limited potential to support protected species. This is even though both the survey and my own inspection were not undertaken at the optimal time of year for ecological survey work.
26. However, the evidence before me indicates that site clearance works, including the removal of established trees and other planting, took place in advance of the PEA's production. Therefore, it may not be the case that the site's condition, as surveyed, offers a fair representation of its pre-development biodiversity value – the baseline from which biodiversity net gain should be calculated. This particular point has not been clearly addressed through either the PEA or the appellant's appeal submissions, which is a matter of relevance not least because Policy 4 of the JCS indicates that a net gain in biodiversity shall be sought from development proposals.
27. Moreover, it has not been demonstrated with any certainty that a net-gain in biodiversity (when compared to a fair and justifiable baseline) would be achievable in conjunction with an intensification of the site's residential use and the introduction of vehicular access and associated driveway/parking provisions. I have had regard to recommendations set out in the PEA as well as to the potential for elements of new planting to be introduced. However, biodiversity enhancements should not be secured via planning condition where a lack of clarity/assurances prevail with respect to the achievability of a net-gain.
28. Therefore, as it has not been demonstrated that the proposal would have an acceptable effect upon biodiversity, harm would be caused and associated conflict with Policy 4 of the JCS and Section 15 of the Framework is identifiable in so far as these policies set out that a net gain in biodiversity shall be sought.

Other Matters

29. Planning permissions recently granted for detached dwellings to the south of Main Street (No 67a, and to the rear of No 31) have been brought to my attention. However, the full details are not before me. In any event, I must consider the appeal proposal upon its own individual merits and in accordance with the current development plan. Furthermore, as already touched upon above, it is difficult to draw direct parallels between No 67a and the appeal scheme owing to differing site circumstances. In addition, land to the rear of No 31 is well distanced from the site. In lieu of all these factors, the permissions referenced are of little relevance to my considerations.
30. Reference has been made to the site falling fully within the settlement boundary as defined in the Rural North, Oundle and Thrapston Plan (the RNOTP). However, whilst it is my understanding that the RNOTP formed part of the development plan when the original planning application was made, it has since been superseded and holds no weight in decision making.
31. In addition to the Church, there are other listed buildings in existence locally. These include a chest tomb to the front of the Church and Main Street-fronting buildings to the east. For the avoidance of doubt, as the appeal site comprises merely a peripheral part of the settings of these other assets, it is my judgement that the proposal would have no material impact upon their heritage significance.

Heritage Balance

32. I have identified above that the scheme would cause less than substantial harm to the heritage significance of the CA through failing to preserve its character and appearance. In addition, the proposal would cause less than substantial harm to the Church through failing to fully preserve its setting and special interest. It must be noted that even less than substantial harm to a designated heritage asset carries importance and attracts great weight.
33. In terms of public benefits, one additional dwelling would be created in line with the Government's objective of significantly boosting the supply of homes. However, one additional dwelling would make only a minor contribution to the Council's housing land supply and is a benefit that attracts limited weight.
34. Parking on-site would be made possible by the provision of vehicular access. The three spaces intended to serve the new dwelling would comply with guidance set out in the Northamptonshire Parking Standards (September 2016). On the basis that these three spaces would be required to serve new development, I do not attach public benefit to their provision.
35. However, on the basis that the Old School House is an existing dwelling not presently served by off-street parking, the two off-street spaces intended to serve it could lead to highway safety improvements by removing parked vehicles from the highway. Nevertheless, it has not been clearly evidenced that the location in question regularly experiences a high volume of on-street parking or associated safety issues in this regard. In any event, given the small number of parking spaces in question, any public benefit in a parking/highway safety sense would be minor and attractive of limited weight.
36. It is set out in the HIS that it is the intention of the appellant to use future proceeds from the sale of The School House and associated building plot to

support Church projects/maintenance and other local projects/initiatives. However, there is no formal mechanism in place to ensure that any capital receipt to be accrued from the site would ultimately be reinvested as suggested. In the absence of certainty, I attach minimal positive weight to any potential benefits to be accrued in this regard.

37. In the circumstances of this case, the scheme's public benefits, when considered cumulatively, would be limited and would not, in my judgement, outweigh the less than substantial harm that I have identified would be caused to the heritage significance of either the CA or the Church.
38. The proposal conflicts with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policies 2 and 8 of the JCS, and Policies EN2 and EN12 of the LPP2 in so far as these policies set out that proposals should conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance. For the avoidance of doubt, on the basis that harm in a heritage sense would be derived from alterations to the site's front boundary wall as opposed to new building construction, I do not identify conflict with Policy EN11 of the LPP2.

Overall Planning Balance

39. In addition to the harms identified to the significance of the CA and the Church, I have separately identified harms by virtue of the proposal's failure to comply with provisions of the development plan pertaining to "backland" development, and by virtue of a failure to demonstrate an acceptable effect upon biodiversity. Consequently, the proposal conflicts with the development plan when read as a whole and the material considerations I have identified in my Heritage Balance above do not outweigh that conflict.

Conclusion

40. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR