
Appeal Decision

Site visit made on 21 September 2024

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

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Ref: APP/W2845/W/24/3342241

Reservoir (covered) Ashby Road, Welton NN11 2JX (Easting 456852: Northing 266549)

- 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 V Norkus against the decision of West Northamptonshire Council.
 - The application reference is 23/5228/FULL
 - The development proposed is described as 'conversion of decommissioned reservoir into new dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Decision Notice contains three reasons of refusal, however relate to two main issues which revolve around the suitability of the site for housing and the character and appearance of the area. As such, I have combined the reasons for refusal and the resultant policies applicable to the determination in the two matters as identified below.

Main issues

3. The main issues are:
 - Whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area, and the sustainability of the location; and;
 - The effect of the development upon the character and appearance of the surrounding locality.

Reasons

Suitability of the site for housing

4. The appeal site consists of a square parcel of land with a decommissioned concrete reservoir located along Ashby Rd, a classified A-road which leads to Daventry to the South and the M45 to the north. At the point of the appeal site Ashby Road is a single carriageway in each direction with a speed limit of 50mph that is travelling
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through open countryside with this land being outside of the confines of nearby settlements. The closest settlement to the appeal site is Welton, a settlement with limited services such as a public house, a church and a recreation ground.

5. The housing strategy for the area consists of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (LP) where Policy RA6 seeks to recognise the intrinsic character, beauty and tranquillity of the countryside. The policy seeks to support a number of uses and development within the open countryside such as re-use or conversion of existing buildings to ensure the continuing function of a rural business, replacement of an existing building of the same size, massing, and bulk that respects the character of its rural surroundings, and individual dwellings of exceptional quality or innovative design, amongst others. LP Policy RA3 seeks that development outside the confines of a village would be needed to meet a local need which could not be met within the confines of a village, supports local services or maintains economic development that contributes towards the local economy.
6. The West Northamptonshire Joint Core Strategy (JCS) Policy R1 seeks that residential development in rural areas outside the confines of existing settlements be permitted in exceptional circumstances where it will enhance or maintain the vitality of rural communities, amongst others. JCS Policy S10 describes a number of sustainable development principles such as sustainable design, located where services and facilities can be easily accessed by walking, cycling or public transport, amongst others. JCS Policy H1 relates to housing mix and type of dwellings and seeks that new development make efficient use of land taking into account the location and setting of the site, the existing character and density of the area, proximity to public transport routes, amongst others. The reasons of refusal also cite Paragraph 114 of the National Planning Policy Framework (the Framework) which seeks that applications for development ensure that appropriate sustainable forms of transport modes can be taken up; safe and suitable access to the site can be achieved for all users, amongst others.
7. Paragraph 83 of the Framework and relevant Case Law¹ shows that development in countryside locations can enhance or maintain the vitality of rural communities where they are suitably located, which may not only be associated with the closest settlement, but other settlements surrounding. Paragraph 70 of the Framework also supports the delivery of small sites which can deliver housing and is an additional consideration to this scheme.
8. One of the main arguments put forward by the Appellant is in relation to the appeal site improving the appearance and character of the existing site which has a decommissioned concrete reservoir, whereby the visible elements are some concrete steps. Having visited the site, the character is rural, the existing reservoir reinforces structures that are typically found within the rural landscape which reinforces the undeveloped rural nature of the locality. There are no footpaths, street lighting, reliable bus routes within a short walk and lack of footpaths would make access difficult for pushchairs, wheelchairs, bicycles or persons with mobility impairments. The lack of street lighting, levels of light during poor weather conditions and the need to navigate this road with relatively high speed traffic would also be

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610
<https://www.gov.uk/planning-inspectorate>

further reasons why the site would not be a suitable location which would offer genuine alternative access to the private vehicle.

9. I disagree with the Appellant's SoC that a dwelling as proposed would improve the character of the area or enhance the immediate setting given the increased massing, height and overall poor design characteristics of the proposed dwelling which would have a makeshift appearance that would not be high quality or innovative within this rural setting. It has also not been demonstrated that the dwelling would meet a local housing need, or that it supports a local service or contributes to the local economy. The amount of urbanisation caused by the development, the large area dedicated to 5 car spaces, the additional residential paraphernalia and lighting that comes with a more formal residential use which in my mind would have a much altered experience and feeling than currently experienced.
10. I am also aware of a number of benefits of the proposal which relate to socio-economic factors such as making available a family home, economic benefits in terms of short term employment opportunities from the construction of the scheme and expenditure locally from future occupants; increasing the vitality and vibrancy of nearby settlements and the local community. I also note other benefits such as contributing to the supply of housing; the deliverability of small sites; the development of underused or under-utilised plots which improves the mix of housing and the use of renewable energy and increased planting which are environmental benefits. These benefits weigh moderately in favour of the development.
11. Despite these benefits, the impacts of the proposed development are significant when taking into account the housing strategy for the area, the character of the area and the sustainability credentials of the site. The lack of nearby services or facilities and lack of footpaths and lighting would be unlikely to deter the use of the private car. Consequently, the appeal location is not very sustainable or well-connected to facilities to give an overriding social or environmental benefit in this countryside location.
12. Therefore, taking these findings as a whole, I conclude that the location for the proposed development would not be made in accordance with the housing strategy, and whilst there are benefits of the scheme in terms of its economic and environmental credentials, these benefits do not outweigh the harm caused to the social and environmental dimensions. The proposed scheme taken as a whole would therefore be contrary to LP Policies RA3 and RA6; JCS Policies R1 and S10 and Paragraph 114 of the Framework.
13. I note that JCS Policy C2 is mentioned in the reasons for refusal which is a Policy aimed at new development in the four towns of Daventry, Northampton, Towcester and Brackley and primary service villages. The policy does not appear to relate to this matter which involves land outside of a settlement and hence I have not considered this policy relevant to the determination regarding this matter.

Character and Appearance

14. As described previously, the appeal site whilst containing a decommissioned concrete structure, which whilst the Appellant may see this as harmful to the rural character, it is not untypical. Despite this, the construction is much different to the appearance of a proposed dwelling which would disrupt the rural character in this particular locality. Whilst I appreciate explanation as to the proposed design which

would be constructed of concrete and have ivy growing over with solar panels and landscaped surroundings, this is unconvincing. Much of the front garden is given to vehicular parking and driveway, whilst the dwelling has solar panels, the appearance and design would be quite poor and not reinforce the positive qualities and local distinctiveness of the characteristic rural surroundings.

15. The overriding character was one of a rural character which was reinforced by the undeveloped nature of the surrounding area together with the long distance views and the tranquillity of this general location. The principle of developing the site with residential development, driveway and the associated residential paraphernalia would be in contrast with the rural character which is predominant in this location.
16. Taking this into account, the proposal in principle would present an unacceptable encroachment into the rural area that causes detriment towards the character, appearance and local distinctiveness of the area. As such the scheme would be contrary to LP Policy ENV10 (which seeks that development is of high quality and innovative design which reflects and integrates with the surrounding area) should be informed by and be sympathetic to the distinctive landscape character).

Conclusion

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

J Somers

INSPECTOR