



Appeal Decision

Site visit made on 12 November 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2024

Appeal Ref: APP/W2845/W/24/3342493

1 High Street, Flore, Northampton NN7 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martin C Czerniuk against the decision of West Northamptonshire Council.
 - The application Ref is 2023/8070/OUT.
 - The development proposed is a single detached dwelling with garaging.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval of the means of access sought at this stage, with matters of appearance, landscaping, layout and scale reserved for future consideration. Therefore, I have treated the drawings showing the appearance of the development as indicative only.
3. The appeal submissions indicate that the proposed dwelling would be custom/self-build. However, in the absence of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, there is no mechanism before me to secure the dwelling as a self-build/custom build unit. Consequently, the proposal falls to be considered as an open market dwelling and for the avoidance of doubt, I have determined the appeal on this basis.
4. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. However, as policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, including whether the proposed development would preserve or enhance the character and appearance of the Flore Conservation Area.

Reasons

6. The appeal site comprises the side garden of 1 High Street, a detached Victorian property set in a generous verdant plot. The site, despite forming part of the garden of the property, is located beyond the settlement boundary

of Flore, as set out in the development plan, and is therefore in an area of open countryside for planning policy purposes.

7. In visual and spatial terms, the property is set away from the higher density built-up extent of the settlement, separated from it by intervening agricultural land. By virtue of the sporadic form of nearby residential development, together with the adjoining undulating open countryside, the site and the surrounding area has a distinctly rural character and appearance.
8. The appeal site is within the Flore Conservation Area (the CA). The Flore Conservation Area Appraisal and Management Plan, adopted June 2018, outlines that the significance of the CA is derived from the fine grain of its historic core, where the use of local building materials and consistently strong building lines which are formed in a linear pattern along its main roads and finger lanes which create coherence. The surrounding open rural landscape contributes to the setting of the village. The spacious open plot on which 1 High Street sits, accentuated by the undeveloped characteristics of the appeal site, makes a positive contribution to the rural character and appearance of the area, and the special interest and significance of the CA.
9. The proposed development would see the construction of a detached dwelling on the land. Due to the local topography, the appeal site slopes up from the highway towards the rear boundary of the site. Consequently, notwithstanding the relative containment of the site by established boundary planting, the undeveloped nature of the site is readily perceptible, particularly in views from the highway towards the front of the site where planting is more sparse.
10. While details of the scheme are reserved for future consideration, the introduction of built development in the form of a new dwelling in this location would be an anomalous feature in an otherwise open space. Consequently, the proposed development would appear incongruous in the context of the surrounding open countryside and would erode the prevailing rural character of the area. Moreover, the proposed development would undermine the open character of the site and diminish the contribution it makes to the significance of the CA.
11. For the foregoing reasons the proposed development would harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA and its significance as a designated heritage asset.
12. In finding harm, this is something to which I have given considerable importance and weight to. However, the harm that would arise would be localised and therefore the impact on the CA, is less than substantial in terms of the Framework. Policies of the Framework require the less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal, and further indicate that great weight should be given to a heritage asset's conservation.
13. The development would be an energy efficient dwelling that would add to the housing stock in the area. The proposed development would also be a more efficient use of land. However, as only a single unit would be provided, these public benefits would be modest. I acknowledge the appellants assertion that the proposed dwelling would be a high quality, contemporary landmark building at the entrance to the village. Nonetheless, high standard design is a

normal expectation of new development. Furthermore, given the matter of detailed design is not for consideration at this stage, any benefits in that regard would be an unsubstantiated assertion. As such, I conclude that the public benefits of the appeal scheme are of no more than limited weight and would not outweigh the harm I have identified.

14. My attention is drawn to an appeal decision for up to 26 self build dwellings at Land to the East of Waitrose¹ which it is suggested is similar to the appeal proposal. In that case the Inspector found that the public benefits were of significant weight and outweighed the harm to the heritage assets. However, for the reasons set out above, including the scale of the development and the lack of a mechanism to secure the dwelling as custom/self build, I have reached a different conclusion in the case of the appeal before me.
15. I therefore conclude that the proposal would harm the character and appearance of the area and would not preserve or enhance the character or appearance of the CA. In that regard, it would be contrary to Policy S10 of the **West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted 2014** (JCS) in so far as it requires development to protect, conserve and enhance the natural environment and heritage assets, Policy H1 of the JCS which expects housing development to make efficient use of land having regard to the location and setting of the site and the existing character and density of the area, Policy R1 of the JCS which among other things, requires residential development in rural areas not to affect open land which is of significance to the character of the village and preserve and enhance areas of historic importance, and Policy BN5 of the JCS which requires new development, among other things, to conserve and enhance designated heritage assets.
16. In addition, it would conflict with Policy SP1 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 adopted 2020 (LP) which requires new development to protect and enhance the natural environment and heritage assets, Policies RA2 and RA6 of the LP which set out that development outside the defined confines of villages will be acceptable only in specific circumstances and should protect the form, character and setting of the village and areas of historic importance, the aims of Policy ENV7 of the LP to sustain and enhance the historic environment, and Policy ENV10 of the LP which supports high quality development that reflects and integrates with the surrounding area.
17. It would also fail to accord with Policies F1.1 and F5.1 of the Flore Neighbourhood Development Plan, made 2016, which require new development to, among other things, not to result in loss or detriment to private gardens which make a significant contribution to the character of a locality, and be of a high quality that respects the surrounding landscape, and not adversely affect the character of the immediate locality.

Other Matters

18. I understand the appeal site has been subject to thefts, however there is no compelling evidence that alternative security measures such as an alarm or CCTV would not be an effective deterrent to prevent criminal activity.

¹ APP/Y3940/W/23/3317252

19. I sympathise with the appellant's desire to construct a self- build retirement home; in an area they are familiar with on existing garden land which is surplus to their needs. However, the appellant's personal circumstances do not provide justification for the proposed development in this location given the harm I have identified.
20. I note the appellant's contention that the site is not physically outside of the village and the development boundary as drawn does not fully reflect the extent of the village. However, whether or not the appeal should be included within the settlement boundary as part of the adopted development plan, is not a matter for this appeal. Furthermore, the colour of the site on an OS map would not be a determinative factor in terms of the position of the site having regard to the confines of the settlement.
21. The absence of objection from the occupiers of neighbouring residential properties does not in itself render the scheme acceptable.

Conclusion

22. The proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR