



Appeal Decision

Site visit made on 3 March 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal Ref: APP/M2840/W/24/3353712

21C Orchard Rd, Finedon, Wellingborough, Northamptonshire NN9 5JG

- 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 Paul Squirrel (Best Asset Ltd) against the decision of North Northamptonshire Council.
 - The application Ref is NW/24/00217/FUL.
 - The development proposed is Residential development of 8 No. 3-bed dwellings (6 x 2.5 storey and 2 x 2 storey) including access, parking and amenity spaces - including demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be in a suitable location in consideration of employment land policies,
 - Whether the proposal would create suitable living conditions for future occupiers with respect to outlook and noise,
 - Whether the proposal would make suitable provision for parking,
 - The effect of the proposed development on the character and appearance of the area, with particular regard to its effect on the adjacent Finedon Conservation Area (CA), upon other designated heritage assets and on archaeology, and
 - The effect of the proposal on ecological and biodiversity interests.

Reasons

Suitability of location

3. The appeal site consists of a car repair workshop, a large garage block to the rear and associated open land. The business is active and was taking place during my visit. Policy 22 of the North Northamptonshire Joint Core Strategy [2016] (CS) identifies how the Council would deliver economic prosperity. This seeks to achieve prosperity through delivering high quality employment sites, through the support skills and training provision and through safeguarding tourism and cultural assets. Part (b) of this policy seeks to achieve prosperity through the enhancement of existing employment sites. Furthermore, part (c) seeks to safeguard existing

employment sites unless it is demonstrated that there is no prospect of the site being used for that purpose and that an alternative use would not compromise the uses within the Sustainable Urban Extension or would resolve existing conflicts between land uses.

4. Therefore, policy 22(c) requires an applicant to firstly demonstrate that there is no prospect that the use can be retained for this purpose. I note that neither the policy nor its supporting commentary provides criteria that the Council would employ in making this assessment, and as such, this is a matter of planning judgement. It is noted that the buildings are in a poor state of repair, and I observed the poor condition of these buildings during my site visit. However, the appellant has not provided evidence of any marketing, nor demonstrated consideration of the costs of refurbishing the existing buildings or the cost of wholesale redevelopment of the site for employment purposes. As a result, whilst noting that the building would require investment to attract the most market interest, it has not been demonstrated that this, or the redevelopment of the site for other employment use, would necessarily be cost prohibitive.
5. The supporting commentary to CS policy 22 identifies that where there is an existing over-supply of committed employment land, an employment land review will be undertaken to ensure that where sites are safeguarded for employment use, there is a reasonable prospect of the site being brought forward for that use. The Council has not identified whether or not there is an over-supply of employment land in Finedon and the surrounding area, but it seems apparent based on the appellant's evidence, that alternative employment land is available for new occupiers in the area. However, despite the potential availability of other employment land this does not address the policy requirement for the applicant to demonstrate that the site has no prospect to be retained for employment use. Furthermore, as the building is currently in use it seems to be required for employment use which also fails to demonstrate that there is 'no prospect' for employment use.
6. Also, CS policy 22 includes support for the removal of employment land that would remove a conflict with other land uses. This requirement is a second arm of policy 22(c) that appears to become relevant once the applicant has demonstrated that the site has no prospect of being retained for employment use. Nonetheless, even if this objective were considered there is no compelling evidence to indicate that the existing use has caused noise, or other disturbance, to the living conditions of neighbouring occupiers that might justify its removal.
7. As a result, it has not been demonstrated that there is no prospect that the site can be retained for employment purposes. Accordingly, the proposal would conflict with CS policy 22(b) and (c) and policy E3 of the Plan for the Borough of Wellingborough [2019], which seeks to encourage employment prosperity as set out above and safeguard existing employment sites.

Living conditions

8. The proposed layout consists of a row of dwellings that would address Orchard Road in a linear form and two further dwellings arranged to the rear. The plots of units 7 and 8 overlook the car parking provision of tandem parking for plots 2, 3, 4 and 5. As such, the outlook for the occupiers of these units would be compromised by the appearance of the car park area, that would be used intensively through the

frequent movements of neighbour's vehicles, creating a general poor outlook to the front of these properties. I am mindful that the front outlook would partly over-sail views of the car park. Nonetheless, views of the buildings of townscape merit and the distant cricket field beyond the proposed car park, would not materially offset the poor outlook I have outlined.

9. Furthermore, this negative effect would be exacerbated by a poor outlook to the rear towards the tall side elevation of Unit 21d, that would create a harmful sense of enclosure. Although this is single storey in form, the building has tall elevations, being commercial in nature. It is also elevated by around one metre from the natural ground level of the site. Although landscaping screening could be introduced on the rear boundary, this would exacerbate the overall sense of enclosure and would therefore not address this concern. Examples of backland development in the local area are noted, but these do not share similar characteristics to the appeal scheme as those appear to possess a greater sense of spaciousness around them.
10. In terms of noise effects, the proposed development would be alongside Unit 21d with 21e further beyond the site. The lawful use of these units is not in evidence, but as they have commercial uses these have the capacity to generate business related noise disturbance to occupiers of the proposed development. However, these units are relatively small and are established within the local pattern of development. No evidence, or complaints from local residents, has been provided within the submitted evidence before me, that indicates that Unit 21d or 21e create excessive noise or disturbance.
11. Orchard Road is a residential street that appears to carry relatively light traffic levels. As such, whilst the scheme includes housing alongside the road, there is no clear reason why this would create substantial noise effects to future occupiers. Suitable glazing attenuation could be secured by the imposition of a condition to manage adverse noise impact if I had been minded to allow the appeal. Accordingly, a noise assessment submitted prior to making a decision, would not be necessary.
12. Consequently, despite finding that the proposal would not be adversely affected by noise, the scheme would result in poor living conditions for future occupiers with respect to outlook. As a result, the proposal would conflict with CS policy 8(d)(i) and (ii) and policy 8(e) with respect to the effect on outlook. These seek among other matters, for development to respond to a site's context and respond to local topography. In contrast, with regard to matters of noise impact, the proposal would comply with CS policy (8)(e)(i) and (ii) which seek to protect the amenity of future occupiers and to prevent new development from being adversely affected by noise pollution.

Parking provision

13. CS policy 8(b)(ii) seeks to ensure that a development site includes satisfactory means of access and provision for parking in accordance with adopted standards. The Council's adopted parking standards [2016] requires housing to provide 2 parking spaces for a three-bedroom property and 0.25 spaces per dwelling. Finedon, as a small village, has limited access to local goods and services. As such, future occupiers would need to be able to access private transport to access

basic facilities. Therefore, delivering useful dedicated parking is an important requirement for this scheme.

14. The proposed layout plan demonstrates that most parking would be provided within a shared car park to the rear of the frontage. In addition, dedicated parking would be provided for units 1, 6, 7 and 8 as tandem parking alongside individual dwellings. The provision of parking in the form of a rear car park would be likely to create a congested arrangement. This space would be difficult to use particularly when several motorists would be manoeuvring within the space at the same time, creating an awkward arrangement.
15. The parking provision fails to provide adequate visitor parking and would provide parking for unit 6 outside the site within the frontage of Unit 21d. During my visit I noted that Orchard Road has no on street parking restriction, the roadway was of reasonable width to accommodate roadside parking and most nearby houses included on plot parking. As such, with these characteristics I am satisfied that the highway would provide ample parking for temporary and short-term visitor parking to meet any demand.
16. Nonetheless, the parking provision for plot 6 would be unsecured by any consent in its current form. The appellant suggests that this could be addressed by a small change to the redlined site, but no such plan has been provided in evidence. As the parking area for No 6 is within the appellant's ownership it could be secured by condition. However, I cannot be satisfied that this parking provision would not compromise the successful operation of Unit 21d. As a result, the arrangement may create operational conflicts between different activities within the forecourt of No 21d. This could force manoeuvring on and off the highway in a manner that would be detrimental to highway safety.
17. As such, in failing to make sufficient provision for dedicated parking for each residential unit and in the provision of a large, shared parking court to the rear, the layout would not function well. Consequently, the proposal would conflict with CS policy 8(b)(i) and (ii) and policy 8(e)(vi) and the parking standards SPD with respect to layout and parking provision. These require, among other matters, for a development to include a satisfactory provision of parking and to incorporate flexible and resilient designs.

Character and appearance

18. The appeal site is within a predominantly residential area. It is outside, but is on the edge, of Finedon CA. Accordingly, the conservation area makes a positive contribution to the area surrounding the site. Local housing is a combination of two and three storey and consists of medium density development arranged within a close-knit pattern of development. Buildings are generally set close to the street providing an enclosed setting with restricted views of distant points. The wider area includes a range of historic buildings including housing deemed to have townscape value to the side of the site. The site consists of a garage building that is of a purely functional form and stands within a site with pockets of scrub land and areas of hardstanding. As such, the site makes a neutral contribution to the surrounding area.
19. The proposed scheme would consist of eight dwellings, arranged as two pairs of semi-detached dwellings and a row of four terraced properties. These would be assembled in a linear form alongside Orchard Road, with two placed within a

backland location. The design of the dwellings takes cues from local house types and would thereby mimic the local vernacular of built form. This is clearly demonstrated in the streetscene drawing produced at the front of the Appellant's Heritage Assessment¹. Furthermore, the proposed frontage development would reinforce the enclosed character of the street. As such, the design of the proposed frontage houses would complement the existing form and pattern of development.

20. The site is also close to several listed buildings. The Council identifies that the Grade II listed buildings of the Barn (Approximately 30 Metres North of Oldways), Oldways and Attached Walls, Tudor Gate Hotel and the Town Hall could have their settings effected by the proposal. The appellant's Heritage Assessment demonstrates that the listed buildings are all some distance from the site and intervisibility is limited due to the presence of other buildings and topography.
21. The Town Hall originates from the mid C19 and consists of ironstone with ashlar dressing. Its significance appears to derive from its architectural interest and historic importance to the evolution of the settlement. Whilst the Town Hall can be seen from in front of the site, views are contained due to the surrounding development along Orchard Road and due to a long separation distance. As a result, the proposal would have only a negligible impact on its setting and would thus preserve its significance. The remaining identified heritage assets would not have their settings affected by the scheme and, as such, the significance of each would be preserved.
22. With respect to matters of archaeology, the appellant's Heritage Assessment finds that whilst the site lies close to several heritage assets there is no direct evidence that the site is of historic interest and as such any impact on archaeology would be of minor significance. The appellant has had direct discussion with the Council's archaeologist explaining that the site includes a former service station and workshop and consists of a building that covers most of the site. This note also identifies that the site includes service pits and buried fuel tanks and it is regarded as a formerly disturbed site. It is noted that the Council's archaeologist considered these details and stated that they had no comment to make on the proposal. As a result, I would be content to apply an archaeological watching brief condition, based on the proximity of local heritage assets, if I were to allow the appeal.
23. Accordingly, the proposal would not harm the character and appearance of the area and would preserve the significance of local identified heritage assets and archaeology. Consequently, the proposal would comply with CS policy 2(a), (b), (c) and (d). These seek for development to, among other matters, conserve and enhance the heritage significance and setting of a heritage asset in a manner commensurate to its significance and to complement the surroundings historic environment through form, scale, design and materials.

Ecology and Biodiversity

24. The site includes two buildings and boundaries that include some perimeter vegetation. As such, the site could accommodate ecological habitats. CS Policy 4 relates to biodiversity and geodiversity. Policy 4(a) seeks to protect biodiversity and geodiversity assets by a range of measures. These include (i) refusing development where significant harm cannot be avoided, (iv) requiring

¹ Heritage Assessment, by Sidey Design Architecture, undated

development to contribute towards green infrastructure and (v) ensuring that habitats are managed in an ecologically appropriate manner.

25. A Preliminary Ecological Appraisal², whilst not submitted with the application, has been submitted in evidence in support of the appeal. This has found that the site and buildings showed no evidence of, and provided an unsuitable habitat for, reptiles, badgers and invertebrates. In terms of amphibians the Report noted that whilst there was no pond on site, there is one within 250m of the boundary, requiring testing for Great Crested Newts. Also, in terms of bats the Report noted cavities in some walls and the presence of mature trees on site requiring the need for a Preliminary Roost Assessment (PRA) prior to demolition. Furthermore, it was advised that due to the number of nesting opportunities presented on site, all buildings should be checked for nesting birds before demolition.
26. As a result, the Appraisal has not identified a deleterious effect on matters of ecological interest and the Council's ecologist concurs that the site is of low ecological value. However, the ecologist has advised that the PRA is required before consent should be given, I concur this should not be left as a matter of doubt following any consent being granted. Therefore, whilst most ecological matters could be suitably addressed through the imposition of conditions, the requirement for a PRA means that the proposal would fail to demonstrate that it would protect biodiversity assets. In taking a precautionary approach this matter weighs against the proposal.
27. In terms of biodiversity, CS policy 4(b) seeks development to enhance ecological networks by managing development to (iii) preserve restore and create natural and semi-natural habitats within and adjacent to development schemes. The appellant's Appraisal identifies that biodiversity enhancements could be delivered on site through the provision of new gardens with habitat enhancement and soft landscaping, achieving a net gain 21.5%.
28. The proposed landscaping is recommended to incorporate native species for habitat biodiversity. Furthermore, the inclusion of bird boxes would further improve provision for wildlife within the completed scheme. These enhancement measures could also be secured by conditions to ensure that any landscape scheme and other ecological enhancement measures are detailed to demonstrate the stated 21.5 net-gain is provided in the creation of semi-natural habitats as sought by CS policy 4(b)(iii).
29. Accordingly, the proposal has not reasonably demonstrated that it would protect biodiversity interests, especially with respect to the protection of bat species, but would be capable of providing the required gain to biodiversity. As such, on these terms the proposal would conflict with CS policy 4(a)(i), (iv) and (v) whose objectives have already been detailed.

Other Matters

30. The National Planning Policy Framework seeks to boost the supply of housing. The site is within the village boundary of Finedon and CS policy 11 supports small-scale infill development such as the proposed scheme. The proposal would deliver eight new family dwellings within a village, where future occupiers would have reasonably good access to goods and services on previously developed land.

² Preliminary Ecological Appraisal, by Stuart Elsom Ecology, July 2024

31. The proposed scheme would make a positive contribution to the surrounding area, removing the existing building which makes a neutral contribution. The benefits of the proposal to the character and appearance of the area is noted and weighs in favour of the proposal to a moderate extent.

Conclusion

32. The proposal would result in the loss of employment land, create poor living conditions for future occupiers, accommodate insufficient parking and have the potential to harm protected species causing conflict with the development plan. Accordingly, the proposal would not accord with the development plan, when taken as a whole, and there are no material considerations of sufficient magnitude to indicate that the appeal should be determined other than in accordance with the development plan. Consequently, the appeal is dismissed.

B Plenty

INSPECTOR