



Appeal Decision

Site visit made on 20 March 2025

by H Butcher BSc(Hons) MSc PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/M2840/W/24/3348570

58 Main Street, Yarwell, North Northamptonshire PE8 6PR

- 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 C Bacon against the decision of North Northamptonshire Council.
 - The application Ref is NE/24/00143/FUL.
 - The development proposed is replacement two-storey dwelling, detached garage, altered driveway entrance and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - The effect of the development on the setting of the Grade II* Church of St Mary Magdalene¹;
 - The effect of the development on a protected species; and,
 - The effect of the development on the character and appearance of the surrounding area having regard to the adjacent paddock to the bungalow.

Reasons

Setting

3. The Grade II* Church of St Mary Magdalene is significant as a medieval place of worship dating from the 13th-century. It is a handsome building which would have been a focus for its community for over hundreds of years. The church stands centrally in a relatively small churchyard at the centre of the village of Yarwell on the main street. Its setting; or the surroundings in which the church's age and architecture can be experienced, includes the appeal site, which sits directly to the rear of and in close proximity to the churchyard, and adjacent footpaths and public open spaces where views of the church can be appreciated from.
4. Currently the appeal site contains a bungalow and single garage which sits close to the rear boundary of the churchyard. This does, to a degree, negatively affect the setting of the church as it intrudes upon views from within the rear churchyard and from adjacent footpaths which circumnavigate the appeal site. However, its single

¹ 1225878

- storey form with a low-pitched roof, along with its modest footprint, and its siting in a largely open area of land to the rear of the church, reduces this harm.
5. The proposal is for a substantial, detached, two storey dwelling, and a triple garage with accommodation in the roof above. This significant increase in built form on the site would dominate views from within the churchyard and from surrounding footpaths, much more than the existing property, detracting from the church's architectural interest and its historic role as a focal point in the village, resulting in harm to the setting of the church.
 6. Whilst the proposed dwelling would be set further back from the boundary of the churchyard than the existing bungalow, any benefit to the setting of the church would be counteracted by the significantly larger size of property proposed. The appellant relies on existing landscaping to filter views, but landscaping is not a permanent feature as it can be removed or die in the long-term, and, in any event, would not completely screen the proposed development, which would be a dominant feature within the setting of the church.
 7. The replacement dwelling would not be visible from Main Street, nor from The Angel, Public House², unlike the existing bungalow, due to its re-positioning further into the site and to the east. This would be a modest public benefit to the setting of the church and the public house when viewed from here. This does not, however, diminish the other harm to the setting of the church which I have identified.
 8. The materials proposed for the replacement dwelling would be more in-keeping with the local vernacular of the area than the existing bungalow, using limestone and slate roofing, but this would not mitigate the size, scale and proportions of the replacement dwelling and its impact on the setting of the church.
 9. The church is adjacent to and in closer proximity to other properties than that proposed. However, these mostly flank Main Street, unlike the proposed dwelling which would sit to the rear of the church, and they are, as shown on the submitted Site Section, all lower in height. They are, also, in some cases, historic properties which inform and make a positive contribution to the setting of the church, such as The Angel Public House and Ballaugh Cottage³. Whilst Historic England may have deferred to the Council for the final decision, their consultation comments are material to my decision.
 10. Taking all of the above into account the development would be harmful to the setting of the Grade II* Church of St Mary Magdalene. It would therefore conflict with Policies 2 of the North Northamptonshire Joint Core Strategy 2016 (JCS) and EN11 and EN12 of the adopted East Northamptonshire Local Plan Part 2 (2023) (LP), which seek to protect and conserve the historic environment, and more broadly, not detract from the character of existing buildings.
 11. The harm I have found would be 'less than substantial' in the terms of paragraph 215 of the National Planning Policy Framework. This harm should be weighed against the public benefits of the proposal. Taking into account the benefit of a new dwelling on site, which would bring enhanced living accommodation and greater sustainability credentials, along with the modest benefits to the setting of the church, The Angel, and the wider historic environment generally in views from Main

² 1225874

³ 1225880

Street, these do not outweigh the great weight that should be given to the conservation of designated heritage assets.

Protected Species

12. The appeal building represents a potential bat roost as identified in the Preliminary Ecological Assessment (PEA). Consequently, during the course of the application, the appellant submitted a Bat Emergence and Re-Entry Survey report. The Council's Ecologist provided comments on this raising various concerns and an updated Bat Emergence and Re-Entry Survey report has been submitted.
13. The report assesses the appeal building as being a maternity roost of brown long-eared bats due to the presence of large numbers of bat droppings within the roof space, although DNA analysis is still pending; a point raised by the Council's Ecologist. Nevertheless, no bats were recorded emerging from the building during the surveys. There was, however, a blind spot on the eastern elevation of the building which the surveyors were unable to observe during the survey as shown at Appendix 1: BERS plan; a point also raised by the Council's Ecologist. I further note that the PEA identified numerous gaps and cracks under the roof tiles on the eastern elevations which may, therefore, have been missed in the survey.
14. In addition to the above, the report does not include specific mitigation measures to avoid potential harm to the bats from the demolition of the appeal building. It is important that adequate mitigation measures be determined to inform any planning permission.
15. Given the omissions in the submitted Bat Emergence and Re-Entry Survey report I cannot be satisfied the proposal would not result in harm to a protected species. The proposal therefore conflicts with Policy 4 of the JCS which seeks to protect biodiversity. However, as I am dismissing on other grounds, this matter is not determinative, and there is the potential for further work in the event of another application being submitted.

Character and Appearance

16. The appeal site includes what was previously a paddock area adjacent to the bungalow. The appellant states that there is no intention to use the paddock for residential use. This could be controlled by condition to preserve the open character of the area to the south of the church. With such a condition in place I find no harm in this regard and no conflict with Policies 8 of the JCS and EN11 of the LP which concern design and placemaking.

Other Matter

17. Whilst I note the appellant's frustrations in corresponding with the Council this matter has no bearing on my decision.

Conclusion

18. The appeal is dismissed.

H Butcher

INSPECTOR