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## Appeal Decision

Site visit made on 25 March 2025

**by J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

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**Appeal Ref: APP/W2845/W/24/3356319**

**Land Adjacent to 20 The Green, Flore, Northampton NN7 4LG**

- 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 and Mrs Lerner against the decision of West Northamptonshire Council.
  - The application Ref is 2024/4104/OUT.
  - The development proposed was originally described as 'new detached dwelling'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, the appeal form gives a different description of 'the erection of 1 No Self Build Dwelling'. This is also the description stated on the Council's decision notice and I have considered the appeal on that basis.
3. The appeal seeks outline planning permission. Approval is sought for access, but layout, scale, appearance and landscaping are reserved matters. The National Planning Practice Guidance states that where details have been submitted as part of an outline application, they must be treated by the Local Planning Authority as forming part of the development for which the application is being made. The exception to this is where it is made clear that the details have been submitted for illustrative purposes only.
4. The Proposed Site Plan, Street Scene and Proposed Plans and Elevations drawings submitted as part of the planning application are not marked as illustrative. From the evidence before me however, both main parties have treated the details as such, with the Council's officer report confirming that appearance, landscaping, layout and scale are not submitted for approval and referring to the details that had been submitted as illustrative. I have considered the appeal on the same basis, and have regarded details apart from of the access as illustrative.
5. The appeal site is located within the Flore Conservation Area ('the CA') and there are listed buildings nearby. I have therefore had special regard to section 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issues

6. The main issues are (i) the effect of the proposal on the character and appearance of the Flore CA; and (ii) the effect of the proposal on the setting and significance of nearby listed buildings.

## Reasons

### *Conservation Area*

7. The Flore Conservation Area Appraisal and Management Plan 2018 ('the CAAMP') highlights the fine grain of the village's historic core, the consistent use of local building materials and strong building lines in a linear pattern along its main roads and finger lanes as creating coherence and shaping the experience of the village. The Green is part of the historic core. It is a narrow street with a generally strong sense of enclosure. However, an area of open land at the junction of The Green and Chapel Lane provides an attractive point of relief. This space is noted in the Flore Village Design Statement 2009 ('the VDS') as the Old Village Green which has historical importance and it is designated as local green space in the Flore Neighbourhood Plan 2016 ('the NP'). There are buildings facing the Old Village Green set around a narrow track running around its south and west sides which is partly surfaced but which has areas of gravel, and grass including to the central section. While the track is outside of the boundary of the designated local green space, its width and informal appearance result in a distinctly rural quality which reinforces the impression of a quiet, green enclave at the centre of the old village.
8. Insofar as it relates to this appeal, I find that the pattern of development along with the quality of the many historic buildings which show the evolution of the village over time add much to the character and appearance and thus the significance of the CA.
9. The main part of the appeal site is located between 16 and 20 The Green, to the south of the track around the Old Village Green. Historic mapping indicates that there was formerly development on the site. However, this had been at least partly removed by 1926, creating a gap in the frontage and apart from some modest glasshouses, the site remains largely open. A brick wall and hedge provide for a degree of enclosure alongside the track, but this is of low height and the relatively wide, open gap above stands out somewhat against the usually tight grain of buildings along The Green. That said, the openness and views across the site complement the Old Village Green and the informal, rural quality of this part of the village. While the site is not part of the areas of important open space and local green space identified in the VDS, NP or CAAMP, I find as a result that it does make some contribution to the character, appearance and significance of the CA.
10. Details of the layout, scale, appearance and landscaping of the proposed development are not before me in this appeal, but any dwelling would inevitably reduce the existing openness and views through the site. However, provided it did not step forward of the neighbouring buildings onto the track, I see no reason the dwelling's form would result in a sense of intrusion onto the open space of the Old Village Green itself. Nor that it would adversely affect the function, openness or permanence of the Old Village Green local green space as designated in the NP so as to result in conflict with NP Policy F9. In my assessment, effects of the building on openness which currently contributes to the rural character and appearance of the CA would be focused on the site itself, causing only modest and localised harm.
11. In addition, I appreciate that there has been a gap in development at the site for a considerable period and that the loss or reduction of this gap would change the setting of the Old Village Green. However, the reinstatement of development on the site could strengthen the impression of enclosure in comparison to the existing low

wall along the frontage and would be in keeping with the close framing of streets and spaces which is also part of the rural character of this area of the CA. In principle, I consider this could help to moderate the overall degree of harm to the character and the appearance of the CA caused by the loss of openness resulting from the presence of built form on the site.

12. That said, it would be important for the dwelling to integrate sympathetically with the surrounding development so as not to stand out conspicuously within the frontage. In this respect, I note that the illustrative details suggest a cranked footprint with sections reflecting the different orientations of Nos 16 and 20, as well as an undercroft providing access through to parking within the rear garden.
13. Although historic plans seem to show an angled footprint of development on the site, a dividing line on the 'historical map before 1926' within the appellants' Planning Statement suggests this could relate to two separate buildings, a view that is reinforced by the fact that only the western angled section remains on the 1926 map. I have not been referred to other examples of buildings with similar cranked footprints locally and consider that there would be a marked contrast with the simple, linear forms that are typical nearby. Based on my observations, the provision of parking within the garden space to the rear of a dwelling accessed by an undercroft would also be an unusual arrangement.
14. I recognise that the illustrative plans do not represent the only way that the site could be developed. My concerns with the unsympathetic form and layout currently shown are not therefore determinative and I note the appellants' comments indicating that they undertake to work closely with the Council at reserved matters stage to address all requirements. Be that as it may, I need to be satisfied that an acceptable scheme could be devised at reserved matters stage taking into account factors including meeting requirements for parking while also respecting the characteristic layout of development and building lines. In my view, the information before me currently does not adequately demonstrate that the development could be achieved without detriment to the character and appearance of the area.
15. Even if that were not the case and I were satisfied that it would be possible to bring forward a suitably sympathetic design at reserved matters stage, any dwelling would be likely to result in additional vehicle movements using the track around the Old Village Green. I accept that the increase associated with a single dwelling would be likely to be limited. Nevertheless, in the context of the low number of movements that I would expect given the limited parking around the track currently, any increase may be significant and would cause some erosion of the impression of the quiet enclave. In addition, the appellants advise that there is no proposal for resurfacing of the track. However, vehicles passing over the grassed section in order to access the site would be likely to result in some wear or churning of the surface with detriment to its integrity and appearance. The effect would be limited to a relatively short distance, but would still be appreciable including in views from Chapel Lane along the narrowest section of the track and would exacerbate the adverse effect of usage of the track on the character and appearance of the area.
16. The site is not prominent from the main route of The Green, but the development would be experienced including in public views across the Old Village Green and along the track. In these views, the proposal would diminish the contribution that the track around the Old Village Green and the openness on the appeal site currently make to the character and appearance of the area. I am not persuaded

that these cumulative adverse effects would be fully offset by the reinstatement of enclosure around the green, particularly given the absence of evidence to demonstrate that development on the site could be designed to assimilate well with its surroundings.

17. In reaching this view, I have had regard to 17 and 19 The Green as large, modern dwellings overlooking the Old Village Green. However, the information before me indicates that they were permitted prior to the designation of the CA and so the statutory duty under section 72(1) of the Act which now requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area would not have applied. Accordingly, the circumstances are not directly comparable to those in the current appeal and Nos 17 and 19 do not offer compelling justification for the harm that I have found.
18. Effects would be localised, and the resulting degree of harm would be limited, but I conclude for these reasons that the proposal would fail to preserve the character and the appearance of the Flore CA and would cause harm to its significance as a whole. This harm would be 'less than substantial' in the terms of the National Planning Policy Framework ('the Framework') which indicates that the harm should be weighed against the public benefits of the proposal. I return to this matter in my planning balance below.

#### *Listed Buildings*

19. Oak Cottage and 20 The Green, adjacent to the appeal site, are a Grade II listed building (listed as 'Oak Cottage') of traditional design including a coursed ironstone rubble exterior and steep thatched roof. They are an attractive pair of cottages which the listing description indicates date to the 18<sup>th</sup> Century.
20. Within the wider area, Capell House (Grade II listed) is an imposing mid 18<sup>th</sup> Century house of coursed squared ironstone with a plain tiled roof, including occuli windows and prominent gabled dormers to the street elevation. The Old Bakehouse (Grade II listed) at 11 and 13 The Green dates to the 18<sup>th</sup> Century and includes squared coursed ironstone and limestone walls beneath a thatched roof. Oldways (Grade II listed) at 15 The Green is an 18<sup>th</sup> century cottage of painted stone and render with a thatched roof that includes a gablet and eyebrow dormer.
21. Insofar as it relates to this appeal, I consider each of these buildings to derive special interest and significance from their 18<sup>th</sup> century vernacular architecture in a village setting, and their group value with nearby buildings as part of this setting.
22. Notwithstanding that it was historically developed, the existing openness on the appeal site affords clear views of the gable end of Oak Cottage allowing an appreciation of the form of the listed building. It also provides for a sense of space and separation around the building which heightens the rural quality of its surroundings. In these ways, I find the appeal site to make a positive contribution to the significance of Oak Cottage as part of its setting. Insofar as the openness on the site reinforces the informal, rural quality of this part of the village, within which Capell House, The Old Bakehouse and Oldways are appreciated and understood, it also makes some contribution to the significance of these listed buildings.
23. I have found above that the greater sense of enclosure to the south of the Old Village Green could help to offset effects on the rural character and appearance of the area resulting from the loss of openness on the appeal site. Noting also the

separation and positions of Capell House, The Old Bakehouse and Oldways relative to the appeal site and that the site is only a small part of the setting which is itself only one element contributing to significance, I am satisfied that the proposal would not cause tangible harm to the significance of these listed buildings.

24. However, the position of the site immediately adjacent to Oak Cottage means that the effects of the proposal on the track around the Old Village Green would be clearly appreciable from this listed building. Based on my observations, the dwelling would also be likely to result in some obstruction of views of the listed building reducing opportunities to appreciate it, albeit that the extent of this effect would depend on the scale and layout of any proposal.
25. Even if I were satisfied that any dwelling could itself be designed to be suitably sympathetic, I consequently conclude that there would be some harm to the significance of Oak Cottage as a listed building through the development within its setting. Bearing in mind the extent of the effect on the setting of the building and how it would affect significance, I find that this harm would be less than substantial in the terms of the Framework.

### **Other Matters**

26. The appellants refer to pre application advice from the Council suggesting that a garage/workshop development on the site could be acceptable subject to detailed matters. However, the nature and characteristics of such a proposal would be clearly different to the dwelling that is now proposed and I further note that the advice was given prior to the designation of the CA. It does not therefore offer meaningful support for the proposal before me.
27. The appellants also indicate that they were unable to seek pre application advice on the appeal development as this was not a service offered by the Council at the time. Although regrettable, this is not a factor that alters my assessment of the planning merits of the scheme.
28. Interested parties have raised additional concerns with the proposal including the effects of construction traffic and activity, overlooking and overshadowing to neighbouring property and noise and safety concerns associated with additional vehicle movements. However, none of the matters raised alter my conclusions on the main issues.

### **Planning Balance**

29. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
30. I have found that harm to the significance of Oak Cottage and to the CA would in each case be less than substantial. Nevertheless, the harm attracts considerable importance and weight.
31. Against this harm, the appellants refer to the proposal as being for a 'self-build' dwelling for their occupation. There is no mechanism before me to specifically secure the dwelling as 'self-build' in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended). However and in the context of the

Framework which includes objectives seeking the effective use of land and to significantly boost the supply of housing, the provision on a vacant plot of an additional dwelling towards the overall supply of housing locally is an important public benefit of the proposal. Nevertheless, the contribution made by a single dwelling and so the extent of the benefit would be very limited.

32. I have not been provided with substantive details of other public benefits that the appellant considers would arise and in my assessment, the limited public benefits of the proposal would be insufficient to outweigh the harm to the significance of the CA and Oak Cottage. Accordingly, the proposal would conflict with the Act and the Framework, and Framework policies protecting designated heritage assets provide a strong reason for refusing the development proposed.
33. It would also conflict with Policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2020, Policies S10, BN5 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 and Policies F1, F2 and F5 of the NP. Together and amongst other things, these policies include requirements broadly seeking high quality proposals that are sympathetic to local character, context and distinctiveness; and the conservation or enhancement of heritage assets.

### **Conclusion**

34. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR