



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: 29 April 2025

Appeal Ref: APP/W2845/W/24/3355490

Church View Stables, Warkworth Road, Middleton Cheney OX17 2JH

- 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 K Hone against the decision of West Northamptonshire Council.
 - The application Ref is 2024/0452/FULL.
 - The development proposed was originally described as 'replacement dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. However, the Council's decision notice gives a different description of 'the erection of a single dwelling to replace two separate dwellings'. This is also the description entered by the appellant on the appeal form. Nevertheless and notwithstanding the suggestion in both versions of the description that the proposed dwelling would be a replacement, I note that there are no existing dwellings within the appeal site boundary.

Main Issue

3. The main issue is whether or not the development would be in a suitable location having regard to its location in the countryside and the provisions of the development plan.

Reasons

4. Policy S1 of the West Northamptonshire Joint Core Strategy 2014 ('the CS') seeks to focus development primarily towards the principal urban area of Northampton, with some development at Daventry town and the rural service centres. It indicates that development in rural areas will be limited, with an emphasis on enhancing and maintaining the distinctive character and vitality of rural communities and shortening journeys and facilitating access to jobs and services amongst other things.
5. The appeal proposes a dwelling on a parcel of land forming part of a wider site known as 'Church View Stables'. The site is not part of any settlement and is located within a 'rural area' for the purposes of the CS. The proposal would therefore be contrary to Policy R1 of the CS insofar as it includes a requirement for residential development in rural areas to be within the existing confines of the village. Furthermore, it would not involve re-use of a building and there is no firm evidence to demonstrate that it would enhance or maintain the vitality of rural

communities or contribute towards and improve the local economy which are identified as exceptional circumstances where development outside of existing confines may be permitted. The development would not therefore be supported by Policies S1 or R1 of the CS.

6. Policy SS1 of the South Northamptonshire Local Plan Part 2 ('the LP') further indicates that areas outside defined confines such as this are 'open countryside' where delivery of housing is supported where it would comply with certain housing policies. Of these, Policy LH1 of the LP indicates that residential development in the open countryside will not be acceptable unless one of a list of specified circumstances apply.
7. The appellant refers particularly to the provision in Policy LH1 concerning 'a single dwelling in accordance with Policy LH4'. They consider that part b. of Policy LH4 which concerns proposals for a replacement dwelling would apply, suggesting that the development would replace two existing residential units which have been granted Certificates of Lawfulness¹ ('the Existing Dwellings'). These dwellings are accommodated within part of a building which was previously used as stables, with one of the dwellings also including a link through to a mobile home/static caravan.
8. However and notwithstanding the description of development and annotations on the proposed site plan indicating 'mobile home to be removed' and 'existing dwelling converted back to stable', the Existing Dwellings are outside of the red line boundary of the appeal site. They are on land which is shown to be within the appellant's control, but their removal is not therefore part of the development specifically before me in this appeal.
9. I note that the appellant has provided a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) dated 25 March 2025 ('the UU') as well as suggested planning conditions which are intended to offer alternate mechanisms to secure the removal of the Existing Dwellings, either prior to or within three months of occupation of the proposed development.
10. The UU and suggested conditions include provisions purporting broadly to require the residential use of the Existing Dwellings to cease; the removal of associated residential fixtures, fittings and paraphernalia; the removal of the linking structure and static caravan and making good of the external appearance of the building; and the reversion of the building to its former equestrian use/use as a stable. In response to my query, the appellant asserted that the conditions appear to meet the relevant tests which are set out in the National Planning Policy Framework ('the Framework') and which include a requirement that conditions are reasonable.
11. However, the reversion of the building to an equestrian stable would entail a material change of use which would require planning permission. In addition, the extent of works that might be required to 'make good' the external appearance of the building is unclear from the evidence before me, and I do not know whether this would amount to operational development which would also require planning permission.
12. Given their location outside of the appeal site boundary, my decision cannot grant planning permission for such a change of use of the Existing Dwellings, nor other operational development requiring planning permission. I have no firm details to

¹ Application refs S2016/1252/LDE and S2016/1253/LDE

show that planning permission has been otherwise granted, and nor can I be sure from the evidence before me that planning permission would be forthcoming. That being so, I find that the UU and suggested conditions as drafted would not be reasonable or appropriate mechanisms to secure the removal of the Existing Dwellings.

13. There is no means for me to amend the terms of the UU through direction in my decision, but I have considered whether it might be possible to amend the suggested condition to omit the reference to reversion to equestrian use and making good of the external appearance of the building. This would essentially leave the requirement to cease the residential use and remove the caravan, linking structure and all associated residential fixtures, fittings and paraphernalia.
14. However, while the residential use may be ceased in order to comply with the condition, neither party has referenced any specific legal authority to confirm that it would be possible to permanently remove or extinguish the lawful use of land outside the appeal site in that way such that the use could not subsequently be resumed. In addition, fixtures, fittings and the caravan might be removed to comply with the condition, but these elements would not in themselves require planning permission and could therefore be replaced so that their initial removal may not necessarily preclude the resumption of residential use.
15. For these reasons I am not satisfied from the information before me that the UU or suggested conditions would offer an appropriate means to secure the effective cessation of the residential use of the Existing Dwellings and there is no detail of any proposed alternative mechanism before me that might achieve this. Because I cannot therefore be sure that the Existing Dwellings' use would be permanently removed, I am not persuaded that the proposal would comprise a replacement dwelling such that the development could be acceptable under LP Policy LH4 b.
16. In any event, LP Policy LH4 part b. sets out that any replacement dwelling would need to satisfy five listed criteria.
17. The Council alleges conflict with LH4 b. I. which requires that the residential use of the original dwelling has not been abandoned. However, there is no firm information before me to suggest that the residential use of either of the Existing Dwellings has been abandoned currently, and to my mind, the removal of an existing dwelling would be integral to any proposal for a replacement dwelling rather than amounting to abandonment. Accordingly, the purported removal of the Existing Dwellings would not offend the criterion as written in the Policy.
18. However, the appeal site is outside of the extent of the area to which the Certificates of Lawfulness for the Existing Dwellings relate and while it may be used for parking, there is no firm evidence before me to substantiate the appellant's assertion that the development would be located within land that comprises part of the curtilage of the Existing Dwellings. The proposal would not therefore comply with Policy LH4 b. III.
19. In addition, Policy LH4 b. II. requires that the original dwelling 'because of its design or negative contribution to the landscape is not worthy of retention'. There is no compelling evidence before me to suggest that the Existing Dwellings are of particular design merit or worthy of retention. However, even if I were satisfied that it was possible to ensure the cessation of the residential use of the Existing Dwellings and the removal of the static caravan and link structure, the majority of the building

would remain in place. The Council's evidence states that the proposal would result in an acceptable impact in respect of 'design, character and appearance' and in itself, I am satisfied that the dwelling would be of an appropriate scale to the plot and its setting in the landscape in accordance with Policy LH4 b. IV. Nevertheless, the proposal would accordingly result in an additional building and a marked increase in the scale of development within an area of open countryside. Given the supporting text to the Policy refers to ensuring an original building is removed or demolished, this would seem to me to be at odds with the intention of the Policy in providing for replacement dwellings.

20. I acknowledge provision for new landscaping as part of the proposal and the removal of the static caravan and an access to Warkworth Road. Nevertheless, I am not persuaded that this would be sufficient to offset the effect of an additional building within an area of open countryside or offer an overall enhancement to the immediate setting of the dwelling. There is no substantive evidence before me to demonstrate otherwise and the proposal would not therefore accord with Policy LH4 b. V.
21. Even if I were satisfied with the UU or suggested conditions and found that the proposal could be considered as a replacement dwelling under the terms of LP Policy LH4 b., the proposal would therefore be contrary to a number of the stipulated criteria. I am accordingly unable to determine that the proposal would comply with Policy LH4 in all respects and by extension, it would not therefore be supported by LP Policy LH1, nor in turn by LP Policy SS1.
22. Furthermore, the appellant has not disputed that the proposal would result in an isolated home in the countryside which paragraph 84 of the Framework indicates should be avoided unless one or more specified circumstances apply, none of which have been argued here.
23. For all of these reasons, I conclude that the location of the development in the countryside would be contrary to the spatial strategy outlined at Policies S1 and R1 of the CS and the proposal would conflict with Policies SS1, LH1 and LH4 of the LP as well as with the Framework.

Planning Balance and Conclusion

24. The appellant asserts that the Existing Dwellings provide less than adequate accommodation and fail to meet the Government's optional technical housing standards. Be that as it may, there would be a net loss of a dwelling and I am not persuaded from the evidence before me that the potential for a single dwelling with an improved standard of accommodation would offer significant benefit sufficient to outweigh the unacceptable location of the development within the countryside contrary to the spatial strategy and the ensuing conflict with the development plan.
25. In the absence of any substantive evidence demonstrating meaningful other benefits, 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.
26. I therefore conclude that the appeal should be dismissed

J Bowyer

INSPECTOR