



Appeal Decision

Site visit made on 20 May 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 JUNE 2025

Appeal Ref: APP/W2845/W/25/3358971

Land Rear of Truffell House, Back Lane, Scaldwell, NN6 9JP

- 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 Adam Bates against the decision of West Northamptonshire Council.
 - The application Ref is 2024/4309/FULL.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address detailed on the application form contained no postcode. For accuracy I have taken the postcode from the appeal form.
3. The appeal site is located within the Scaldwell Conservation Area. It is also proximate to The Grange, The Old Rectory and Rectory Annexe and Sundial House, which are Grade II listed buildings. In considering whether to grant planning permission, I have been mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Council refers to the preparation of the West Northamptonshire Local Plan. The evidence indicates that this is at its Regulation 18 draft consultation stage. However, the Council's reasons for refusal do not identify any conflict with the emerging Local Plan and I note it remains at a very early stage of preparation. I have therefore based my decision on the current adopted development plan.
5. As part of their statement of case, the appellant has provided an additional statement relating to the potential effect of the development on trees (dated 2nd December 2024). The Council has had the opportunity to comment on this as part of the appeal. I am satisfied in this case, that given the content, accepting this additional document would not prejudice other interested parties. Therefore, I have considered the document as part of this appeal.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Scaldwell Conservation Area, the effect on trees and the significance of nearby listed buildings through development within their settings.

Reasons

7. The appeal site comprises an undeveloped parcel of land known locally as 'The Patch' which contains several established trees around its perimeter, in addition to a large mature Sycamore tree positioned broadly south of its centre. The site is accessed off Back Lane which has a public footpath that follows the northern and western site boundaries. Much of Back Lane is enclosed by tall boundary treatments which creates a sense of enclosure. However, the western boundary of The Patch is formed by post and rail fencing which provides visual relief and affords attractive views into the site when travelling along this footpath. Whilst the site is not publicly accessible, its open, undeveloped nature, along with the established trees within and around it provides a sylvan setting and nevertheless contributes positively to the tranquil and verdant character and appearance of the area.

Significance and settings

8. The site is also situated within the Scaldwell Conservation Area (SCA) which comprises tight, small-scale streets radiating from the central village green. As a whole, the SCA derives much of its character from its rural setting, open green spaces, and characterful mix of traditional buildings that are mostly simple in scale, appearance and form. The significance of the SCA, insofar as it relates to this appeal, is therefore primarily associated with the village's strong pattern of development, rural character and the way the buildings of varying ages and styles reflect the evolution of the village.
9. The appeal site is identified as an important open space by the Scaldwell Conservation Area Appraisal (SCAA) and Scaldwell Village Design Guide (SVDG), and these documents seek to preserve The Patch as open space. Both the SCAA and the SVDG refer to a covenant on The Patch having prevented its development, albeit as a separate legal matter, this does not factor into the planning merits and determination of this appeal. Nevertheless, it is clear from historic mapping in the SCAA that The Patch has been a longstanding area of undeveloped land within the village and forms a key spatial component of the settlement pattern. As an undeveloped, open green space, the characteristics of the land reflect the village's historic pattern of development around green spaces and its rural character. Consequently, the site makes a positive contribution to the setting of the SCA.
10. The site is also proximate to several listed buildings. The Old Rectory and Rectory Annexe (the Old Rectory) are Grade II listed and lie to the east. The principal building dates to 1716, is constructed from ashlar with a slate roof and faces the High Street. The building is prominent in the street scene and is set against a backdrop of trees, some of which are located on the appeal site. A boundary wall separates the Old Rectory from the appeal site. The SCAA notes that the Old Rectory is one of several imposing and high-status buildings on the southern side of the village. Insofar as is relevant to this appeal, the special interest and significance of this listed building is derived, in part, from its architectural and historic interest, in addition to aesthetic value as an attractive high-status building.
11. The Grange is a Grade II listed building that lies to the south-west of the appeal site at the southern entrance to the village. It is also a high-status building set in large grounds and dates to the early Victorian period. The special interest and significance of this listed building is also partly derived from its aesthetic value, architectural and historic interest.

12. The evidence indicates that the appeal site was formerly part of the grounds associated with The Grange which were sold to the owner of the Old Rectory. Three twentieth century dwellings were then developed in the 1970's in these grounds with the appeal site remaining undeveloped. As stated above, as a surviving undeveloped parcel of land, The Patch plays an important role in the character and appearance of the SCA and its positioning between two listed buildings provides them with a verdant setting. Irrespective of changes in ownership, the evidence indicates that the land has a historic association with both The Grange and the Old Rectory, is an important open green space that is intervisible from both listed buildings and their grounds and reinforces their historic context. Thus, The Patch is considered to contribute positively to their settings.
13. Sundial House is a Grade II listed building to the south-east of the appeal site that dates from 1650. This building is another attractive, high-status dwelling and its special interest and significance, insofar as is relevant to this appeal, derives from its architectural and historic interest. However, due to intervening development and screening from existing vegetation, the site makes a neutral contribution to its setting.

Effect of the proposed development

14. The appeal scheme proposes the erection of a dwelling towards the north-eastern corner of the site, adjacent to the common boundary with the Old Rectory. The dwelling has been designed to emulate a traditional agricultural barn range with varying ridge heights and arched openings in its front elevation. The dwelling would be constructed from brick with a natural slate roof and would be accessed via a path cutting across the site, linking to the parking area in the south-west corner. The existing post and rail fence boundary would be retained and an approximately 2m hedgerow would be planted around the boundaries with Back Lane and the public footpath.
15. Despite being positioned towards the corner of the site, the dwelling would encroach into this undeveloped land, introducing built form into this attractive and open green space and eroding a positive feature of the village's historic pattern of development. Irrespective of the proportion of the site that would be retained free from development, the construction of a dwelling within this land, in addition to the parking area and pathway, would have a significant spatial effect on the character and appearance of The Patch itself and undermine the positive contribution this makes to the wider area.
16. The use of the land around the dwelling as garden land would also extend beyond the footprint of the dwelling, and this, in addition to typical domestic paraphernalia, would further impact the open and rural characteristics of the site. The appellant has suggested a condition to restrict permitted development rights within the proposed garden area. However, this would not overcome the harm from the development in principle, nor address any domestic garden paraphernalia that would fall outside of the control of the planning system. Whilst I note the appellant contends that the site is already in use as garden land, I have limited evidence in this respect and note from my site visit that the land was overgrown. Irrespective of the use of the land, for the above reasons, the site makes a positive contribution to the character and appearance of the SCA, and this therefore does not alter my findings on this matter.
17. Furthermore, whilst the design of the dwelling draws reference from traditional agricultural barn ranges, the height of the building would be large for a single storey dwelling, and the footprint would be similar to other large and high-status dwellings in the vicinity. The design of the elevations also incorporates a mix of pastiche agricultural

barn features with more domestic fenestration styles and contains sections with limited features at all. Whilst I note the intention for the dwelling to reflect an incidental barn range associated with one of the higher status houses near to the site, the scale, design and positioning in relation to these buildings would not successfully achieve this aim.

18. Moreover, from what I have observed, the design of the dwelling would not reflect the character and appearance of properties in the vicinity and would result in a development that would fail to relate well to its surroundings. Consequently, the development would harm the character and appearance of the SCA and undermine the historic, open, undeveloped characteristics of The Patch which contribute positively to the wider area.
19. Turning now to nearby listed buildings, the development would also span a considerable length of the common boundary with the Old Rectory. With the removal of trees as proposed, the dwelling would be intervisible with the rear of the listed building, obscure the common boundary wall and change how the listed building is experienced from the public realm. Whilst I note that the boundary wall is not listed in its own right, for the reasons given above, the development would still undermine the positive characteristics of The Patch and the verdant setting it provides the Old Rectory, resulting in harm to the setting and special interest of this listed building.
20. Whilst noting that the site is separated from The Grange by Back Lane and that the remainder of the land formerly associated with this listed building has been developed, The Patch plays an important role as a surviving parcel of open and undeveloped land in the setting of The Grange and this would be significantly undermined by the proposed development, resulting in harm to its setting and special interest.
21. Taking account of the degree of separation, intervening development and landscaping between Sundial House and The Patch, the appeal scheme would not affect the ability to appreciate the significance of the listed building through development in its setting. Accordingly, I find it would preserve the setting and special interest of this listed building. However, this does not alter my findings in respect of the other affected listed buildings.
22. The appellant contends that the introduction of a 2m high hedgerow along the boundaries with the public footpaths would effectively screen the development from public view and overcome any identified effects. They also suggest this could be conditioned to be retained at a minimum height. However, there would be no guarantee that such a hedge would establish, reach such a height to afford complete screening of the development or be retained in perpetuity. If it did, the introduction of a high hedge here would only further erode the site's open characteristics and increase the sense of enclosure along Back Lane.
23. However, it would not be appropriate to rely on such landscaping to effectively screen an otherwise unacceptable development in any event, given Conservation Areas are designated for both their character and appearance, and the proposal would continue to have a significant spatial effect on the pattern of development irrespective of its degree of visibility. That the appellant might choose to install such a boundary hedgerow irrespective of the outcome of this appeal does not alter my findings either.
24. Additionally, to facilitate the development, the evidence indicates that six individual trees and two tree groups would be removed in addition to other crown lifting works to those to be retained. Three of the individual trees for removal are categorised in the evidence as moderate quality and value, in good to fair condition, ranging from 10 to

23m in height and include a Sycamore tree described as early mature. The remaining three individual trees are categorised as low quality and value but in good to fair condition and are approximately 5 to 6m in height. These trees are located on the eastern side of the site adjacent to the boundary wall. The tree groups proposed for removal are located in the north-eastern corner of the site, are described as moderate to low quality and value but in fair condition, ranging from 4 to 17m in height.

25. These trees are all visible from the public realm, not only along Back Lane but also between buildings when travelling along High Street and have an important collective value to the character of the area. The evidence states that most of the trees have a life expectancy of over 10 years and therefore would, in all reasonable likelihood, endure for some time into the future. Consequently, their loss would have a permanent, detrimental effect on the leafy, verdant character of this land and this would further harm the character and appearance of the SCA and the settings of The Grange and the Old Rectory.
26. Irrespective of whether the footpath adjacent to the site is heavily used or not, the removal of these trees would alter how The Patch is experienced by users of public footpaths, in addition to how it contributes to the wider character and appearance of the area and the settings of these nearby listed buildings. The proposed tree removal is also likely to increase the visibility of the new dwelling by reducing the amount of tree cover surrounding the site. Replacement planting is proposed to mitigate the tree removal; however, such planting would likely take many years to establish and provide the same level of amenity value. As such, this would not outweigh the harm identified.
27. The surveys indicate that works to retained trees including crown lifting would also be required, albeit there is dispute between the parties as to the level of works required and whether the development would encroach into their root protection areas (RPAs). The evidence indicates that the development would result in some intrusions into the RPAs of retained trees and the interrelationship between the trees and the proposed dwelling would be close. I also observed that the site already experiences a degree of shading from the tree canopies and this would only increase over time as the trees grow in width and height with the potential for canopies to merge.
28. The close interrelationship between the dwelling, its garden area and the trees (some of which are large and imposing in stature) would result in ongoing maintenance responsibilities for future occupiers and potential for nuisance from leaf litter and shading. This would increase the future pressure to prune or fell trees, which would impact their natural growth and shape and make such applications hard for the Council to resist.
29. The potential for long-term adverse effects on established trees within the site, which collectively have a high amenity value would result in further harm to the character and appearance of the SCA and the contribution this site makes to the settings of The Grange and the Old Rectory. Whilst a tree protection plan and arboricultural method statement could be secured by condition, in addition to a construction and access management plan to protect retained trees during construction, this would not overcome or outweigh the harm I have identified.

Public Benefits

30. For the above reasons, I find that the development would harm the character and appearance of the SCA and the settings of The Grange and the Old Rectory and Rectory Annexe, which would fail to preserve their special interest and significance.

31. Given the scale and nature of the proposal, the degree of harm to the significance of these designated heritage assets would be less than substantial in this instance, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
32. Public benefits would derive from the contribution one single dwelling would make to housing supply, and the mix and choice of homes. The dwelling would be located within the confines of the village and future occupiers would feed into the local economy. Compensatory biodiversity enhancements could also provide minor biodiversity benefits. However, given the scale of the proposal, the public benefits associated with the development would be limited. No harm has been identified in respect of the effects on highway safety or protected species, however, these are neutral considerations.
33. On the other hand, the Framework indicates great weight should be given to the conservation of a designated heritage asset. I therefore find that the public benefits of the proposal would not outweigh the less than substantial harm identified, leading to conflict with the historic environment protection policies of the Framework.
34. Therefore, in the absence of any defined substantiated public benefit, I conclude that, on balance, the development would fail to preserve the character or appearance of the SCA, the settings and special interest of the listed buildings The Grange and The Old Rectory and Rectory Annexe through development affecting their settings, resulting in harm to their significance and would adversely affect existing trees. This would fail to satisfy the requirements of the Act and conflict with the aims of policies BN5 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) and policies RA3, ENV7 and ENV10 of the Daventry District Council Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029. Taken together, these policies seek, amongst other things, to protect the form, character and setting of rural areas, including areas of open land and areas of historic importance as identified in conservation area appraisals and village design guides, the conservation of the historic environment and high-quality design.

Conclusion

35. In conclusion, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

H Whitfield

INSPECTOR