



Appeal Decision

Site visit made on 4 June 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: **APP/W2845/W/25/3361279**

Former Silverstone Infants School, High Street, Silverstone NN12 8US

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by P Smith against the decision of West Northamptonshire Council.
- The application Ref is 2023/5425/FULL.
- The application sought planning permission for approval of reserved matters for conversion of school building to two dwellings and demolition of other school buildings and erection of two additional dwellings pursuant to S/2017/0626/OUT without complying with 3 conditions attached to planning permission Ref S/2020/0668/RES, dated 13 June 2022.
- The conditions in dispute are Nos 11, 12 and 13 which state that:
 - "11. Notwithstanding the provisions of Classes A-D (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of any of the dwellinghouses shall be undertaken at any time without the prior planning permission of the Local Planning Authority."*
 - "12. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure shall be erected or placed within the curtilage of the dwelling hereby permitted without the prior planning permission of the Local Planning Authority."*
 - "13. Notwithstanding the provisions of Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no solar PV or solar thermal equipment shall be installed on the dwelling or on any building within its curtilage without the prior planning permission of the Local Planning Authority."*
- The reasons given for the conditions are:
 - 11. Taking into account the density of the site and its sensitivities it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy SS2 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework.*
 - 12. Having regard to the density, character and layout of the development the Local Planning Authority consider such structures would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area and consider it is in the public interest to require an application to enable the merits of any proposal to be assessed in accordance with Policy SS2 of the South Northamptonshire Local Plan Part 2.*
 - 13. To protect the character of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.*

Decision

1. The appeal is allowed and planning permission is granted for approval of reserved matters for conversion of school building to two dwellings and demolition of other

school buildings and erection of two additional dwellings pursuant to S/2017/0626/OUT at former Silverstone Infants School in accordance with the application Ref 2023/5425/FULL, without compliance with 3 conditions attached to planning permission Ref S/2020/0668/RES dated 13 June 2022 and subject to the conditions listed in the schedule at the end of this decision.

Main Issues

2. The main issues are the effect on:

- The character and appearance of the site and its surroundings including the non-designated heritage asset on the site and the adjoining Silverstone Conservation Area
- The living conditions of the occupiers of adjoining properties

Reasons

3. The appeal site lies to the rear of properties which front the High Street and is accessed via a narrow lane which runs between two of them. This lane is also a Public Right of Way (PRoW) which runs along the northern side of the site; this boundary is open to the site while the rest are marked by mature trees and hedgerows with residential properties adjoining to the north and east and open farmland to the south and west.
4. The site is a roughly square shaped site and contains a former school building of traditional brick appearance with steeply pitched hipped main roof with pitched roof projecting gable ends to the south and north, the latter sited towards the boundary with the PRoW. This building is currently being converted into two dwellings and two new single storey dwellings are currently under construction in the western part of the site. Permission for these works was originally granted outline permission with reserved matters approved in June 2022¹.
5. The site is outside the Silverstone Conservation Area (CA) though its boundary adjoins the north-east corner of the appeal site. It encompasses the properties either side of the driveway leading to the site as well as the eastern section of the drive itself which lies between them. The significance of the CA in the vicinity of the appeal site is derived mainly from the buildings within it which are predominantly two storey stone cottages, some of 17th century origin, which front the High Street.
6. Whilst the appeal site does not lie within the conservation area, the old school building, considered by the Council to be a non-designated heritage asset (NDHA) due to its historic and architectural significance and which is identified in the Village Design Statement (VDS) as an 'other important building', can be seen from it and alterations to it would have the potential to affect its significance.

Character and appearance

7. The former school building is an attractive building of symmetrical design and red brick construction with roof finished in plain clay tiles. The proposed conversion would retain the existing chimneys and other original features, such as deep sash framed windows. Whilst under permitted development rights (PDR) only limited extensions or alterations could be carried out to the front elevation facing the

¹ Ref S/2020/0668/RES

PRow, any extensions or alterations could disrupt the overall balanced design and distinctive appearance of the building and could potentially harm its significance as a NDHA. I consider that the conditions to restrict such works are therefore justified and necessary in order that any such works can be assessed in the light of their impact on the historic interest of the building.

8. The new dwellings (plots 3 and 4) have been well designed with architectural features and overall appearance sympathetic to the adjoining NDHA. However, given the siting and built form of these dwellings, extensions would be likely limited to the rear elevations where they would have little impact on the setting of the NDHA. Conversely, due to their likely visibility, roof additions and alterations would be likely to have an impact on both the NDHA and wider area. Given the extent of PDR available, these could result in a considerable visual change to the roofline which would impact on the setting of the NDHA and wider area. The restriction of such PDR is therefore necessary and reasonable in the interest of conserving the significance of the NDHA and the character of the site and views from the conservation area.
9. In terms of curtilage buildings, whilst the rear gardens for the two dwellings that would be created within the former school building are modest in size, such buildings would not directly impact on the NDHA itself and due to existing limitations and conditions that apply, would be unlikely to adversely affect the setting of the building or appear cramped.
10. In respect of plots 3 and 4, the extent of the curtilages is larger, albeit constrained to an extent by retained trees. However, given the position of these areas to the south and west of the dwellings, any such curtilage buildings would be unlikely to have any effects on the NDHA and wider area. As such, a condition to restrict curtilage buildings for these plots is also unnecessary.
11. With regard to condition 13 which removes PDR related to solar equipment, given its form and appearance and that there already exists a restriction on the amount by which it can protrude beyond the plane of the wall or roofslope, it is unlikely that such equipment would be unduly harmful to the built form of the existing building or proposed dwellings. Nor would they be intrusive either when viewed as part of the site or within the wider conservation area. Given these factors, and the need to encourage home owners to be as energy efficient as possible, it is unnecessary to impose such a restriction.
12. I therefore find that a condition to restrict PDR for all extensions and alterations to the converted school building (plots 1 and 2) and the restriction of PDR for roof additions and alterations to plots 3 and 4 remains necessary and otherwise satisfy the tests in the Framework and PPG. This will ensure that any such development can be assessed against relevant policies SS2, SPD1, HE1 and HE7 of the South Northamptonshire Local Plan Part 2 (2011-2029) (SNLP) and policies S10 and BN5 of the West Northamptonshire Joint Core Strategy (2014) (JCS) which, amongst other things, seek high quality development that respects the character, appearance and setting of heritage assets, as well as the South Northamptonshire Design Guide (2017) which contains detailed guidance which seeks to maintain and protect quality design and which indicates that PDR may be removed having regard to those aspects visible from the public realm and which may affect heritage assets and their setting.

Living conditions

13. The reasons for conditions 11 and 12 were also to protect the amenities of occupiers of adjoining properties. In respect of the old school building conversion, given that it is located quite close to the side boundary of the property to the north, being separated only by the PRoW, there is the potential for additional first floor openings to result in overlooking and loss of privacy to the occupiers of that property. However, the exercise of PDR related to curtilage buildings would have no impact given the curtilage of those dwellings is to the rear of the building and some distance from other properties.
14. The proposed new dwellings would be sited to towards the western part of the site where they would mainly adjoin open fields to the south and west. Given that they are single storey dwellings, it would be unlikely that first floor accommodation could be introduced which would result in any loss of privacy or other adverse effect on the amenities of nearby properties.
15. There is, however, the potential for first floor openings to result in overlooking of the rear garden areas of the dwellings created from the converted school building, in particular in the east elevation of plot 4 which faces directly towards those areas. In this respect the restriction of PDR for the insertion of first floor openings within the east facing roofslope are necessary for this reason as well.
16. Conditions to remove PDR in respect of the above therefore remain necessary and justified and meet the Framework tests and ensure that such works are in accordance with SNLP policy SS2 which seeks to ensure that development does not unacceptably harm the amenity of occupiers of neighbouring properties.

Other Matters

17. The Appellant contends that the imposition of conditions at the reserved matters stage is inconsistent with Sections 70 and 72 of the Town and Country Planning Act 1990. However, as the reserved matters is part of the outline planning permission, I see no reason why that should be the case. The outline permission only approved means of access thus layout and appearance were to be approved as reserved matters and the conditions relate to those matters. Whilst the outline permission is also the subject of a condition that the new build dwellings shall only be single storey, that would not restrict the exercise of PDR once the dwellings were built and occupied unless relevant conditions were imposed.
18. The Appellant also disputes the identification of the old school building as a NDHA. However, whilst it is often usual for such buildings to be included in a published 'local' list, the Framework states that such assets which have a degree of significance meriting consideration in planning decisions, include those 'identified by the local planning authority'. In addition, the building is referenced in the VDS.
19. A number of third party comments refer to the impact of construction works on the access and PRoW. However, these are not directly relevant to the above issues.

Summary

20. I find that re-worded conditions to restrict PDR for extensions, alterations and curtilage buildings remain necessary for the reasons set out above. I therefore intend to allow the appeal subject to new conditions. In addition, it is necessary to set out in full all conditions from the previous reserved matters permission that

remain relevant as the effect of allowing the appeal would be to grant a further, separate reserved matters approval.

21. The Council has provided a list of conditions which have been reviewed in the light of Framework paragraphs 56 and 57. A condition to refer to the amended plans remains necessary in the interest of clarity; however, it is not necessary to refer to the procedures under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
22. Conditions specifying the approved materials, to ensure that retained trees are protected during construction and to secure replacement planting remain necessary in the interests of the visual amenity of the area. For the same reason a condition to control external lighting is also necessary.
23. Given that the works have started but are yet to be completed and occupied, conditions to require that the parking and turning facilities, including EV charging points, are provided prior to occupation remain necessary to ensure suitable parking provision and to contribute to sustainable transport. Full details of refuse storage do not appear to have yet been approved, therefore a condition to secure those details remains necessary.
24. Conditions to secure the provision of bird and bat boxes as indicated on the approved plans and to ensure that the works are carried out in accordance with the Protected Species Survey also remain necessary in the interests of protecting and enhancing the biodiversity of the area.
25. The Council has also suggested an informative regarding the PRoW but the appellant will be fully aware of any restrictions under other legislation in this regard.

Conclusion

26. The appeal is allowed and planning permission granted, subject to the conditions set out in the schedule below.

P B Jarvis

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The development shall not be carried out otherwise than in complete accordance with the approved plans and details which are as follows:

Drawing numbers: 1901 Site Location Plan; 2020.01 Existing Floor Plans; 2020.02 Existing Elevations; 2020.11 Proposed Floor Plans Plots 1 and 2 (All received 24th April 2020).

2020.20 Site Layout Plan; 2020.27 Hard and Soft landscaping; 2020.27- Planting Schedule (All received 22nd March 2021).

2169.11 Tree Protection Site Plan received 3rd February 2022.

2210.102- Location of Bird Bee Bat Boxes; 2210.105- Root Protection during construction works; 2210.106 Plot 4 Porch Details; 2210.105 Root Protection Plans (All received 20th April 2022).

Drawing 2210107 Architectural Details Received 11th May 2022.

2210.102A Bird Bee and Bat Box Details; 2210.105- Parking demarcation; 2020.12B School Building Elevations Windows Brochure- Roseview (All received 1st June 2022).

2020.26a Plots 3 and 4 - Floor Plans; 2022.41 Proposed North West Elevations; 2022.42 Proposed South East Elevations; 2022.43 Proposed South West Elevations; 2022.44 Proposed North East Elevations (All received the 9th November 2022).

Letter regarding fire safety from Dave Collins dated and received 29th May 2020. Protected Species Survey by Philip Irving dated June 2020 received 10th June 2020; Meter box details received 12th August 2021; BS587 Tree Report by Pryor & Rickett Silviculture dated December 2021 received 7th January 2022

- 2) The ridge tiles to be used on the dwellings hereby approved shall be Wienerberger-Sandtoft Barrow Bay Brown Plain Tile as per the details received on the 20th April 2022. The development shall be carried out in accordance with the samples approved.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- 4) The proposed parking and turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The parking and turning areas shall thereafter be retained for use in connection with the development for those purposes only.

- 5) Notwithstanding the details outlined within any of the approved documents listed, details of alternative refuse storage facilities shall be submitted to and approved in writing prior to the occupation of the dwellings hereby approved. The storage facilities shall thereafter be provided in accordance with the approved details before the buildings to which they relate are first occupied.
- 6) Prior to the occupation of any building the bat, bird, owl and bee boxes/tiles shall be installed on the site in accordance with the approved details 2210.102A and 2210.102 with one of the bird boxes providing a 32mm entrance hole.
- 7) No dwelling hereby permitted (with a garage or driveway) shall be occupied until it has been provided with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to serve that dwelling.
- 8) The existing trees to be retained shall be protected throughout construction in accordance with the details approved under condition reference S/2020/0622/COND.
- 9) No external lights/floodlights shall be erected on the land or building without the prior express planning permission of the Local Planning Authority.
- 10) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Protected Species Survey by Philip Irving dated June 2020 and received 10th June 2020.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no development permitted by virtue of Classes A, B, C and D of Part 1 of Schedule 2 to the order shall be undertaken on Plots 1 or 2.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no development permitted by virtue of Classes B and C of Part 1 of Schedule 2 to the order shall be undertaken on Plots 3 or 4.