



Appeal Decision

Site visit made on 22 July 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/W2845/W/25/3361892

Land to rear of 14 Birds Hill Road, Eastcote, Towcester, Northamptonshire, NN12 8NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs Daphne Hart against the decision of West Northamptonshire Council.
 - The application Ref is 2024/0395/PIP.
 - The development proposed is demolition of existing buildings for new build housing development.
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Decision

1. The appeal is allowed and permission in principle is granted for demolition of existing buildings for new build housing development comprising a maximum of one dwelling, at land to rear of 14 Birds Hill Road, Eastcote, Towcester, Northamptonshire, NN12 8NF, in accordance with the terms of the application, Ref 2024/0395/PIP.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly and treated the proposed site layout plan as being indicative only.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

Location and land use

5. Eastcote is defined as a Secondary Service Village (B) by policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 (LPP2) due to its limited level of

services. I have not been provided with a plan showing the location of the site in relation to the village development boundary, but it is common ground between the main parties that most of the site, except for its access lies outside of the boundary and is therefore designated as open countryside. It is also agreed that the proposal does not fall within any of the policy exceptions for new housing outside settlement confines, and as such would conflict with the development plan.

6. Despite being outside of the village boundary, the site adjoins other residential development, and as such, the proposal would not result in isolated new homes in the countryside. I noted that there is a primary school and playgroup at the bottom of Birds Hill Road, which is a short walk from the site along a pavement with street lighting. I also noted there is a public house which serves food, a short walk along the pavement up to Gayton Road. New development could help to maintain these rural community services and facilities, as well as those in other nearby villages, which could be reached by bicycle. Whilst I am advised there is no regular public transport available in the area, the nearest larger facilities such as supermarkets are in Towcester, a relatively short 3 to 4 miles drive away. The scale of the development would not generate significant travel demands and the National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
7. Whilst the site is overgrown and has not been used for some time, it is undisputed that it was last used as a builder's yard. It is occupied by two large sheds, together with some smaller timber sheds and hardstanding. Representations submitted by third parties suggest that the buildings and commercial use of the site may not have had planning permission, but also indicate that these changes to the site occurred more than 10 years ago, and consequently they would now be immune from enforcement action. There is therefore little doubt that the site is previously developed land (PDL), or that its use as a builder's yard could recommence without the need for planning permission. The site is well screened by mature trees and hedges and the development would not encroach any further into the countryside than the existing large shed on the site or the extended gardens of other dwellings along this part of Birds Hill Lane. Accordingly, the development would not result in the loss of an undeveloped greenfield site or any harm to the character of the countryside, subject to suitable technical details being agreed.
8. The surrounding land use is primarily residential, comprising dwellings and their gardens to the north and east, and what appears to be an orchard garden to the west. The southern boundary of the site is adjacent to Birds Hill Road, which is not heavily used and is beyond a substantial landscape buffer. The land on the opposite side of Birds Hill Road is in agricultural use. Future occupiers of the proposed development would not therefore be subject to any unacceptable noise, vibration, dust, odour or other disturbance. Furthermore, the residential development of the site would remove a builder's yard from a predominantly residential area served by a private shared residential access road.
9. I therefore conclude that a small-scale residential development would be an acceptable use of the land having regard to its past use, surrounding land uses and its location. Whilst there would be conflict with policy SS1 of the LPP2 due to the development not being restricted to starter homes, entry level and single plot exception sites or self and custom build housing, the harm arising from this conflict would be minor and would be outweighed by the benefits of making more effective use of this PDL in a relatively sustainable location for a small-scale housing

development, which would not be isolated or encroach any further into the countryside than existing buildings and gardens.

10. The proposal would comply with policies SA, S1 and R1 of the West Northamptonshire Joint Core Strategy 2014 (JCS), policy LH1 of the LPP2, and paragraphs 11, 83, 110 and 124 of the Framework. These policies collectively seek to ensure amongst other things that decisions have regard to the presumption in favour of development, to avoid the development of isolated new homes in the countryside, to make effective use of PDL in sustainable locations where it will assist in maintaining the vitality of rural communities, and to recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
11. As the site has not been submitted as a rural exception site, policy H3 of the JCS is not relevant. Whilst the Council's case suggests that the housing requirement for the rural areas has been met as there is currently a 10.19 year supply of housing, much of this supply presumably relates to urban areas. Policy R1 specifically identifies a need for 4720 dwellings within the rural areas. I have not been provided with any evidence to demonstrate that this has been met. However, even if the proposal did conflict with policy R1, and therefore also policy LH1, this would again be outweighed by the benefits of the proposal and the absence of any harm. Development does not become unsustainable simply due to being outside of a line on a plan and the scale of the proposal would not undermine policies which seek to direct most new development to larger settlements.

Amount of development

12. The application form referred to a maximum of 2 dwellings, whereas the Council's decision notice and the appeal form refer to one to two dwellings. Whilst additional plans and information would be required at the technical details stage, it is my view even at this in principle stage, that the site would not be suitable for two dwellings for several reasons.
13. Although the main section of Birds Hill Road is an adopted two-way road with a footpath and street lighting, the appeal site, along with eight dwellings, is accessed from a private shared driveway that runs off this. The shared driveway has a gravel surface and is of sufficient width for two vehicles to pass between its junction with the main road and the site access. Beyond the site access the shared drive narrows. The driveway to the appeal site itself comprises a narrow track, which runs between the two dwellings at 12 and 14 Birds Hill Road. This is not wide enough to accommodate two way passing traffic. As refuse vehicles do not access the private road, wheelie bins must be left near its junction with the adopted section of Birds Hill Road on collection days. At the time of my visit many wheelie bins were lined up along the footway.
14. The construction of two dwellings on the site would result in conflicts between vehicles, which would be unable to pass due to the limited width of the access track. This would be detrimental to both highway safety and the living conditions of neighbours in terms of disturbance from passing vehicles, given that the access is located tight up to the side of these dwellings and their gardens. Furthermore, vehicles waiting to enter the site as another vehicle is leaving, would obstruct the frontage of No.12 and the entrance to the private shared road. Whilst I acknowledge the former use of the site, the evidence before me suggests that this

was a small local family business which did not generate significant traffic movement, and which would be less likely to generate two way passing vehicles than two separate dwellings. It would also not have generated domestic waste. Whilst the indicative plan shows a bin storage area within the site for collection days, this is likely to be too far away from the adopted road. As such more bins would need to be stored at the junction of the adopted and private roads, or on the public footway, resulting in additional clutter and obstruction.

15. The indicative layout plan seeks to demonstrate how two dwellings could be accommodated within the site. However, this would result in a cramped form of development that would not be in keeping with its immediate surroundings. As would be expected on the edge of a rural village, dwellings adjacent to the site are modest in scale and are sited within generous plots, with generous space and landscaping between properties. Except for No.12, the adjacent dwellings along the eastern side of the shared driveway all have long rear gardens and/or orchard gardens, which extend beyond and wrap around the appeal site.
16. The site slopes down towards Pattishall and is bound by mature trees and hedgerows, which as well as screening the site make a positive contribution to the rural character and appearance and bio-diversity value of the area. Two dwellings would result in unacceptable harm to these, as development close to the site boundaries would encroach into root protection and tree canopy areas and the trees would overshadow the dwellings and their gardens, and drop leaves and debris, resulting in pressure for their removal.
17. The site would be better suited to a single dwelling, with its own access drive, less waste bins, space for the boundary trees and hedges to be retained without overshadowing it or all of its garden space, and space to accommodate a dwelling of modest height in spacious surroundings that would respect the character and appearance of this edge of village rural location.
18. I therefore conclude that subject to suitable details being agreed at the technical details consent stage, the site could in principle accommodate a single dwelling, without resulting in harm to the character and appearance of the area, highway safety or the living conditions of occupiers of neighbouring dwellings. The proposal would therefore accord with policies H1 and R1 of the JCS, policies SS2 of the LPP2 and paragraphs 115, 129 and 135 of the Framework, in so far as they seek to ensure the density of development is considered having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, living conditions for future occupiers of the development and occupiers of neighbouring properties, and safe means of access.

Other Matters

19. Reference has been made to Pattishall Parish Plan, but I have not been provided with a copy of that or advised of its age or status. As such, I am unable to take it into account. I also afford the emerging local plan no weight given the early stage it is at.
20. I have had regard to the comments of interested parties, which in addition to the matters addressed above, raise concerns regarding several other issues. These include, amongst other things, access to the site by emergency or construction vehicles, additional highway safety concerns, overlooking, overshadowing, waste

collections, trees and noise. However, I am satisfied that these are matters that can appropriately be considered in further detail at the technical details consent stage.

21. I note that there was a lengthy delay in issuing the decision notice and making this publicly available after the planning committee. However, complaints regarding the Council's handling of the application are not a matter for my consideration and should be taken up via the Council's complaint procedure.

Conditions

22. It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. These terms have been included in the decision at paragraph 1. Conditions may be attached to any approval at the technical details consent stage. The default duration of this permission is three years.

Conclusion

23. The proposal would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons set out above, I therefore conclude that the appeal should be allowed and permission in principle granted for a maximum of one dwelling.

R Bartlett

INSPECTOR