



Appeal Decision

Site visit made on 6 August 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/M2840/W/25/3363685

51 Main Street, Ashley, North Northamptonshire, LE16 8HG

- 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 Ms S Rogers against the decision of North Northamptonshire Council.
 - The application Ref is NK/2024/0128.
 - The development proposed is a new bungalow to the rear of 51 Main Street.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; ii) the setting of the adjacent listed building; and iii) biodiversity and protected species.

Reasons

Character and appearance

3. The site is part of the rear garden to 51 Main Street. It benefits from an existing wide vehicular access, which slopes upwards from Main Street, sub-dividing the rear garden area into two. I understand that this access drive was approved as part of a previous application, albeit it was unlikely to require planning permission. Access drives between buildings are a common feature in the area.
4. It is proposed to construct the new bungalow on the northern part of the site, following the removal of some small trees. There are existing tandem developments on either side of the site comprising a two-storey house to the west (no.49) and single storey dwelling to the east (no.55). The proposed bungalow would infill a linear gap between these two dwellings and would not therefore detract from the form and pattern of development in the area.
5. Whilst the new dwelling would be on higher ground than the two-storey frontage properties, it would be single storey and would have a similar or smaller footprint than most of the dwellings surrounding it. Adequate space would be retained around the existing and proposed dwellings, which would be commensurate with surrounding plot sizes.
6. Precise materials can be agreed by condition but in accordance with the National Planning Policy Framework (the Framework) and policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 adopted July 2016 (the JCS), decisions should not stifle innovation. Although older properties fronting onto Main Street have stone frontages, less prominent elevations, extensions and

outbuildings are in brick, as are more recent dwellings in the area. The existing frontage dwelling at no.51 is constructed in a mixture of stone and red brick with a slate roof and conservation roof lights in the single storey rear projection. The bungalow is proposed to be constructed in brick with a slate roof. The integrated solar panels would be flush with the roof and roof lights would be conservation style. Whilst the windows would be small, the wide timber lintels and vertically boarded panels would break up the massing of brickwork and add detail. The largely glazed gables would face west and would not be visible in any public views. Given that the dwelling would be set back from the road and largely screened by existing buildings and existing and proposed landscaping, it would not be visually prominent.

7. Concern has been raised regarding the h shape of the dwelling suggesting an L shape would be preferable to reflect a historic courtyard style. However, given the siting of the dwelling to the rear of the existing property, the shape of its footprint is unlikely to be apparent other than from the air. The site is some distance from the conservation area, and I note that other buildings in the area, including the two modern dwellings to the west of the site (49 and 49a) comprise a variety of sizes and shapes. From the nearby Ashley Farm Shop vehicular access I could see a u-shaped building, with the rear wing being visible beyond the front wing, not dissimilar to the proposal.
8. The proposal would not result in the loss of any important open views through the site, including from Green Lane, the junction of which is opposite the site access, due to the topography of the site and the presence of existing boundary hedges and buildings to the front and rear of the site.
9. Whilst there would be some conflict with policy ASH1 of the LP, which states that development in Ashley should follow the existing linear form of the village and should not be set back from the public highway, in this case, the tandem form of development would not detract from the character and form of the area for the reasons given above. Consequently, the proposal would not conflict with the purpose of this policy, to preserve the character and appearance of the area and I therefore afford it very limited weight.
10. The proposal would accord with policies 8 and 11 of the JCS, and policies HOU1 and RS1 of the Kettering Site Specific Part 2 Local Plan adopted December 2021 (the LP), which seek to ensure amongst other things that new development is sympathetic to the size, form, character and setting of the village and responds to the site's context and local character and appearance.

Setting of Listed Building

11. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.
12. No.53 Main Street is a Grade II listed Building. It comprises a late C17 house with C18 and C19 extensions. It fronts directly onto the pavement and has a large, detached bungalow and garage in its rear garden served by a shared access. Its heritage significance is derived from its age, materials, plan form, fenestration and historic architectural features.

13. The council states that historically, prior to the 1970's, the buildings surrounding the appeal site were either long and narrow or L shaped. It goes onto state that it is the simple linear form of buildings clustered around the listed building that is regarded as being significant to its setting.
14. I note that the building was listed in 1986 and that the listing description makes no reference to its setting or to the dwelling in its rear garden. The term linear refers to buildings arranged in a straight line. Whilst the listed building is located on the end of a line of buildings fronting the road, there is also a building directly behind it and there are buildings behind other nearby properties, none of which are historic. I must assess the proposal against the character of the area and the setting of the listed building as they currently exist and not against what existed prior to the 1970's.
15. The proposed bungalow would be sited approximately 50m away from the rear of the listed building, separated from it by the existing mature boundary planting, access drive and garden. Whilst part of the bungalow would be visible in glimpsed views down the access drive between nos.51 and 53, new hedge planting is proposed between no.51 and the new dwelling, which would over time reduce these views and soften the appearance of the new development. The new dwelling would not be visible in the street scene or viewed in context with the listed building. I have not been made aware of any historic connection between the listed building and the appeal site.
16. I therefore conclude that the proposal would not result in any harm to the heritage significance of the listed building or its setting. It would therefore accord with policy 2 of the JCS and policy RS5 of the LP, which seek to protect, preserve and where appropriate enhance heritage assets and their settings.

Biodiversity and Protected Species

17. The application was submitted prior to 2 April 2024 and as such is exempt from the mandatory biodiversity net gain requirements. The proposal would result in the removal of some small semi-mature trees and lawned area, with boundary trees and hedges retained. Having considered the submitted biodiversity metric, the council's Ecologist has confirmed that the biodiversity value of the overall site is relatively low and as such any losses could be mitigated on site, secured by a landscaping condition for the planting of new native trees and hedges. Accordingly, the council's first reason for refusal has effectively fallen away.
18. Although harm to protected species was not cited as a specific reason for refusal on the council's decision notice, it has been brought to my attention by the main parties and unfortunately it is not a matter that I can disregard. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether European Protected Species (EPS) would be affected by the development and whether associated mitigation measures would be effective.
19. A Preliminary Ecological Assessment was submitted, which acknowledges the presence of ponds in the surrounding area and the potential for Great Crested Newts (GCN), which are a EPS. The council's ecology consultation response advises that the site is in the red risk zone for GCN. Red zones are recognised as having GCN populations of regional, national, or international importance. Four ponds were identified within a 500m radius of the site, three of which have been subject to eDNA testing, access could not be obtained to test the fourth

pond. Two of the ponds tested positive, including a pond approximately 30m to the north of the site with good connectivity to it, confirming a likely presence of GCN. Consequently, there is potential for transient or resting GCN to be present on site and harmed by the development.

20. The information before me suggests that any potential harm could be mitigated by the provision of additional surveys and information, or by entering the council's district level licence scheme (DLL). Neither of these options has been undertaken.
21. Whilst a Unilateral Undertaking (UU) has been submitted with the appeal, which amongst other things would prevent the development from commencing until a DLL has been secured, Circular 06/2005 advises that the extent to which protected species may be affected by a proposed development should be established before planning permission is granted and should not be addressed by planning conditions unless there are exceptional circumstances. No exceptional circumstances are before me to justify addressing the matter by planning conditions in this instance, and the use of a UU, as opposed to a condition does not alter this requirement for upfront information, or enable me to satisfy my duty.
22. Whilst I accept that the likely presence of protected species has been established, surveys to establish the extent of this presence, the size of the GCN population or the extent that they may be affected by the proposed development has not. I cannot be certain that a DLL would be granted, and in this respect, I note that government guidance states that a DLL cannot be used in red zones. A licence certificate would only be granted following further assessment by the issuing body to ensure it meets the relevant tests set out in the Habitats Regulations.
23. I therefore conclude that given the risk zone that the site lies within, the eDNA findings, the nature of the area, the connectivity between the appeal site and nearby ponds, and in the absence of an Impact Assessment and Conservation Payment Certificate to confirm a DLL would be issued, I cannot be certain that sufficient mitigation measures would be secured to avoid harm to GCN. The proposal therefore conflicts with policy 4 of the CS, which seeks to protect existing biodiversity assets by refusing development proposals where significant harm cannot be avoided, mitigated or compensated, having regard to the status of the asset in the hierarchy of designations. In accordance with paragraph 193 of the Framework, Circular 06/2005 and the Habitat Regulations, planning permission should be refused.

Conclusion

24. The proposal would not result in harm to the character and appearance of the area, the setting of the adjacent listed building or biodiversity, excluding the risk to GCN. However, as I cannot be certain of the extent to which GCN may be affected by the development, it is not possible to mitigate such effects by way of a condition or planning obligation. Accordingly, the appeal is dismissed.

R Bartlett

INSPECTOR