



Appeal Decision

Site visit made on 3 July 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/M2840/W/25/3365774

Land rear of 36 to 44, Marshalls Road, Raunds NN9 6ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Tophaven Homes Ltd against North Northamptonshire Council.
 - The application Ref is NE/23/01076/FUL.
 - The development proposed is erection of 9 residential dwellings.
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Decision

1. The appeal is dismissed and planning permission for the erection of 9 residential dwellings is refused.

Applications for costs

2. An application for costs was made by Tophaven Homes Ltd against North Northamptonshire Council. This application is the subject of a separate decision.

Procedural matter and main issues

3. The Council did not issue a decision in relation to this development but only provided a statement at the appeal stage. I determined the appeal based on this submitted information.
4. The main issues are:
 - The principle of the proposed development and whether it constitutes a backland development, and character and appearance of the area; and
 - its effect on the nearby Upper Nene Valley Gravel Pits Special Protection Area.

Reasons

The principle of the proposed development and whether it constitutes a backland development, and character and appearance of the area

5. The appeal site is surrounded by mixed Victorian semi-detached and terraced dwellings plus modern bungalows along the adjacent Marshalls Road, larger modern detached and semi-detached houses and bungalows on the nearby segment of Cartrill Street. Post war style short terrace dwellings and semi-detached bungalows are on the adjoining Spinney Street. It is also located within 3kms of the SSSI Upper Nene Valley Gravel Pits Special Protection Area (SPA).

There is an informal footpath at the southern end of the appeal site which connects it to Spinney Street and the proposed access road from Marshalls Road.

6. Policies EN2(ii)c and EN2(iii) of the East Northamptonshire Local Plan Part 2 (Adopted December 2023) state that development proposals will be generally supported where:
 - they are bounded by existing or committed development on at least two sides, which should be adjoined by a highway and such that developing it would not extend the built form away from a highway to create a “backland” form of development; and
 - would not harm the settlement’s character and form or the surrounding countryside.
7. The appellant states that the proposal before me is not a backland development but is in fact infill. No party defines what they mean specifically by infill, nevertheless, I do not agree. In my judgement, infill development would, taking its ordinary meaning, apply to vacant land between existing buildings, those being either side of the land. As the appeal site lies to the rear of extant dwellings and is not located next to a highway, I am satisfied that the appeal site would be classed as a backland development.
8. The Council suggests that the re-introduction of the footpath would provide sufficient access to the appeal site such that its objection to the site being backland would be removed. The appellant is reluctant to provide the footpath citing security risks. Because of the appellant’s position and the absence of guarantee that the footpath would be provided, I cannot entertain whether it would be appropriate to impose a planning condition. Therefore, my judgement on the site’s designation as backland remains.
9. It is also clear from the Council’s statement that the previously consented planning applications (EN/08/01368/FUL, EN/08/01473/OUT and 14/00962/FUL), quoted by the appellant as comparable, were permitted prior to the inception of the Local Plan Part 2 in 2023. Notwithstanding, I have noted that one of the quoted approved schemes (14/00962/FUL) is a much smaller development, which abuts a formerly consented private road and has pedestrian route linkages at its northern and western sides.
10. Both neighbouring sections of Marshalls Road and Spinney Street slope eastwards and have a mixture of bungalows at their uppermost western parts followed by two-storey terrace buildings in their easterly directions. The adjacent Cartrill Street segment also has a combination of bungalows and two-storey dwellings. The arrangement of the proposed dwellings has neither reflected the low to high building rhythm eastwards on the inclined Marshalls Road and Spinney Street, nor the mixture of bungalows and 2-storey buildings on Cartrill Street. It also appears that the appeal site’s deviation from the established pattern of development has resulted in its size being bigger than what would have been expected on this portion of land
11. Consequently, the development would not satisfy Policies EN2(ii)c and EN2(iii) of the East Northamptonshire Local Plan Part 2 (Adopted December 2023), as described above.

Effect on the nearby Upper Nene Valley Gravel Pits Special Protection Area

12. The parties concur that the appeal site is in proximity of the SSSI Upper Nene Valley Gravel Pits Special Protection Area (SPA). Policy 4 of the North Northamptonshire Core Strategy (Adopted July 2016) (Core Strategy) requires that a mitigation strategy must be submitted with any proposal (among other things). While the appellant has made the requisite funds to the Council which the Council has not disputed, this alone does not in my judgement discharge the appellant's responsibilities under this policy.
13. In the absence of a mitigation strategy before me, I cannot with any degree of certainty conclude whether adequate provisions have been made to prevent any harm to the SPA. Therefore, this development proposal would be contrary to Core Strategy Policy 4), which directs that developments that are likely to have an adverse impact, either alone or in-combination, on the Upper Nene Valley Gravel Pits SPA or other European Designated Sites must satisfy HRA requirements.

Conclusion

14. For the reasons given above the appeal should be dismissed.

A Oyebade

INSPECTOR