



Appeal Decision

Site visit made on 16 September 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2025

Appeal Ref: APP/W2845/W/25/3368166

Peppercorn Cottage, 22 Bell Lane, Syresham, West Northamptonshire NN13 5HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Solera against the decision of West Northamptonshire Council.
 - The application Ref is 2024/4743/OUT.
 - The development proposed is the demolition of two existing outbuildings, with the erection of a proposed dwelling with carport, associated parking, landscaping and minor alterations to No.22 Bell Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is an inconsistency within the documents submitted in terms of what has been applied for and the description of development. Whilst it would seem that the appellant intended to apply for outline planning permission with all matters reserved, they used the incorrect form for such an application. On the form they did use it appears that they unintentionally indicated that they wished all matters to be considered.
3. However, the Council has provided subsequent correspondence with the appellant where it was agreed which matters were for determination and which were reserved. In light of this, I have made my assessment of the appeal on the basis that access and layout are matters for consideration and that the remaining matters of scale, appearance and landscaping are reserved.

Main Issues

4. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the surrounding area:
 - (ii) The effect of the proposed development on the living conditions of the occupiers of Peppercorn Cottage, with particular reference to daylight and outlook;
 - (iii) The effect of the proposed development on protected species; and
 - (iv) Whether the proposed development would make provision for biodiversity net gain.

Reasons

Character and appearance

5. The reason for refusal refers to the proposed dwelling as representing a backland, tandem style of development. However, this assessment does not entirely align with the description given within the South Northamptonshire Design Guide 2017 (DG) in that, although set back from Peppercorn Cottage, the proposal would not be placed immediately behind the existing dwelling or to the rear of it. Instead, it would be visually read as being to the side of Peppercorn Cottage, albeit with the aforementioned set back.
6. Furthermore, the character of the section of Bell Lane up to the northern boundary of the appeal site is formed primarily by the historic layout of older properties. This layout comprises dwellings of different sizes and sited in different positions on their plots. Many of the dwellings front onto Bell Lane, but several are positioned side on to the road. As a whole, the somewhat haphazard arrangement of properties is a positive contributor to the more historical character and appearance of the surrounding area to the south.
7. In that context, a dwelling in the position shown on the submitted plans would not be inconsistent with the character and appearance of its surroundings. Its set back would mean it would not be dominant on the Bell Lane frontage, and it would not be seen to be unusually positioned in its specific surroundings, either in relation to the street scene or in relation to Peppercorn Cottage. Furthermore, it would be accommodated in a way that would not represent an overdevelopment of the plot, given that ample external space would be provided for the existing and proposed dwelling. Its density and that of the remaining Peppercorn Cottage would not be dissimilar to that of other plots in the locality.
8. For these reasons I conclude that, in so far as it is the matters of access and layout that are being considered, the proposal would not cause harm to the character and appearance of the area. Consequently, it would accord with Section 9 of Policy R1 of the West Northamptonshire Joint Core Strategy 2014 (CS) and Section 1B of Policy LH1, Section 1A and 1B of Policy SS2 and Section 1A of Policy GS4 of the South Northamptonshire Local Plan Part 2 2020 (LP), where collectively they seek to protect character and appearance. There would also be no conflict with the overarching aims of the DG in the same respect.

Living conditions

9. The area of concern identified relates to windows to the side and rear elevations of the host dwelling, Peppercorn Cottage. However, the plans indicate that the kitchen/dining room window facing the appeal proposal would be blocked up. The existing bi-fold doors to the rear elevation would be ample to serve that room, and they angle away from the proposed dwelling. I am satisfied that adequate daylight and outlook could be retained within that room, irrespective of what scale/height of dwelling might ultimately be proposed.
10. The situation is similar at first floor level, in that bedroom 2 has the benefit of a window to the rear elevation, which would be widened. This negates the fact that the outlook and light to the dormer window to the side elevation would be poor and again would ensure adequate light and outlook for the room. The two other windows most effected serve a lobby area at ground floor level and a bathroom at

first floor level. That those rooms would not have a good outlook or light levels is not of importance given that they are not habitable rooms.

11. Although the reason for refusal refers only to Peppercorn Cottage, the assessment in the Delegated Report outlines an impact upon the living conditions of the occupiers of the dwelling at 26 Bell Lane. However, the proposal would sit partially alongside the side elevation of No 26 and partially forward of its front elevation. It would be located immediately adjacent to the boundary between the two properties, but it would be well separated from the dwelling at No 26 and would not extend along its rear garden area. The indicative plans suggest that a dwelling could be accommodated in a way that would not have an unduly overbearing impact, nor result in harm to the living conditions of the occupiers of that dwelling in any other way.
12. In conclusion, I find that the proposal would accord with Sections F and G of Policy H1 of the CS and Section 1F of Policy SS2 and Section 1B of Policy GS4 of the LP, where taken together they seek to protect living conditions. There would also be no conflict with the aims of the DG in the same respect.

Protected species

13. The Council does not explain what the specific concerns are in terms of the potential impact on protected species, with the only possible insight being an observation that *features of grasses, shrubs and trees might be of ecological interest in providing on-site habitat and has the ability to support protected species*. Nonetheless, the proposal includes the demolition of two outbuildings and it is reasonable that consideration should also be given as to whether those buildings may accommodate protected species, in particular bats, alongside whether there would be any other ecological implications on the wider appeal site.
14. The Council's list of suggested planning conditions should the appeal be successful includes a condition which would require the submission of a preliminary ecological assessment at reserved matters stage. However, if the concern is indeed related to the potential of the outbuildings to accommodate bats, their demolition would already have been permitted at that stage by the granting of outline planning permission. A condition could not therefore be utilised to obtain the information needed to assess whether demolition would be acceptable and on what terms.
15. Furthermore, Circular 06/2005 *Biodiversity and geological conservation* states that *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted* and that it should *only be left to coverage under planning conditions in exceptional circumstances*. There is nothing before me to suggest that this should be considered to be an exceptional circumstance.
16. The submission has therefore not demonstrated compliance with Policy BN2 of the CS and Policy NE5 of the LP, where collectively they seek to protect ecological interests.

Biodiversity net gain

17. Under the statutory framework for biodiversity net gain (BNG) set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 (as

amended), subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The planning application form claims that the de minimis exemption would apply, but there is no evidence or explanation as to why that might be the case. The appellant's Statement of Case instead refers to the proposal as being exempt from providing BNG as it would be a self & custom build dwelling.

18. However, it would be necessary for a completed planning obligation to be in place to secure the dwelling that is proposed as a self/custom build dwelling. Otherwise, there would be no certainty that the proposal would ultimately be delivered as such and thus no certainty that the BNG exemption would be secured. No planning obligation has been provided with the appeal. Furthermore, no pre-development biodiversity value has been provided in order to establish a baseline position. In the absence of the proposal being secured as self/custom build, this means that it has not been demonstrated that the mandatory 10% BNG could be achieved if the development proceeded otherwise than as a self/custom build or that the statutory biodiversity gain condition is capable of being successfully discharged. This is a consideration which weighs significantly against the proposed development.

Other Considerations

19. The proposal would provide a new dwelling in what the appellant considers to be a sustainable community, and there is no objection from the Council to the principle of the proposed development in this location. The provision of a new dwelling would align with the aims of the National Planning Policy Framework to significantly boost the supply of homes. Given that the proposed development would deliver one new dwelling, this is a consideration which carries moderate weight in its favour.
20. In support of the proposal the appellant also refers to the removal of what they consider to be the dilapidated and ill-positioned outbuildings. However, they do not appear externally to be dilapidated to the extent that there might be considered to be a material benefit in their removal, and they are relatively inconspicuous buildings that are set well back from the site frontage. This consideration does not therefore weigh in favour of the proposal.

Planning Balance & Conclusion

21. Whilst I have not found harm to character and appearance or living conditions, there is a failure to show that there would not be a harmful impact on protected species. Consequently, the proposal does not accord with the development plan, taken as a whole. Furthermore, it has not been demonstrated that the statutory BNG requirement could be met, and that is a matter which carries significant weight against the proposal. That consideration and the failure to accord with the development plan are not outweighed by the moderate benefits that would arise from the provision of a new dwelling. The appeal should therefore be dismissed.

Graham Wraight

INSPECTOR