



Appeal Decision

Site visit made on 17 September 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2025

Appeal Ref: APP/W2845/W/25/3364918

Land and barn to rear 44a High Street, Whittlebury, Towcester NN12 8XJ

- 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 MG Fusion Ltd against the decision of West Northamptonshire Council.
 - The application Ref is 2024/4496/FULL.
 - The development proposed is proposed conversion of barn to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted a Preliminary Ecological Appraisal and Roost Assessment and a Biodiversity Net Gain Assessment with the appeal with the aim of addressing reasons for refusal 4 and 5 set out on the decision notice. The Council states that it has not been provided with copies of those documents and the appellant has not utilised their opportunity to make final comments in order to dispute that is the case. I do not therefore have the benefit of the comments of the Council with respect to those matters. Neither matter is however determinative on the outcome of the appeal.

Main Issues

3. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the surrounding area;
 - (ii) Whether the proposed development would provide acceptable living conditions for future occupiers, with regard to noise and disturbance; and
 - (iii) The effect of the proposed development on the living conditions of the occupiers of 44a to 50 High Street, with particular reference to privacy.

Reasons

Character and appearance

4. The proposed dwelling would sit to the rear of the existing dwellings at 44a to 50 High Street, which are laid out in a linear form facing towards the road. The appellant disputes the Council's classification of the proposal as tandem development and refers to the South Northamptonshire Design Guide 2017 (DG) where it focusses primarily on concerns relating to the impact on the living

conditions of the occupiers of the existing property at the front of the site from such a form of development. I will set out later in this decision why I consider there to be no harm in that respect. In support of its position, the Council highlights reference in the DG to the impact on the rhythm of the existing built form. In my view, it is reasonable to define the appeal proposal as tandem development, and it is certainly development in a backland location.

5. My attention has been drawn to what the appellant considers to be other examples of tandem/backland development in the settlement. Whilst some appear to more closely represent infilling rather than backland development, and the dwellings on Kingsfield Piece appear to be a comprehensively planned form of development laid out along a road, there are indeed some other examples of backland development in the settlement. I have also been referred to a new detached dwelling that has been approved by the Council at Oak House¹ but no substantive details of that case have been provided to allow me to make a comparative assessment.
6. Even so, the proposed dwelling would be unusual and out of keeping within its immediate surroundings, appearing as a single, visually separate dwelling located within a sea of car parking. It would appear incongruous in that context and cause significant harm to the character and appearance of the surrounding area as a result. That the proposal is not within a conservation area or would not affect the setting of any listed buildings does not justify this harm. The main parties disagree as to whether there is any particular special character in this part of the settlement, however neither has explained their reasoning for their respective positions. Whatever judgement is made on that matter, I have found there to be clear harm arising from the location of the proposed dwelling.
7. For these reasons, I conclude that the proposal would fail to accord with Policy SS2 of the South Northamptonshire Part 2 Local Plan 2020 (LP), where it seeks to protect character and appearance. There would also be a conflict with the aims of the DG in the same regard.

Living conditions – future occupiers

8. The appeal property is located in close proximity to the Fox & Hounds public house, and more specifically to its covered rear outdoor sitting area and its large car park. At the time of my site visit there was also uncovered seating directly opposite what would be the rear elevation of the proposed dwelling and close by to it on grassed areas adjacent to the car parking area.
9. An Environmental Noise Assessment (ENA) undertaken over a weekend in April 2023 has been provided. It concludes that subject to mitigation in the form of closed windows and an alternative method of ventilation/cooling, internal noise levels which would fall within accepted levels set out in BS:8233:2014 could be achieved. There is no objection to the proposal from the Council's Environmental Protection Officer (EPO) subject to the imposition of planning conditions. However, the ENA assesses a previous proposed dwelling, and it is not clear whether the appeal dwelling would still require windows to be closed to achieve the appropriate internal noise levels.

¹ 2023/6397/FUL

10. During periods of warm weather there could be a considerable number of people sitting outside of the public house. This could well occur from the morning through to the late evening in particular in summer. There would also be the movement of vehicles to and from the car parking area and people to and from the public house to their vehicles. It is important to know whether or not the only respite from noise generated would be for the windows of the proposed dwelling to remain closed at all times the noise was present.
11. To my mind poor living conditions would be provided if the necessary noise levels could only be achieved with windows closed in all rooms in which people would spend time. Certainly, over warmer weekend periods this would be likely to mean that future residents would be reliant on living in something somewhat akin to a sealed box for most of the duration of the day and into the evening/night. The matter of living conditions in my view must extend beyond simply whether acceptable noise levels could be provided with windows closed, even if other forms of ventilation/cooling are available. The context of when and for what periods those windows would realistically have to be shut is highly relevant.
12. It may be the case that acceptable internal noise levels could be achieved with windows open given that amendments to the internal layout have been made compared to the ENA assessed scheme. However, it has not been demonstrated that this would be the case. The appellant is of the view that noise considerations could be addressed by way of a planning condition, as per the comments from the EPO. But as the required levels may only be possible with closed windows, it would not address the wider concern I have identified which then feeds into the consideration as to whether acceptable living conditions would be provided. As this is a fundamental consideration, it cannot reasonably be reserved to be considered by a condition.
13. In conclusion, I find that it has not been shown that the proposal would provide acceptable living conditions for the future occupiers of the proposed dwelling. As such it conflicts with Policy SS2 of the LP, where it seeks to provide a good standard of amenity for future occupiers, and with the DG in the same regard.

Living conditions – existing occupiers

14. The existing dwellings at 44a to 50 High Street front onto the main road, with their rear elevations facing towards the appeal site. Between the dwellings themselves and the appeal site are the rear gardens of those existing properties and a parking area, which together provide a considerable degree of separation. There would be no windows in the side elevation of the proposed dwelling which would face the existing dwellings.
15. Any overlooking that could arise would therefore be both from a very oblique angle and from a distance. It would allow only the type of vision which would commonly be expected between domestic properties, and it would not result in an undue loss of privacy for the occupiers of the existing dwellings as a result. Therefore, there would be no conflict with Policy SS2 of the LP where it seeks to ensure that development proposals do not unacceptably harm the amenity of occupiers and users of neighbouring properties, or with the DG in the same respect.

Other Considerations

16. The proposal would provide additional residential accommodation on a previously developed site within the confines of an existing settlement. This would align with the aims of the National Planning Policy Framework to significantly boost the supply of housing. There would also appear to be the opportunity to deliver biodiversity net gain beyond the statutory requirement of 10%. Given that the proposed development would deliver one new dwelling, these are considerations which collectively carry moderate weight in its favour.
17. The appellant suggests that the proposal would result in the removal of a non-conforming use and have a resultant benefit to the living conditions of nearby occupiers. However, there is no substantive evidence provided to suggest that the use of the building causes harm to living conditions. Reference is also made to a Sustainability & Energy Statement, but no such document has been provided with the appeal. In any event, it would seem that it is intended that the measures might only extend to those necessary to meet with building regulation approval. These are therefore considerations which do not offer weight in favour of the proposed development.

Planning Balance & Conclusion

18. Whilst I have not found that harm would arise to the living conditions of the occupiers of existing dwellings, I have found that it has not been demonstrated that acceptable living conditions could be provided for future occupiers of the proposed dwelling and that there would be significant harm to the character and appearance of the surrounding area. Consequently, the proposal would fail to accord with the development plan taken as a whole. The benefits arising from the provision of a new dwelling and biodiversity net gain offer moderate weight in favour of the proposal, but they do not outweigh the conflict with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR