



Appeal Decision

Site visit made on 11 August 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2025

Appeal Ref: APP/W2845/W/25/3364343

Street Record, Mill Road, Whitfield, West Northamptonshire, NN13 5TE

- 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 Mr Michael Adamberry against the decision of West Northamptonshire Council.
 - The application Ref is 2025/0025/FULL.
 - The development proposed is erection of one detached self-build dwelling with associated landscaping and access from Mill Road.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Michael Adamberry against West Northamptonshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the site address from the application form as it is more complete than the site address stated on the decision notice.
4. During the appeal process, both the main parties were provided the opportunity to comment on the Council's latest position with regard to Self and Custom Build properties in the authority area. I have considered the responses as part of my findings.
5. The appellant has submitted a planning obligation which seeks to secure the development as self or custom build. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) and paragraph 58 of the National Planning Policy Framework (the Framework) set out three tests that planning obligations must meet.
6. I am satisfied that the obligation is necessary to make the development acceptable in planning terms to secure a self-build dwelling. It is directly related to the development proposal and is fairly and reasonably related in scale and kind to the development. I am therefore satisfied that the planning obligation would meet the requirements of the CIL Regulations and the Framework and have taken it into consideration as part of the determination of the appeal.
7. The Council's officer report identifies that it would have sought amendments and additional information from the appellant had the principle of development been acceptable. These matters relate to the size of the appeal site, including curtilage

size, boundary treatments and ecological concerns. These matters were not explicitly referred to in the Council's decision notice. However, the appellant has had the opportunity to comment on the Council's officer report and appeal statement and so would not be prejudiced by my consideration of these matters. I have determined the appeal on that basis.

Main Issues

8. Based on the above, the main issues are:

- the effect of the proposed development on protected species and habitats;
- the effect of the proposal on the character and appearance of the surrounding area; and
- whether the appeal site is a suitable location for the proposed development, having regard to the development plan policies.

Reasons

Protected Species and Habitats

9. In support of the proposal, a Preliminary Ecological Appraisal¹ (PEA) and Technical Note² (TN) have been provided. The PEA relates to an earlier withdrawn scheme³ that does not wholly follow the current red line boundary. The more recent TN has been undertaken in part to respond to ecology comments received as part of the withdrawn scheme. The TN acknowledges that the revised access arrangement has not been surveyed and Google Street View images informing the conclusions of the TN are from July 2022.
10. The Council's concerns relate to the potential adverse impact of the revised access on an existing hedgerow habitat on the eastern boundary and the age of the survey undertaken for the PEA. The Council have also noted that a recent nearby planning application⁴ identified standing dead elder and a mature Lawson Cypress tree with ivy on or near the proposed access. These trees could provide potential roosting features for bats and birds and may also be suitable habitats for invertebrates.
11. Circular 06/2005⁵ states that the presence of a protected species is a material consideration when a development proposal is being considered, which would be likely to result in harm to the species or its habitat. 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 any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
12. Protected species and their habitats did not form a reason for refusing the application, and the Council's concerns do not relate to the whole of the site. Nonetheless, as the Circular states, these details need to be known before any

¹ Preliminary Ecological Appraisal dated 08 June 2023 prepared by Midland Ecology

² Technical Note Ref: 241007.TN dated 19 November 2024 prepared by Croft Ecology

³ Ref: 2023/7971/FULL

⁴ Ref: 2024/5748/FULL

⁵ Circular 06/2005: Biodiversity and geological conservation - statutory obligations and their impact within the planning system

determination is made. It would therefore not be appropriate to apply a condition requiring these details at a later stage.

13. Therefore, without full details to substantiate evidence that demonstrates protected species or habitats will not be adversely affected, the proposed development would conflict with Policies NE4 and NE5 of the South Northamptonshire Part 2 Local Plan (LPP2). It would also conflict with West Northamptonshire Joint Core Strategy Local Plan Part 1 (LPP1) Policy BN2. Together, amongst other matters, these seek to safeguard protected species and priority habitats.

Character and appearance

14. The proposed dwelling would be accessed via a short track off Mill Road, situated in an area adjacent to but outside the settlement boundary of Whitfield. The largely open appeal site is bordered to the west by dwellings on Trengothal Court, with hedgerows and trees to the east. There is a short verdant gap on this side of the street, which then gives way to additional housing. It is around this gap that the settlement boundary follows. On the opposite side of the road, there is a linear band of residential properties.
15. These surrounding dwellings feature a mix of house types of varying appearance and scale, including terrace rows and substantial detached dwellings. Many properties benefit from front gardens and driveways with well-sized rear gardens.
16. The position of the angled hedgerow to the eastern edge of the appeal site results in an existing natural barrier to the appeal site. The proposal would therefore be read as a logical physical continuation of the settlement, infilling this gap and occupying a similar building line to nearby properties on Trengothal Court, when viewed from surrounding viewpoints.
17. Furthermore, whilst well-sized side gardens are not overly common in the area, the angled hedgerow would enclose much of it, and the development would be seen in the context of the existing built form of the settlement, with gardens of varying size. As such, whilst the garden would be well-sized, it would not result in any significant harm to the surrounding landscape character or appearance of the village.
18. The introduction of a tall timber fence fronting views of Mill Road at the proposed distance would result in an incongruous feature at odds with the surrounding open frontages of nearby dwellings. If I were to allow the appeal, a condition requiring agreement on boundary treatments could address this issue.
19. Accordingly, the development site is of a scale and design appropriate for its location and would not have a harmful effect on the character and appearance of the area. Boundary treatments could also be made acceptable through an appropriately worded condition. The proposal would therefore comply with LPP2 Policy SS2, which, among other matters, seeks development to maintain the individual identity of villages and the form and character of settlements.

Suitable location

20. LPP1 Policy S1 seeks to focus development primarily towards the principal urban area of Northampton, with some development at Daventry town and the rural service centres. It indicates that development in rural areas will be limited, with an emphasis on enhancing and maintaining the distinctive character and vitality of rural communities, as well as shortening journeys and facilitating access to jobs

and services, among other things. Policy R1 of the LPP1 sets out the spatial strategy specifically for rural areas and states that development in the rural areas will be guided by a rural settlement hierarchy.

21. LPP2 Policy SS1 supports the delivery of housing beyond settlement confines where it would comply with relevant housing policies. Of these, Policy LH1 of the LPP2 states that residential development will not be acceptable unless one of a specified list of circumstances applies.
22. LPP2 Policy LH5 supports proposals for single self or custom build sites immediately adjoining the confines of Rural Service Centres, Primary, Secondary (A and B) and Small Villages as defined in Policy SS1 of this plan. It further states that such development will normally be permitted where it helps to meet demand, as demonstrated by Part 1 of the Council's Self and Custom Housebuilding Register and is compliant with other policies of this plan.
23. In terms of the first strand of Policy LH5 1. as I have identified above, the appeal site immediately adjoins the village confines of Whitfield, a fourth category village under Policy SS1. The development, when complete, would appear as a natural extension of the village on this side of the road. Turning to whether this would meet the demand, as demonstrated by the Council's SCB Register, the Council's latest delivery position on self and custom builds is set out in the Self and Custom Build Annual Monitoring Report 2024 (SCBR 2024). The appellant raises concerns that not all the referenced planning permissions have in fact been delivered as self and custom builds. The Council also acknowledges that the method used for self-build monitoring may not have been entirely accurate.
24. Having regard to the guidance in the Framework, Planning Practice Guidance and the evidence presented by both the main parties, including the Piddington appeal, there is no substantive evidence to demonstrate that all of the planning permissions referred to in the SCBR 2024 would be delivered as self-build or custom housing. I therefore find that it is not sufficiently clear whether there have been enough grants of planning permission for self-build and custom plots to ensure the need is being met. In this regard, I conclude that the appeal scheme would also meet the second strand of LH5 1. as a demand appears to exist still.
25. The proposal would deliver a self-build home adjacent to the confines of a small village. The proposal would meet the demand for this type of housing and thus comply with the exceptions set out in LPP2 Policies LH1 and LH5. However, the appeal scheme has failed to demonstrate that there would be no harmful impacts on protected species or habitat sites. As such, it would conflict with LPP1 Policy R1, insofar as it seeks to protect and enhance areas of environmental importance.

Other Matters

26. The appeal scheme has evolved following the Council's feedback on a previously withdrawn scheme. However, I have considered the appeal scheme on its own merits.
27. I have had regard to letters of support for the development from some third parties. Additionally, I note the aspects of the scheme that the Council have raised no objection to. However, the absence of harm and letters of support do not overcome the potential harm that I have identified above.

28. There would be small general economic and social benefits from the construction and occupation of a single dwelling close to the village, which I give moderate weight. However, given the scale of the scheme, these benefits would be small.
29. In line with the Government's aim to boost the supply of housing, including for those wishing to commission or build their own homes, the proposal would add one additional dwelling to the supply of self-build and custom build accommodation for which there is a need.
30. However, I am also mindful that the Council has a sufficient housing land supply. Whilst there is a need for self and custom build housing that weighs in favour of the proposed development, in my judgement, the provision of one self-build dwelling and additional limited benefits is not sufficient to overcome the potential significant harms to protected species and habitats I have found. The proposed development would therefore conflict with the development plan when taken as a whole, and material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

31. For the reasons given, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR