



Appeal Decision

Site visit made on 4 April 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2026

Appeal Ref: APP/M2840/C/23/3331544

14 Hoppet Close, Corby NN18 8JQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
 - The appeal is made by Mr Cullen MacCallum against an enforcement notice issued by North Northamptonshire Council.
 - The enforcement notice was issued on 27 September 2023.
 - The breach of planning control is the erection of a detached structure (shown blue on the plan attached to the notice).
 - The requirements of the enforcement notice are to: (1) remove the unauthorised detached structure shown blue on the plan attached to the notice in its entirety. (2) remove all materials resulting from compliance with (1) from the land edged red.
 - The period for compliance with the requirement is 8 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Act.
 - An application for costs is made by the appellant against the Council and that decision is attached at the end of this Decision.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely, the erection of a detached structure at 14 Hoppet Close, Corby NN18 8JQ.

Ground (a)

2. The notice relates to a Dutch barn style outbuilding located to the rear of no. 14, which is a detached dwellinghouse situated in a mainly residential area. The reasons for issuing the notice refer to retrospective planning permission being refused for the retention of the outbuilding because of its height and visual effect. From the written representations and my site visit, the main issue is the effect of the outbuilding upon 1) character and appearance and 2) living conditions of the neighbours having regard to outlook.
3. No. 14 is similar in design to other detached dwellings in the residential street scene. To its rear is Great Oakley Meadow which forms a vast green and open space. The Dutch barn is 3.5 metres to ridge, 4.5 m deep and wide and forms a dominant feature in the rear garden because of its overall bulk and mass. The Council is concerned about the effect on a sense of openness because the structure reduces the gap between the dwelling and the meadow. However, it is positioned away from the site’s boundaries and thus maintains some circulation space. It is noticeable in views from adjoining dwellings, but it is seen against the visual backdrop and built form of existing dwellings in views from the open space.
4. The Council argue the outbuilding breaks a strong building line given the built form of two-storey dwellings and gap with the meadow to the rear. However, garden structures are not that atypical of the locality and there are several examples nearby including the outbuilding allowed on appeal

in Flycatcher Road¹. In comparison, the appeal building is a large structure nevertheless its overall design and scale do not result in a visually incongruous addition to the rear garden. When seen in context of two-storey dwellings and existing domestic outbuildings, in my assessment, the appeal outbuilding's siting does not have a visually harmful effect upon the residential character and appearance of the street scene.

5. In a similar vein, I am not persuaded by the Council's arguments about the effect of the development upon neighbours' living conditions. The occupier of no. 12 is concerned that the appeal outbuilding is noticeable in views from their rear elevation including habitable spaces. However, given the area's topography combined with the position of the former, it does not have a visually over-dominant effect. Even when seen from adjoining gardens, the outbuilding is unlikely to have an over-towering effect on outlook, due to its positioning and siting.
6. Additionally, openings in the elevations overlook the host property and I am content its fenestration detail does not result in loss of privacy. Furthermore, the outbuilding is used for incidental residential purposes and any concerns about a statutory noise nuisance is a matter for the Council's environmental health team.
7. The appeal questionnaire confirms development rights have not been restricted. The erection of garden outbuildings is therefore permitted under article 3, schedule 2, class E to the Town and Country Planning (General Permitted Development (England) Order 2015 as amended subject conditions and limitations. Indeed, in this specific case, there is a realistic fallback in that the appeal outbuilding could be relocated to meet with permitted development tolerances in class E. I consider that the evidence clearly shows a realistic prospect of a fallback, which I attach significant weight to.
8. Pulling all the above points together, the detached structure in the rear garden of no. 14 is noticeable but the visual effect is localised. On balance, in my planning judgment the design, layout and scale of the outbuilding is sympathetic, and the development is not visually harmful to the character and appearance of the street scene, and, linked to that, it does not have a materially harmful effect on neighbours' living conditions. Accordingly, and contrary to the Council's arguments, the development meets with the main aims and objectives of policies 2 and 8 of the Joint Core Strategy (2016), which are broadly consistent with the Framework (2024) paragraph 131 and 135. No conditions have been suggested, and I am content none are required.
9. For the above reasons and having regard to all other matters raised, I conclude that the deemed application on ground (a) should be allowed. As the notice will be quashed, ground (f) and (g) do not need to be considered.

Costs application

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Cullen MacCallum for a full award of costs against the North Northamptonshire Council.
 - The appeal was made against the decision of the Council to issue an enforcement notice that alleges the erection of a detached structure.
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Decision

1. The application for an award of costs is refused.

¹ APP/M2840/D/23/3317436 the development proposed is to build and erect a summerhouse/garden room in my back garden allowed 27 June 2023.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The respondent's concerns are planning related, and they identified the perceived harm caused by the outbuilding's height. The reasons for issuing the notice clearly explain the apparent harms: visual effect and living conditions. The notice refers to the refusal of retrospective application for planning permission. To me, the issues are classic planning matters and require an exercise of judgment by the decision maker: they did not need technical evidence. The respondent was entitled to conclude it was expedient to issue the notice and any disagreement with the applicant's agent does not amount to unreasonable behaviour.
4. I have come to a different conclusion, and my Decision explains why I have attached greater weight to the fallback position. Nonetheless, at appeal stage, sufficient evidence was produced to substantiate the reasons for taking enforcement action and I do not agree that the respondent's evidence contained unsupported arguments.
5. The agent makes much of the perceived lack of consistency in decision-making, but the application of this principle does not mean identical outcomes. I do not consider the applicant clearly demonstrated that the respondent is inconsistent in acting nor determining similar cases in a consistent manner.
6. I have carefully considered this application but come to an inescapable conclusion. The applicant has not demonstrated that the respondent's behaviour before or after the taking of enforcement action amounts to unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG. It has not been demonstrated that an award of costs, full or partial, is justified in the circumstances.

A U Ghafoor

INSPECTOR