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## Appeal Decisions

Hearing held on 14 April 2026

Site visits made on 14 and 15 April 2026

**by M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> September 2026

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### **Appeal B Ref: APP/M2840/W/25/3364729**

#### **Land rear of Hillside, Brick Kiln Road, Raunds, NN9 6HY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr H Smith against the decision of North Northamptonshire Council.
  - The application Ref NE/24/00649/REM sought approval of details pursuant to condition No 1 of a planning permission Ref 20/00347/OUT, granted on 19 January 2022.
  - The application was refused by notice dated 6 November 2024.
  - The development proposed is described as “Reserved matters: Appearance, landscaping, layout, and scale pursuant to application 20/00347/OUT, Outline: Residential development for up to 21 dwellings and access (All matters reserved except for access).”
  - The details for which approval is sought are appearance, landscaping, layout and scale.
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### **Appeal C Ref: APP/M2840/W/25/3364730**

#### **Land rear of Hillside, Brick Kiln Road, Raunds, NN9 6HY**

- 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 consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr H Smith against North Northamptonshire Council.
  - The application Ref NE/24/01260/REM sought approval of details pursuant to condition No 1 of a planning permission Ref 20/00347/OUT, granted on 19 January 2022.
  - The development proposed is described as “Reserved Matters: Appearance, landscaping, layout, and scale pursuant to application 20/00347/OUT: Outline: Residential development for up to 21 dwellings and access (All matters reserved except Access)”
  - The details for which approval is sought are appearance, landscaping, layout and scale.
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## **Decisions**

1. Appeal B is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref 20/00347/OUT dated 19 January 2022.
2. Appeal C is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref 20/00347/OUT dated 19 January 2022.

## **Preliminary Matters**

3. These are 2 of 4 appeals heard at the same Hearing on adjoining sites. Throughout the determination of the appeals they have been referred to as Appeals B and C for ease of reference. The appeals relate to the reserved matters

for a residential scheme for up to 21 homes. Appeals A<sup>1</sup> and D<sup>2</sup> are the subject of separate decisions, although the road through this site from Brick Kiln Road would also provide access to the development on the site for Appeal A.

4. The Hearing for the 4 appeals was due to open on 28 October 2025. However, it was postponed to allow for wintering bird surveys in support of Appeals A and D. The Hearing subsequently opened on 14 April 2026 at which time the council advised that it was no longer seeking to defend Appeals B and C.
5. I have used the description of development for each appeal given by the council for the sake of clarity.
6. The National Planning Policy Framework was updated on 17 August. As these appeals did not turn on the interpretation of the Framework, the parties' views were not sought on the update.

### **Applications for costs**

7. Applications for costs in relation to all the appeals were made by the appellants against the council. These are the subject of a separate decision.

### **Reasons**

8. The appeals are uncontested by the council. There are therefore no main issues to consider, but I have reviewed concerns raised by interested parties.
9. Some resident comments focused on the principle of residential development in this location, including the demand on local services and loss of green pasture. This was established with the grant of outline planning permission so does not fall to be considered as part of these appeals.
10. Residents expressed concern about highway safety in the vicinity of the site. I visited the site at various times on three separate days during consideration of the appeals. The appeal proposals comprise a relatively small number of homes with access onto Brick Kiln Road offering wide visibility in both directions. The council did not consider that the development would result in an unacceptable impact on highway safety. While Brick Kiln Road is well used by vehicle traffic, given the above I see no reason to disagree.
11. Concerns were also expressed about effects on neighbour living conditions. In either scheme the houses would be mainly set away from the boundaries with neighbouring properties. The house on plot 13 of both schemes would be close to the rear boundary of neighbouring houses. However, it would be side-on to those houses and in either case would have no windows facing the existing houses. While there would be some reduction in outlook from those houses, this would not result in unacceptable harm. The proposed houses on plots 12 and 13 would also not result in unacceptable harm through loss of natural light due to their orientation relative to the existing houses. The other proposed houses would be further from their nearest existing houses so would likewise not cause unacceptable harm to the living conditions of existing residents.

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<sup>1</sup> Planning Inspectorate ref: APP/M2840/W/25/3366989

<sup>2</sup> Planning Inspectorate ref: APP/M2840/W/25/3366988

12. Ecology matters were considered at outline stage, and permission was granted subject to a condition requiring that a Construction Environmental Management Plan to be followed during development be approved prior to commencement.
13. A deed of variation has been agreed between the parties. This varies the Section 106 agreement that accompanies the outline planning permission on the site to allow details of the affordable housing provider to be agreed prior to commencement of the development. This does not alter the overall nature of the development, nor the other obligations set out in the agreement.
14. There are therefore no issues to lead to me find otherwise than that both developments are acceptable.

### **Conditions**

15. Suggested conditions for both appeals were discussed at the Hearing. I have considered those suggested and reviewed them against the tests in national planning practice guidance. Where necessary, I have amended the wording of the conditions to accord with the tests.
16. Given the similarities between the two proposals the proposed conditions are broadly the same for both appeals, other than specifying different approved plans.
17. Condition 1 specifies the approved plans for the sake of certainty. Conditions 2 and 3 require the detailed approval of materials to ensure the finished quality of the development, including the protective measures such as bollards to the surface water attenuation feature. Condition 4 requires that bathrooms and WCs be fitted with obscured glazing for privacy. Conditions 5 and 6 require approval of details of the highways associated with the development to ensure that these are built to an acceptable standard. While the matters addressed under condition 5 will be addressed under the highway adoption process, it is reasonable for the council as local planning authority to review and advise on these details as well. Condition 7 requires approval of details relating to the public open space and its ongoing management and maintenance to ensure that it provide value to future residents.

### **Conclusion**

18. The appeal proposals accord with the development plan, and there are no reasons to find otherwise than in accordance with it. Therefore, both appeals are allowed, subject to the conditions set out in the attached schedules.

*M Chalk*

INSPECTOR

## Appearances

The Hearing heard from the following representatives of the parties:

### For the appellants

|                     |                                               |
|---------------------|-----------------------------------------------|
| Tom Cosgrove KC     |                                               |
| Mark Flood          | Director, Insight Town Planning Ltd           |
| Andrew Baker        | Director, Baker Consultants Ltd               |
| Mark Gash           | Director, Turnstone Ecology                   |
| Benjamin Arrowsmith | Senior Associate, Roythornes                  |
| Alan Brown          | Director, Alan Brown Development Services Ltd |

### For the council

|                |                                          |
|----------------|------------------------------------------|
| Lisa Greenwood | Principal Development Management Officer |
| Pete Baish     | Lead Officer                             |
| Alex Chrusciak | Head of Planning Transformation          |

### Appendix 1

List of those who have appealed

| Reference | Case Reference         | Appellant  |
|-----------|------------------------|------------|
| Appeal B  | APP/M2840/W/25/3364729 | Mr H Smith |
| Appeal C  | APP/M2840/W/25/3364730 | Mr H Smith |

Annex 1: Schedule of conditions Appeal B ref: APP/M2840/W/25/3364729

1. The development hereby permitted shall be carried out strictly in accordance with the following approved plans:

S NR 24 021 garages plans and elevations  
S NR 24 022 proposed estate street scenes  
S NR 24 023 plot 1 plans and elevations  
S NR 24 024 plot 2 and 3 floor plans and elevations  
S NR 24 025 plots 4 and 5 plans and elevations  
S NR 24 026 plots 6 and 7 floor plans and elevations  
S NR 24 027 plots 10 to 13 plans and elevations  
S NR 24 028 plot 14 floor plans and elevations  
S NR 24 029 plots 17 and 21 plans and elevations  
00213 H01 proposed vehicle tracking  
S NR 24 001C Location plan  
S NR 24 009D proposed site plan  
11231L. PP.001A planting plan sheet 1 of 2  
11231L. PP.002A planting plan sheet 2 of 2

2. No development shall be carried out above slab level until the following details have been submitted to and approved in writing by the local planning authority:

- A specification of doors to be used in plots 1, 17, 18, 19, 20 and 21.
- A specification of the garage doors to be used within the development.
- A specification of the windows to be used within the development.
- A specification of the materials to be used in the construction of the boundary walls within the development.

The development shall be carried out in accordance with the details as approved.

3. No development shall be carried out above slab level until a specification of the protection measures to be erected adjoining the surface water attenuation feature has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved and the protective measures shall thereafter be retained as approved.
4. All bathroom and W/C windows shall be fitted with obscure glazing to a minimum level of obscurity to conform to Pilkington Grade 5 level or equivalent. The windows shall be permanently retained in that condition thereafter.
5. Prior to the commencement of any new road, street, or way to be used by the public, full engineering, drainage, street lighting and constructional details of the road, streets or ways proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.
6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of any streets within the development not offered for adoption have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

7. Notwithstanding the submitted plans hereby approved, details of both areas of Public Open Space including any furniture or equipment to be provided and arrangements for future management of the open space shall be submitted to and agreed in writing by the Local Planning Authority. The Public Open Space shall be implemented prior to occupation of the development and be maintained in accordance with the approved details.

End of schedule for Appeal B

Annex 2: Schedule of conditions Appeal C ref: APP/M2840/W/25/3364730

1. The development hereby permitted shall be carried out strictly in accordance with the following approved plans:

S NR 24 021 garages plans and elevations  
S NR 24 022A proposed estate street scenes  
S NR 24 023 plot 1 floor plans and elevations  
S NR 24 024 plot 2 and 3 plans and elevations  
S NR 24 025 plots 4 and 5 plans and elevations  
S NR 24 026 plots 6 and 7 plans and elevations  
S NR 24 027 plots 10 to 13 plans and elevations  
S NR 24 028 plot 14 floor plans and elevations  
S NR 24 029 plots 17 and 21 plans and elevations  
S NR 24 001D Location plan  
S NR 24 009E proposed site plan  
Pr-1025.PP.001A planting plan sheet 1 of 2  
Pr-1025.PP.002A planting plan sheet 2 of 2

2. No development shall be carried out above slab level until the following details have been submitted to and approved in writing by the local planning authority:
  - A specification of doors to be used in plots 1, 17, 18, 19, 20 and 21.
  - A specification of the garage doors to be used within the development.
  - A specification of the windows to be used within the development.
  - A specification of the materials to be used in the construction of the boundary walls within the development.

The development shall be carried out in accordance with the details as approved.

3. No development shall be carried out above slab level until a specification of the protection measures to be erected adjoining the surface water attenuation feature has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved and the protective measures shall thereafter be retained as approved.
4. All bathroom and W/C windows shall be fitted with obscure glazing to a minimum level of obscurity to conform to Pilkington Grade 5 level or equivalent. The windows shall be permanently retained in that condition thereafter.
5. Prior to the commencement of any new road, street, or way to be used by the public, full engineering, drainage, street lighting and constructional details of the road, streets or ways proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.
6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of any streets within the development not offered for adoption have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

7. Notwithstanding the submitted plans hereby approved, details of both areas of Public Open Space including any furniture or equipment to be provided and arrangements for future management of the open space shall be submitted to and agreed in writing by the Local Planning Authority. The Public Open Space shall be implemented prior to occupation of the development and be maintained in accordance with the approved details.

End of schedule for Appeal C