

PLANNING APPLICATIONS

PLANNING AGENDA

03-Aug-2022

BACKGROUND PAPERS

“The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972 consist of all written responses to consultations made by the Local Planning Authority in connection with planning applications referred to in the reports.”

Please note that the order of items discussed on this agenda may be subject to change and you are advised to be in attendance from the beginning of the meeting to hear and/or speak on a particular item.

List of Planning Applications on this Agenda

Application Number

Location

WND/2021/0534

Moulton

The latest version of the National Planning Policy Framework was published and came into force on 20 July 2021 and took immediate effect for decision making on planning applications superseding the previous version.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

The presumption in favour of sustainable development remains:

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 219 states:

...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In the case of the Daventry Area of West Northamptonshire Council, this includes the West Northants Joint Core Strategy 20 July 2021, and the various neighbourhood plans that had been made before 19 February 2019.

Significantly, following the decision of the Council to adopt the Settlements and Countryside Local Plan (part 2) for Daventry District on 20th February 2020 the saved policies of the Daventry District Local Plan 1997 now fall away as they are superseded. Adopted supplementary planning documents and guidance can continue to be given weight where they are in accordance with the new Local Plan and the NPPF and National Planning Guidance.

<u>Application Number</u>	WND/2021/0534
Location Description	LAND TO REAR OF 18, HIGH STREET, MOULTON, NORTHAMPTONSHIRE, NN3 7SR
Site Details	REMOVAL OF ATTACHED GARAGE AT 18 HIGH STREET, DEMOLITION OF BARNs AND ERECTION OF 3NO. DWELLINGS. EXISTING PERIMETER WALL MADE GOOD AND REPOINTED.
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Applicant	CLAYSON COUNTRY HOMES
Agent	RICHARD COLSON, CC TOWN PLANNING LTD
Case Officer	S HAMMONDS
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Ward	MOULTON WARD
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Reason for Referral	Called in by Cllr Warren
Committee Date	3 August 2022
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE

Proposal

The application seeks to demolish the garage of 18 High Street to make way for a 4.5, wide shared access driveway to the land at the rear. The existing agricultural buildings at the rear would be demolished and in their place a terrace of 3.no two-storey dwellings would be built in a mix of stone, brick and slate. The land to the front of the terrace would be regraded to form parking and turning.

Consultations

The following consultees have raised **objections** to the application.

- WNC Conservation

The following consultees have **no objections** to the application:

- WNC Highways

The following consultees made comments and requested conditions:

- WNC Environmental Health
- WNC Archaeology
- WNC Ecology

- Police

The Parish Council vote was tied, so they have not made a comment either way.

44 letters of objection have been received and 12 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Development Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Spatial strategy and principle of development
- Impact on conservation area
- Impact on the character of the village and areas of important open space
- Neighbour amenity
- Highway safety

The report looks into the key planning issues in detail, and Officers ultimately conclude that the proposal is not acceptable and is contrary to policy.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below provide full details of all consultation responses, planning policies, the Officer's assessment and recommendations. Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in the historic heart of the village of Moulton, on the south side of High Street which is a one-way road that is primarily residential but contains some small businesses and community facilities.
- 1.2. On the High Street frontage, the application site includes 18 High Street, a 1960s brick built dwelling set back from the main building line of the High Street, and the existing farm access to the side of 18 High Street, which is currently tarmac surfaced for the initial stretch before leading off into the countryside through a field gate. The existing farm access is narrow (single track) and immediately abuts the blank side elevation of the neighbouring end-terrace dwelling, 16 High Street.
- 1.3. Beyond the field gate on the access is the main part of the application site, a small rectangular agricultural field with a rustic undulating grassy

land form which banks up to the east (towards the rear boundaries of Doves Close) and to the south (towards the next agricultural field and the wider open countryside). In the north west corner of the site, just to the rear of 14-16 High Street, are two modest agricultural steel frame buildings clad in faded green corrugated sheeting.

- 1.4. There is another field gate at the south eastern corner of the application site which leads on into the next agricultural field (known locally as Lantsbury's Field). This larger adjoining field, also owned by the applicant, contains TPO trees and is surrounded by a stone wall that is in poor repair in places. Both the application site field and the adjoining field are in agricultural use for grazing cattle.
- 1.5. The whole of the application site, and the field beyond is in the conservation area. The land is however private and there is no public right of access. The land is therefore only appreciated from the High Street where the glimpsed view that can be obtained is of open, green pastoral farmland with the two low key metal barns off-set to the side displaying the agricultural history of the area. This idyllic countryside view is set against the backdrop of mature protected trees and wide open countryside beyond to the horizon.

2. CONSTRAINTS

- 2.1. The application field is situated outside the confines of the village.
- 2.2. The entire application site (and the green space beyond) lies within the Conservation Area.
- 2.3. The application field is within the Green Wedge.
- 2.4. The green space beyond the application site is identified as Local Green Space.
- 2.5. The green space beyond the application site contains TPO trees.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks to open up and widen the agricultural access to form a shared driveway of 4.5m wide – this would be achieved by demolishing the garage of 18 High Street.
- 3.2. The agricultural barns would be demolished and it is proposed to build, on a similar footprint and alignment, a row of 3 no two-storey dwellings of stone and red brick under a slate roof with parapet gable detailing. Each dwelling would have 4 bedrooms, a study and an open plan living – dining – kitchen area and each would have its own small private garden to the rear and surface parking to the side or opposite in the yard.
- 3.3. The undulating landform would be re-graded to create a level paved area for parking, turning and access, with a stone retaining wall supporting the grass bank that leads up to the neighbouring boundary. A sizeable green

area would remain around the parking to help the development blend with the countryside beyond.

3.4. Alterations to the existing dwelling at 18 High Street are proposed, comprising:

- A new external skin of natural stone on three sides and render on the fourth
- Roof pitch raised to give a steeper slope more in keeping with the area
- Brick detailing to raised roof
- Chimney added
- Windows replaced with new painted timber windows
- Garage removed (to make way for the access to the housing to the rear).

3.5 The applicant has also made reference to proposed works to repair the stone walling on the eastern boundary of the application site and surrounding the adjacent agricultural field. This work would not require planning permission. The applicant has said that he will enter into a Unilateral Undertaking to carry out these repairs if planning permission is granted.

4. RELEVANT PLANNING HISTORY

4.1. No previous planning applications have been made for the site.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

5.2. The Development Plan comprises: the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029; the adopted Settlements and Countryside Local Plan (Part 2) (2020); and the Moulton Neighbourhood Development Plan (NDP) (2016). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development

- R1 – Spatial Strategy for the Rural Areas

Settlements and Countryside Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:
- RA1 – Primary Service Villages
 - ENV3 – Green Wedge
 - ENV10 – Design

Moulton Neighbourhood Development Plan (NDP)

- 5.5 The relevant policies of the NDP are:
- H1 – Residential Development
 - E1(d) – Protecting existing local greenspaces (inc Lantsbury's Field)

Material Considerations

- 5.6 Below is a list of the relevant Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Moulton Conservation Area Appraisal and Management Plan (CAAMP) 2017

6. RESPONSE TO CONSULTATION

- 6.1 Below is a summary of the consultation responses received at the time of writing this report.
- 6.2 Moulton Parish Council – unable to comment.
There are arguments for and against the proposal. The discussions ended with a tied vote.
- 6.3 WNC Highways – no objection
Access arrangements off High Street are acceptable to the LHA. The revised site layout incorporates the required amount of parking and the reduction from 4 to 3 dwellings reduces the number of trips generated by the development compared to the initial proposal.
- 6.4 WNC Conservation - objection
The application site lies within the Moulton conservation area. The fields to the south of High Street have been designated in the adopted CAAMP as important open space and are enclosed by stone boundary walls, which are recognised as having heritage interest. There are protected trees in the fields immediately surrounding the site. The glimpsed view between no. 18 High Street and the adjacent house towards the paddocks and open countryside to the south is one of several important

views on High Street, which create a rural sense of place and enhance Moulton's agricultural character.

These designated and non-designated heritage and landscape features make a positive contribution to the character, appearance and setting of the Conservation area.

I share the concerns and conclusions expressed in the pre-app letter of 15 September 2020 regarding the likely impact of development on this site on the form and character of the village and the open character and agricultural qualities of the landscape immediately surrounding it. The submitted planning application has not overcome these concerns.

The adopted management plan for Moulton conservation area highlights a number of threats to the character of the designated area, one of which is inappropriate development (threat 2). It is noted that inappropriate piecemeal development, including the development of rear plots behind historic streets, could lead to the radical altering of streetscapes and views, which would in turn diminish the special character of the village.

It is recommended that new development should be of appropriate design and new buildings should take into account the existing vernacular style, and be sensitive to surrounding historic buildings; particularly in terms of proposed scale, materials, style and plot size. Views of significance, whatever their nature, should be respected and preserved, and if possible enhanced.

The proposed development is a typical example of the kind of threat that the CAAMP recognises and seeks to mitigate in its recommended policy and development management guidance.

The existing agricultural sheds on this site are not historic, they are not of traditional or high-quality design, and they are not capable of being converted to residential use. There are no objections to these sheds being removed if they are no longer fit for their original purpose. However, I consider that the proposed redevelopment of the site with a terrace of new dwellings would urbanise this site by creating a linear belt of built form that would extend at right angles away from High Street and encroach into the fields beyond. The proposal involves removing the garage wing at the side of the existing house to create a wider vehicular access. This would open up views of the site from High Street, but the extensive area of hardstanding for parking in front of the new houses would erode its green character and detract from the existing predominance of mature trees and stone walls in this view. This proposal would fundamentally change the character of the site as an important open space with a peaceful rural character.

The proposed development would cause harm to the significance and setting of Moulton conservation area as a result of the loss or erosion of key historic and landscape features that make a positive contribution to its character and appearance. I consider that this harm would be less than substantial in NPPF terms. Paragraph 200 of the NPPF requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. *Paragraph 202* requires that any harm should be weighed against the public benefits of the proposal.

I acknowledge that some parts of the existing stone field boundary walls are in poor condition. The application includes a proposal for their repair and maintenance. If done sympathetically this would secure their preservation and enhance their contribution to the character and appearance of the conservation area, which would be a benefit.

It is also proposed to make alterations to the external appearance of the existing house at the site entrance, which is a modern building of no architectural merit set between traditional houses that have been identified in the CAAMP as positive features. Although elements of 18 High Street are out of keeping with the traditional vernacular of Moulton, the simple design and low key buff brick of the building and its subservient position set back from the High Street frontage street results in it having a fairly neutral impact on the conservation area. There is an opportunity for sympathetic alterations and good quality new design and materials to enhance the contribution that it makes. It is proposed to introduce traditional stone and brick facings and to create a steeper roof pitch with a slate covering. Whilst these details would reflect traditional vernacular design on the High Street, I am concerned that simply retrofitting them to the existing building (having regard to the width of the gable and the design of the fenestration compared to historic houses that are gable end on to the street) would neither preserve nor enhance the character and appearance of this part of the conservation area.

In heritage terms I do not consider that the benefits would be sufficient to outweigh the harm to the significance of the designated and non-designated heritage and landscape assets arising from the proposed scheme.

6.5 WNC Ecology - comments

Based on the ecological survey report, I am satisfied that no protected species licenses will be needed. Due to the nearby presence of badgers and potential amphibians / reptiles I recommend a condition for a CEMP. This should also include tree protection measures.

6.6 WNC Archaeology – request condition

The site is located within the area thought likely to represent the limits of the Saxon settlement (HER ref MNN6068). The proximity to the High

Street also indicates potential for remains of later frontages to survive. Some truncation is likely in the area of existing access and the extant structures on site, but potential for sub-surface archaeological remains cannot be ruled out entirely. This is not an overriding constraint to development provided that adequate provision is made for investigation and recording of any sub-surface archaeological remains that may survive. This may be achieved through a programme of Observation Investigation Recording and Publication to be undertaken during the groundworks phase of the proposed development.

6.7 WNC Environmental Health – request conditions regarding contamination remediation

6.8 Police Crime Prevention Design Adviser – comments

- This constitutes a 'back land' development and as such does not comply with the SPG on Planning out Crime which requires dwellings to address the street.

- Would like to see the site restricted to authorised persons only by use of an automatically operated gate to reduce the likelihood of persons with criminal intent being able to operate unobserved from the public domain.

- The alley between plots 1 and 2 should be gated in line with the front of the building with a key operated mortice lock operable from both sides.

- The site should be lit with a uniform level of illumination, not bollards

- Although the width of the new access into the site is in excess of the minimum required for Fire and Rescue it would be helpful to know whether there is an adequate 'turning' space for a Fire Rescue vehicle.

7. RESPONSE TO PUBLICITY

7.1 Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.2 Letters of OBJECTION were received from 44 addresses in Moulton, including two from a wider area representing someone in Moulton. Many letters stipulated they strongly objected. The ten objectors closest to the site (on High Street and Doves Lane) wrote several times, responding to each of the three public consultations on amendments.

7.3 The points raised in objections are summarised as:

Environment, Conservation and Village Character

- Overdevelopment of the centre of the village
- Irreversibly changes the village's history away from its historical roots, loss of rural heritage
- Destroying environment, hills and hollows, habitats, wildlife (foxes, moles, rabbits, badgers, birds, owls, red kites, bats)

- Loss of a small historic natural pocket in the centre of historic Moulton – part of character and charm of village
- Character of the open land would be utterly spoiled by the new development
- Loss of green space in a Conservation area
- Green Wedge designation should be respected
- Key view from the High Street up to the fields beyond (would be harmed by hard surfaced road / carpark and a row of houses)
- Village Plan and CAAMP say no development that affects form and character village
- Must protect agricultural land and assets (buildings) – don't want requests for new / replacement agricultural buildings on the open land as the existing buildings are in use and fit in with the villages historic form and layout
- Shame to demolish the old building which has history
- Impact on protected trees if walls and carports are built over their roots
- Has the impact on Bats been considered as bats use the barns?
- There may be archaeological remains on the site

Design and scale

- 2.5 storey town houses not in keeping
- high roof elevations out of scale in this location
- The roof of the houses is far taller than the existing barns and will be more prominent in views
- Site is too small for the houses, as evidenced by the tiny gardens that are shown
- Inadequate parking provision – what about EV charging?

Policy and Need

- Don't need more houses – it's the last thing the village needs
- Need for housing has been more than met
- These are executive homes with no provision for affordable housing

Access and highways

- Traffic is horrendous due to the hundreds of homes already built on the village edge – more houses will only worsen the congestion. Village roads and kerbs are being damaged and it is unsafe for children to walk.
- Pressure on amenities and infrastructure is already at breaking point.
- Construction traffic coming through the village for the build will damage historic buildings
- Access will be very tight even if garage is demolished
- Safety concerns about the driveway increasing risk to pedestrians
- How will the agricultural land now be accessed if the farm access has been removed?
- The plan leaves provision for further housing development beyond

Amenity and impact on neighbours

- Concern about land-slipping and damage to neighbouring gardens and stone walls due to digging out land to the rear of Doves Lane
- Unclear who will own and maintain the grass to the rear of the neighbouring boundaries
- Overlooking of gardens and upper floors of Doves Lane and High Street
- New residents will be overlooked from Doves Lane and High Street in return
- Noise disturbance from increased traffic up the cobbled driveway – infrequent farm track use to regular domestic use for several houses is a big difference
- Disturbance from manoeuvring cars in the very tight area
- Overshadowing for gardens on High Street
- Domestic noise would overtake the sound of bird-call

Other matters

- Upset by being canvassed by the applicant for support
- Privacy has been invaded by applicant's use of drones
- Unrelated offers of improvement - The maintenance and upkeep of the dry stone walls is a basic responsibility of the owner of the land and doesn't not seem relevant to the application as they should be repaired and preserved regardless of any plans they have to make money from development of the site.
- The applicant's assertion that the barns are not in keeping with the conservation area can hardly be used as a justification for turning the area into a mini housing estate which is also contrary to the published Plans and Guidance for the conservation area.

7.4 Letters of SUPPORT were received from 12 addresses in Moulton. The points made in support are summarised as:

Visual improvement

- View of new stone gable end is preferable to old tin barns
- Removing the garage will open up views
- High quality design fits in with conservation area
- Support stone wall repairs

8. APPRAISAL

Principle of Development

8.1. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case constitutes the West Northamptonshire Joint Core Strategy (JCS) and the Settlements and Countryside Local Plan Part 2 (SCLP) and the Moulton Neighbourhood Development Plan (NDP).

- 8.2. A full assessment of how the proposal fits with the relevant policies of the development plan is therefore fundamental, and this assessment is given below.

Moulton Neighbourhood Development Plan (2016)

- 8.3. Whilst policy H1 of the NDP allows for small residential development on infill and redevelopment sites within the village, the current proposal does not align with the basic principles of this policy as follows.
- 8.4. The site is clearly not an infill site, nor would I call it a “redevelopment” site because the existing barns on the land are very low key rural structures on otherwise undeveloped agricultural land. It is relevant to note that the land does not meet the NPPF definition of Previously Developed Land, which specifically excludes land that has been occupied by agricultural buildings. Moreover the site is not “within the village” as it is clearly outside the village confines, as drawn on the plans within the NDP and the SCLP.
- 8.5. Furthermore, NDP policy H1 would also require the all of the following further criteria (a-h) to be met in order for proposals to be supported by H1. Most if not all of these criteria are not met, as set out in the commentary below.
- 8.6. *H1 a) being well designed and meeting relevant requirements set out in other Policies in the statutory development plan as it relates to Moulton;*
Comment – there are some concerns around this, as will be set out later in the report in the design section and within the consideration of other development plan policies.
- 8.7. *H1 b) being of an appropriate scale and character to the existing settlement;*
Comment – whilst in principle 3 dwellings may not be an inappropriate scale development for a village the size of Moulton, in the context of this particular site I am concerned that the proposal is over scaled and that it will have an urbanising effect that will adversely affect the village’s character.
- 8.8. *H1 c) not affecting open land which is of particular significance to the form and character of the village;*
Comment – The open space to the south of the site is identified as valued “Green Space” in the NDP, and the attractive green topography of the application site acts as a green finger that links this “Green Space” to the village (physically and visually, even if not by way of public access). The CAAMP recognises this formally by identifying the application site as “important green space”, and commenting that “the open spaces to the south are very important to Moulton’s sense of place - they provide

important views of the agricultural setting and create a peaceful atmosphere". The application site is also included in the "Green Wedge" (SCLP ENV3) which further emphasises that it is open land that is of significance to the form and character of the village.

8.9. *H1 d) preserving and enhancing historic buildings and areas of historic or environmental importance including those identified in the Conservation Area Appraisal and Design Guide;*

Comment – The application site is situated within the conservation area close to and forming a part of its southern edge. There is a general presumption against developments which negatively affect the setting of a conservation area, particularly if they affect views into, out of and through the conservation area. The CAAMP comments that the southern boundary of the conservation area provides important views out over large swathes of green land, and these are a key factor in maintaining the separation from expanding Northampton. The CAAMP identifies the access to the application site as a key "glimpsed view", and the 1893 maps show that the application site was a rural route out of the village into the countryside. The adjacent "Green Space" to which the site is linked is noted for its historic and environmental importance (it is a Local Nature Reserve that contains Ridge and Furrow). The open setting of the site and the TPO trees on the linked land beyond currently enhance the setting of all of these designated and non-designated historic and environmental assets. This would be less so if the site was urbanised for the proposed development of housing and parking. The buildings both east and west of 18 High Street are identified in the CAAMP as "positive buildings" so the impact of development on their setting is also a consideration.

8.10. *H1 e) it comprises the renovation or conversion of existing buildings for residential purposes and the proposal is in keeping with the character and quality of the village environment;*

Comment – the proposal is not a renovation or conversion and would not be in keeping with the character or quality of the village (as outlined in the paragraphs above).

8.11. *H1 f) protecting the amenity of existing residents;*

Comment – while local residents have raised concern about the residential amenity impact on the proposal, the impacts on amenity are considered by officers to be acceptable, as outlined in the later section of this report.

8.12. *H1 g) promoting sustainable development that equally addresses economic, social and environmental issues; and*

Comment – the environmental concerns outlined above in H1c and H1d would mean the proposal cannot truly be said to meet the environmental arm of sustainable development.

8.13. *H1 h) the provision of housing such as starter homes, retirement homes and sheltered housing should be prioritised.*

Comment – the proposal for 3.no 4-bed market dwellings would not be in line with these local priorities.

8.14. NDP policy E1 is about protecting existing local greenspaces. The field to the south of the application site (Lantsbury's Field), which is owned by the applicant and bound by the stone wall that is in need of repair, is specifically identified in policy E1 as a local greenspace that should be protected. The application does not propose to develop this land, only to repair the existing stone walls around it, so there is no direct conflict with policy E1. However the development of the application site would amount to urbanisation of what is currently open green space, so there is a general conflict with the spirit / intention of policy E1.

Settlements and Countryside Local Plan Part 2 (SCLP)

8.15. The Settlements and Countryside Local Plan (SCLP) classifies Moulton as a Primary Service Village, where policy RA1 states that development will be located within the confines of the village, as defined on the Inset map. As already stated, the village confines are in fact drawn to specifically exclude the application site.

8.16. Development outside confines can only be acceptable in certain specific circumstances, listed in RA1 B.(i-v). None of these specified circumstances apply to the application site or to the proposal (the proposal would not meet an identified local housing need and is not required to support essential local services that are at threat). Therefore the principle of development is contrary to RA1.

8.17. Furthermore, the additional detailed criteria set out in RA1 C, much of which overlaps with the requirements of NDP H1 above, would not be met by this proposal. With regard to RA1 D, the development is not provided for in the made Neighbourhood Development Plan. The proposal is therefore contrary to all the elements of SCLP policy RA1.

8.18. SCLP policy ENV3 is relevant because the application site is situated in the Green Wedge. Paragraph 9.2.03 of the SCLP explains that the purpose of the Green Wedge policy ENV3 is to ensure that the areas around settlements are kept open to avoid coalescence. In officers' opinion, any new housing development (and the associated parking) on this site will mean that the land becomes less open. Even though there are existing barns on the site these are low key rural structures within a very natural, open and green countryside setting. The character at present is rural and the introduction of residential development will by definition give an urban feel. While it may be concluded that the proposal would not itself result in obvious "coalescence" it would still be detrimental to the open nature of the land.

8.19. The proposal is not supported under ENV3(B) as it does not increase public access to or public enjoyment of the land – in fact it would diminish the enjoyment of the land by those that currently overlook it from their homes and by “children that can enjoy looking at the grazing cows by the gate as they pass along High Street on their way to/from school” (a comment in a neighbour representation).

West Northamptonshire Joint Core Strategy 2014

8.20. The proposed development would be contrary to JCS policy R1 on quite a few points for the reasons already outlined. Fundamentally R1(G) would be breached as the site is outside village confines where exceptional circumstances are the only way to justify new residential development. R1(B) and R1(C) would be breached as the proposal would affect open land which is of particular significance to the form and character of the village and would not preserve or enhance areas of historic or environmental importance as identified in the CAAMP. R1(A), R1(D), R1(E) and R1(F) cover the concerns already expressed about scale, residential amenity, housing mix and the environmental arm of sustainable development.

8.21. The rural housing requirement for the Daventry area has already been met and exceeded so criteria (i) to (v) of R1 must now be applied to any new rural housing proposals whether inside or outside village confines. Whilst it can be argued that (iii) has been met (community involvement exercise), compliance with this latter section of R1 would also require compliance with either (i) or (ii), which is not the case. In respect of (i) I do not agree that the urbanisation of what is currently an attractive and undulating area of open rural land (identified in policy as important open space) could be said to result in an environmental improvement – on the contrary it would be detrimental to the village setting. Further I cannot see that (ii) would be met as the proposal would not be required to help support or retain essential local services. Therefore there is insurmountable conflict with the last section of R1.

8.22. From the analysis above it is clear that the proposal is fundamentally contrary to the spatial policies of the development plan and therefore should not be supported in principle.

8.23. The following sections of the report consider the detail of the proposed development against other relevant planning considerations.

Design quality

8.24. The architectural quality of the proposed buildings themselves is high and the proposed materials palette is appropriate. Through negotiations the scale has been reduced from 2.5 storeys to 2 storeys and the extent of the build has reduced by removing a previously proposed car port / garage. Naturally the overall roof height would be higher than the existing

modest barns, but the proportions of the dwellings are well considered and do seem to work with the scale and proportions of nearby vernacular dwellings.

- 8.25. If the constraints, the location of the site and the policy difficulties already outlined could be set aside, I could see that a quality scheme like this would generally receive support – but of course the site is not an island, the context is of utmost relevance.
- 8.26. Turning to the layout, the private gardens to the rear of the properties do seem disproportionately small for the size of the dwellings and they will be fairly constrained by retaining walls and set in shade for much of the day. As a result the gardens could well be dark and damp places which is a shame for such aspirational houses. This element of the design and layout is not really best practice and would serve to undermine the quality of the overall development.
- 8.27. Reducing the number of dwellings from 4 to 3 has enabled a reduction in the sheer expanse of hardstanding that is required for parking and turning, hence enabling an area of “green” to be incorporated at the south of the site to frame the parking and help it to blend better into the countryside beyond. This is a positive amendment that reduces the degree of initial concern about urbanisation of a green site, but it does not completely overcome it. The site will still be urbanised, there will be substantial re-grading and levelling of the natural landscape and parked cars will be a prominently visible feature. This urbanisation will be detrimental to the village and the conservation area, as already outlined.

Heritage Impact on character and appearance Conservation Area

- 8.28. In accordance with the general duty imposed by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 special attention has been paid to the desirability of preserving or enhancing the conservation area when assessing this proposal.
- 8.29. The comments and analysis of the Senior Conservation Officer are given in full at section 6.4 of this report. Her specialist analysis is thorough and well considered so I won't repeat the points made here, only to say that the overall view is that the proposal will be harmful to the designated heritage asset that is the Moulton Conservation Area. Whilst that harm is considered “less than significant” in NPPF terms, there are three important things to note. Firstly NPPF para 199 is clear that “great weight” should be given to a heritage asset's conservation irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm. Secondly NPPF para 200 says that harm should require clear and convincing justification, which is not the case here. Lastly, NPPF para 202 requires that less than substantial harm should be weighed against the public benefits of the proposal.

8.30. In this case there are no real "public" benefits that directly arise from the proposal for three new 4-bed market houses. Stone wall repairs on the adjoining site are irrelevant to the proposal. Such repairs are a matter of good land stewardship that don't necessarily require reference to the planning system. Even if this benefit could legitimately be tied to a consent for a new housing development, the benefit is disproportionately small compared to the harm identified and the benefit to the public is limited as the applicant's land is entirely private. It is unrealistic and unreasonable to consider that a development of 3 executive 4-bed houses (that is contrary to policy and harmful to the conservation area) could be justified by calling it "enabling development" to fund the repairs of stone walls surrounding a private site. The public benefits of cosmetic improvements to an existing property are not really genuine public benefits – particularly as the conservation officer is advising that the improvements proposed are not necessarily appropriate, do not conserve or enhance the conservation area and so by no means offset the harm created by the development to the rear.

8.31. So, as the public benefit fails to swing the balance or outweigh the harm (para 202), as there is no clear or convincing justification for harming the conservation area (para 200), and as we are told "great weight" should be given to the protection of the Conservation Area as a designated heritage asset (para 199), this leads me to conclude that the proposal cannot be supported in heritage terms and should be refused on this basis.

Impact on amenity

8.32. The two-storey side gable of the new houses will present itself some 5m away from the rear garden boundary of 14-16 High Street, there being a double width parking area between this boundary and the side of the new dwelling. This separation is considered sufficient to not have an unduly overbearing or closing in impact on the rear of 14-16 High Street and the 25 degree vertical angle would not be breached which makes it acceptable in regard to daylighting. The only windows on this proposed side elevation would be ground floor windows serving a kitchen, study and w/c. These windows would look over the house's own parking area at the side (giving some natural surveillance) and then onto the boundary wall / fence. Provided this boundary is at least 1.8m high (which could be ensured by condition) there is no concern about loss of privacy or mutual overlooking from this side elevation. Conditions could also be used to ensure no first floor windows were inserted in future on this elevation.

8.33. The main front elevation of the new houses would be 13m away from the rear garden boundaries of Doves Lane. This is an acceptable distance that is in line with many other developments around the country. If privacy of the rear garden areas was a concern for Doves Lane residents,

there would be scope for them to enhance the screening for their own boundaries.

- 8.34. The long (40m +) rear gardens of Doves Lane give a very generous separation distance between the rear elevation of the houses on Doves Lane and the proposed new houses. This is more than sufficient in terms of any mutual overlooking between opposing windows on these neighbouring properties. This is also more than sufficient to ensure that the height of the houses does not overbear. The 25 degree line would not be breached which makes it acceptable in regard to daylighting.
- 8.35. The proposed residential use would be a conforming use given the prevailing land use surrounding the site is residential. There is no reason to presume that the noise from the residential occupation of the new houses would be any more unacceptable than the existing residents in the neighbourhood in terms of things like loud music.
- 8.36. The increased / intensified use of the access, to serve 3 dwellings and all the associated daily journeys, visitors and deliveries, will inevitably give rise to more vehicle noise than the existing farm track which is used infrequently and only during the day. However, on balance I cannot reasonably conclude that the noise of cars using this access drive would be significantly more disturbing to the immediate neighbours than the baseline position of traffic going through the village. The rear gardens of the neighbouring houses will undoubtedly hear car movements more, but this is not an unreasonable position in a residential area and would not in my opinion warrant a refusal on the grounds of harm to residential amenity.
- 8.37. Concerns have been raised about potential for land-slippage around the rear boundaries of Doves Lane, given the differences in land levels and the proposals to re-grade / level the land to provide parking. The cross sectional plan (Section A-A on drawing MOU 007) illustrates the detail of the second, lower level retaining wall that is proposed to support the bank beyond the neighbours boundary, which appears to be perfectly workable and unlikely to give rise to stability issues for the existing stone boundary wall at the top of the bank.
- 8.38. Some neighbours have commented that they don't want to see any increase in the height of the stone walls that define the rear boundaries of Doves Lane. I cannot see that there is any proposal to raise the height of the walls. The plan (Section A-A on drawing MOU 007) shows this wall remaining at its current low height of between 1-1.5m. In planning terms I see no reason to ask that this height be increased, given that the land within the application site would be so much lower and that when you take into account the second lower retaining wall and the grass bank that separates them the boundary height as measured from the ground level on the application side would be around 3m.

Highways and parking

- 8.39. The first version of this application showed the access for the development being shared by the proposed dwellings and the agricultural / farming interest beyond, but following objections from the LHA the plans were revised to remove the existing agricultural access from the plans. This has overcome the main objection of Highways. So long as any approval could be conditioned to ensure that the existing agricultural access is closed off then there is no Highways objection to the proposed residential development.
- 8.40. However if the existing access is closed off, the agricultural land would then be sterilised unless an alternative point of access to the field could be agreed and established (there is currently no other access to the field). Whilst not a formal part of the current proposal, the applicant did suggest that the agricultural access could be transferred to Stocks Hill (between 5 Stocks Hill and The Cardigan Arms), but this idea does raise some concern and may have its own highway safety implications. That being said, it should be recognised that the use of this point of access by farm vehicles may not in itself require planning permission, so might ordinarily be outside planning control. But equally, in the circumstances of this case, the re-location of the agricultural access is required purely to facilitate the proposed housing development, so any safety concerns around the re-located agricultural access could be said to be an indirect result of the proposed housing development, and hence directly attributable to the development. It would therefore be reasonable in these circumstances to consider imposing a condition requiring the submission and approval of details of the proposed alternative agricultural access before development could commence. This would enable the possible highway safety and any other planning implications of the alternative access to be properly considered, and possibly mitigated, to ensure that the solution to one safety concern does not create new safety concerns elsewhere in the village. This need only be considered in the event that planning permission is granted.
- 8.41. Turning back to the application site itself and the submitted plans, the demolition of the attached garage of 18 High Street will make sufficient space for the proposed widened access from High Street. Although the gap will still appear quite tight, as mentioned by many objectors, the LHA has confirmed that it will meet highway standards with regard to width and visibility.
- 8.42. Regarding on-site vehicle parking and manoeuvring, highways are equally satisfied that sufficient parking and turning provision is made for the scale of the development. It would be necessary to consider the placement of wheelie bins at the highway edge for collection, as refuse vehicles would

be highly unlikely to enter the site. This could be looked at under condition if approval was granted.

Trees

8.43. The revised plans have reduced the building footprint and taken the building works that bit further away from the protected tree just beyond the southern boundary of the application site. If permission was to be granted I would suggest a condition for a tree protection plan identifying no-dig / hand-dig zones and a root friendly overlay for the creation of the driveway surfaces. With such a condition in place there should be adequate controls to ensure that there would be no adverse impact on the protected trees.

Other matters

8.44. The applicant's submission seeks to emphasise the community involvement that he has undertaken and the list of benefits he sees arising from the development. However it is questionable how much weight should be given to these benefits and whether these benefits indeed arise from the development.

8.45. Wall repairs don't need planning permission and should be carried out as a matter of good land stewardship. It would be difficult in any case to ensure these repairs as part of a planning condition as this would be unlikely to meet the tests for planning conditions set out in para 57 of NPPF – the wider wall repairs on the adjacent site are not necessary to make the development acceptable in planning terms and are not directly related to the development.

8.46. Similarly the cosmetic works to 18 High Street would be difficult to ensure by condition for the same reasons as above. It is also noted that the conservation officer does not necessarily agree that the proposed works are the right thing for the building or the site in any case.

8.47. Long term management of protected trees is again something that should be carried out regardless of a development proposal as a matter of good land stewardship.

9. FINANCIAL CONSIDERATIONS

Community Infrastructure Levy (CIL)

9.1. The proposed new dwellings would be CIL liable development. Taking into account the offset provided by the existing buildings to be demolished, the net increase in GIA would be 248sq.m, which at £258 per square metre would give rise to CIL receipts of approximately £64,000.

However this is not considered to outweigh the harm arising from this particular application.

10. PLANNING BALANCE AND CONCLUSION

10.1. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case constitutes the Moulton Neighbourhood Development Plan, the Settlements and Countryside Local Plan and the Joint Core Strategy.

10.2. The relevant policies of the development plan outlined above indicate that development on this site would be beyond the village confines line and the site's location therefore renders it contrary to the spatial strategy for development in the District hence warranting refusal in principle. The proposed development would also not be acceptable in terms of the impact it would have on the character of the village and its historic and environmental assets, including the designated conservation area.

10.3. The NPPF presumption in favour of sustainable development is noted, however paragraph 12 of NPPF is clear that planning applications that conflict with an up-to-date development plan, (including any neighbourhood plan that forms part of the development plan) should not usually be granted. I do not consider that there are material considerations in this case that would justify such a fundamental departure from the development plan. Therefore I recommend that the application is refused.

11. RECOMMENDATION AND REASONS

11.1. The proposed development is recommended for refusal for the following reason:

REASONS

- 1. The site of the proposed new dwellings is outside of the defined village confines and hence is classed as open countryside, where new development should be strictly limited and only allowable in certain specified exceptional circumstances. None of those circumstances applies to this proposal. The proposed development of the site for new housing is therefore contrary to, and would undermine, the spatial strategy set out in the adopted development plan, specifically policies S1 and R1 of the West Northamptonshire Joint Core Strategy, policies RA1 and RA6 of the Settlements and Countryside Part 2 Local Plan and policy H1 of the Moulton Neighbourhood Development Plan.**
- 2. Residential development of this site would adversely affect open land which is of particular significance to the form and**

character of the village, and it would fail to preserve or enhance areas of historic or environmental importance as identified in the CAAMP. Moreover the urbanising impact of the proposed new housing development would be detrimental to the open and rural nature of the site which is not only identified as green wedge but is an important visual link to protected greenspace and the countryside. In this way the development would result in harm to the character and significance of the designated conservation area and this harm is neither justified nor is it sufficiently outweighed by any public benefits. The proposal is therefore contrary to policy R1(B and C) of the West Northamptonshire Joint Core Strategy, policies ENV7 of the Settlements and Countryside Part 2 Local Plan, policy H1(b, c and d) of the Moulton Neighbourhood Development Plan and paragraphs 199-202 of the NPPF.

NOTES

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application. The applicant has been given time to amend plans and seek to overcome points of detail. The officer communicated openly with the agent and applicant throughout the process, but the fundamental policy conflict could not be overcome in this instance.**
- 2. The plans to which this decision relates are:
MOU 001 rev G received 9/6/2022
MOU 002 rev D received 9/6/2022
MOU 002(2) rev B received 9/6/2022
MOU 003 rev D received 9/6/2022
MOU 006 rev G received 9/6/2022
MOU 007 rev B received 9/6/2022**