



# Appeal Decision

Site visit made on 4 September 2024

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4 November 2024**

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**Appeal Ref: APP/M2840/W/24/3344935**

**Gordonville, Slipton Road, Twywell, Northamptonshire NN14 3AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr David Smith against the decision of North Northamptonshire Council.
  - The application Ref is NE/23/00962/OUT.
  - The development proposed is a residential development of 2 No 4-bedroom single storey dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application is submitted in outline with details of access provided. All other matters are reserved for future approval. I have dealt with the appeal on this basis and have treated the submitted indicative site plan, floor plan and front elevation plan as illustrative.
3. The appeal proposal follows a previous application ref NE/22/01327/OUT which was withdrawn prior to its determination by the Council. I also acknowledge that a previous application for residential development on the appeal site was refused in June 2003 (application ref. 03/00721/OUT). While I have not been provided with substantive information in respect of this previously refused development to allow full comparison with the proposed scheme, I note it was determined prior to the adoption of the current development plan for the district, including the North Northamptonshire Joint Core Strategy (JCS) (2011-2031) adopted July 2016 and the East Northamptonshire Local Plan Part 2 (LPP2) (2011-2031) adopted December 2023. Therefore, I have had regard to the individual merits of the proposed scheme and the current adopted development plan policies in reaching my decision.
4. The appeal site is located within the Twywell Conservation Area. In reaching my decision, I have had regard to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## Main Issues

5. The main issues are:
  - whether the site is a suitable location for housing with regard to local and national policy for the delivery of housing;
  - whether the proposal would provide a suitable housing mix having regard to the development plan policies;

- the effect of the proposed development on the character and appearance of the surrounding area, including whether the character or appearance of the Twywell Conservation Area (CA) would be preserved or enhanced, in particular regard to views across the CA; and,
- the effect of the proposal on highway safety, in regard to the provision of adequate visibility splays and intensification of the use of the existing access.

## Reasons

### *Site Suitability*

6. The appeal site comprises part of the long rear garden of Gordonville, which is located at the edge of Twywell village. While Gordonville is the last residential property at the edge of the built form of the village, the appeal site abuts and is surrounded by the gardens of neighbouring residential properties to three sides, including the rear garden boundaries of dwellings fronting High Street, the side boundary of Cosy Nook in The Homestead, and Gordonville itself to the third side. Beyond the fourth long boundary of the appeal site are open agricultural fields. Therefore, the northeastern boundary of the appeal site continues the strong edge to the built form of the village. For such reasons, I find the site is within the built-up area of the village.
7. The Spatial Development Strategy of the LPP2 identifies Twywell as one of the small freestanding (other) villages. Policy 11 of the JCS sets out at part 2 b) that in the rural areas, small scale infill development will be permitted on suitable sites within villages where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. The glossary of the LPP goes on to define that infill or windfall development are smaller scale, minor development proposals, typically up to 5 dwellings for rural and 10 dwellings for urban areas, which take place within the existing built up area, as defined by Policies EN1-EN2 and the supporting text, and/or a defined settlement boundary in a Neighbourhood Plan.
8. Policy EN1 of the LPP2 supports infill opportunities within existing built up areas, as defined through Policy EN2 and the supporting text, or a made Neighbourhood Plan, that to help maintain and strengthen local services in freestanding villages. The appeal site is not allocated within a made Neighbourhood Plan, although it is within a built-up area of the village.
9. Having regard to the definition of infill development in Policy EN2 (ii) of the LPP2 and its supporting text, the appeal site is not within the core of the village, although it is on the edge of the village, and is surrounded on more than two sides by existing development. The appeal site has a clearly defined boundary with the open countryside beyond, which continues the boundary line of other built form along the northeastern edge of the village. Therefore, the proposal would not extend built form into rural hinterland, nor would the proposal create isolated homes within the countryside. Also, from my observations and the evidence before me, the appeal site is not protected for any other use and would be clearly distinct from the surrounding countryside both physically and visually.

10. However, the proposed development would not meet the second part of criterion (ii) c) of Policy EN2, as it would extend built form away from a highway and create a 'backland' form of development.
11. That there are existing examples of backland development within the village, does not, in itself justify a form of development that would conflict with development plan policy. From my observations and the evidence provided, the other examples are not directly comparable to the appeal proposal. They are located in different parts of the village with different surrounding site contexts. Typically, they are within clustered development form and/or have some visibility from the main road. Unlike the appeal proposal, which would be hidden from the street scene at the end of a very long accessway, with no cluster development encompassing it. The proposed indicative development would, including Gordonville, result in a series of three dwellings set behind each other extending built form away from the highway, thereby creating inappropriate backland development.
12. Moreover, the residential development granted at the rear of 57 High Street, ref. 19/1901/FUL, was determined prior to the adoption of the LLP2 and therefore different policy considerations were applicable to it. The development at Manor Farm, High Street is a conversion scheme, rather than new build, retaining the typical farm building cluster of buildings.
13. In the court judgment case<sup>1</sup> relating to the matter of previously developed land (PDL) advanced by the appellant, the judge found that the development site was held to be within the rural area and not a built-up area, and so, was considered to be previously developed land. While the village of Twywell is small, it is a freestanding village, where Policy EN1 of the LPP2 identifies infill development opportunities within existing built up areas. Furthermore, the appellant also asserts that the proposals should be considered as an entirely suitable form of infill development and that criterion (ii) of Policy EN2 of the LPP2 applies, and so in their view, the development is infill development within a built up area. As per my finding above, I concur the site is within a built-up area.
14. Consequently, it follows that the appeal site is excluded from the definition of PDL, as defined in the glossary of the Framework in this instance, as it is land in built up areas such as residential gardens. For the same reasons, Policy 6 of the JCS is not relevant to the appeal proposal.
15. As the proposal fails to meet all of the required criterion of Policy EN2 (ii) of the LLP2 to be appropriately considered as infill development within small villages, the appeal site would not be a suitable location for housing. Accordingly, the proposal would not accord with the Council's overarching spatial strategy for new residential development and, conflicts with Policies EN1 and EN2 of the LPP2 and Policies 1, 11, and 29 of the JCS. For the same reason, the proposal would not accord with the provisions of the National Planning Policy Framework (the Framework).
16. Due to my finding that the appeal site is within the built-up area of the village, Policy EN3 of the LPP2, which relates to development beyond settlements and, Policy 13 of the JCS for rural exceptions in respect of development adjoining

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<sup>1</sup> Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141

established settlements, beyond their existing built up area or defined boundary, are not consequently relevant to the appeal proposal.

### *Housing Mix*

17. The appeal proposal is made in outline with all matters, except for access, reserved for future consideration. However, the description of development and the application form submitted sets out that the proposal is for two, single storey 4-bed dwellings. The proposal would provide two bungalows that might provide suitable accommodation for an ageing population and/or allow multi-generational living in the same household. Also, as asserted by the appellant, the demand for 1-3 bedroom homes may not mean 4-bedroom properties do not play an important role in terms of housing need. However, the proposal for two 4-bedroom dwellings would not provide a mix of house types.
18. The appellant explains that the latest Strategic Housing Market Assessment sets out a clear percentage increase in older households through the development plan period, although I have not been provided with any evidence to substantiate such.
19. Therefore, it has not been demonstrated that the proposal would provide a suitable housing mix. This would conflict with Policy 30 of the JCS, which requires housing development to provide a mix of dwelling sizes and tenures to cater for current and forecast accommodation needs and to assist in the creation of sustainable mixed and inclusive communities.

### *Character and Appearance*

20. The boundaries of the CA encapsulate all of Twywell village. It is a small compact rural village of linear form, stretching along High Street down to Lower Street and, is surrounded by open countryside. It is a settlement that dates back to the Iron Age, with farming origins, then from mid-19<sup>th</sup> century it grew due to the extraction of iron ore and limestone. The village retains many attractive farm buildings of varying ages and has an interesting collection of larger houses and more modest cottages. The overall character is rural with generally spacious form of layout, accentuated by groups of farm buildings and open fields in various locations. The built form including the wealth of attractive traditional buildings, the agricultural heritage and the strong connection with the surrounding countryside make a positive contribution to the character and appearance of the CA as a whole.
21. Gordonville is one such larger, interesting, traditional property, as noted within the Twywell CA Character Appraisal (October 2009). This sets out that Gordonville is a substantial stone house that sits close to the road, marking the end of the built-up area of the village and CA. It has a substantial plot that extends significantly to the rear of Gordonville, across the back of several properties that front onto High Street. Although, due to high hedges along the continuing field road boundary frontage along Slipton Road, the extent of the plot is not discernible from public vantage points. Also, due to its position between the field boundary and rear boundaries of dwellings along High Street, it has a very enclosed and peaceful feel to it. The architectural and historical nature of Gordonville and the enclosed, spaciousness of the wider plot, together with its location on the edge of the countryside, contribute to the character and appearance of the CA as a whole.

22. In terms of views and vistas across the CA, there are public footpaths that surround and extend out of the village, these provide important views across fields into and out of the village. I observed there are clear and important views from a public footpath that lies further outside the village to the north-west, across a large open agricultural field which abuts the north/north-western edges of the CA. This village boundary is defined by a boundary hedgerow, with interspersed trees, that no built form crosses. The long northern side boundary of the appeal site contributes to this visually distinctive boundary edge of the village and CA, even though some existing built form within the village is visible on glimpses, above and through the hedgerows.
23. The proposed development of two-single storey dwellings within the appeal site would not break the strong field boundary edge of the CA, which could also be enhanced and maintained further via suitable conditions. Due to the proposed single storey height and that only two properties are proposed within the large appeal site, this would ensure significant space remains between and around the dwellings. Subsequently, this would ensure important views across the adjacent open field into and across the village would not be harmed by the proposed development. Therefore, in this regard, subject to appropriate siting and materials of the dwellings, and sympathetic boundary treatment, which could be controlled at the reserved matters stage, the built form of the proposed development could successfully assimilate within the visual context of the surrounding built form of the village. This would ensure the preservation of existing views and vistas of the CA.
24. The proposal would reduce the overall spaciousness of the plot by adding built form to the appeal site, but in view of the low density and height of the proposed dwellings, this would not cause a significant harmful urbanising effect. Notwithstanding that of Providence House, the building-to-plot ratios of the proposed dwellings would be comparably much higher than that of most of the surrounding dwellings.
25. However, the indicative layout and position of the proposed dwellings, would not reflect that typical of other backland development examples within this part of the village. Other examples are in more clustered arrangement, or form part of the historical layout of the village, whereby limited numbers of dwellings are set along short narrow alleyways, such as at The Homestead. Additionally, other existing backland examples tend have some visibility, if only glimpses, from the main road. Whereas the proposed dwellings would not, due to the very enclosed nature of the site and lack of visibility of the development from the street scene.
26. Further along High Street and along Lower Street, in particular on the south side of these streets, there are more evident examples of dwellings and other buildings set to the rear of road frontage properties. However, the appeal proposal is located within a distinctively different part of the village and has a different surrounding site context to these examples of backland development.
27. The site context of backland developments at 57 High Street and Manor Farm are in more cluster-forms associated with their adjacent forms of development. Furthermore, the Manor Farm development relates to the conversion of agricultural buildings, rather than new build dwellings, with the development reflecting that of a traditional collection of farm buildings. Comparably, the proposed development would be an elongated form of development within a

very enclosed site, set along the edge of the village. Therefore, I am not convinced that the proposal would follow the evident prevailing character of building form and layout found within this part of the village.

28. While there would be minimal visibility of the proposed development from the village, due to its backland location and views and vistas across and into the CA would not be harmed, I find that the untypical indicative form and layout of the proposed development would neither preserve nor enhance the character or appearance of the CA. For such reasons, the proposal would harm the significance of the CA and fails to satisfy the statutory presumption under Section 72(1) of the Act.
29. Paragraph 205 of the National Planning Policy Framework (the Framework) sets out that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Bearing in mind the scale and nature of the proposed development, the harm to the significance of the CA as a designated heritage asset would be less than substantial. In these circumstances, paragraph 208 of the Framework requires this harm be weighed against the public benefits of the proposal.
30. The proposal would make a contribution to the local housing provision, which in turn would support local services and facilities. There would also be benefits associated with the construction phases of the development and as future residents feed into the local economy. Although given the proposal is only for two dwellings, I give only moderate weight to such benefits. The single storey design of the new dwellings would provide opportunities for elderly person accommodation within the village. Even though it is asserted by the appellant that the proposal would deliver a type of housing that is in demand within the strategic housing market area, I have not been provided with any substantive evidence in this regard. Therefore, I give only limited weight to this public benefit.
31. Even cumulatively, the public benefits of the two proposed dwellings would be modest and not sufficient to outweigh the less than substantial harm to the significance of the CA as a designated heritage asset. Consequently, the proposal conflicts with the historic environment protection policies within the Framework and would also conflict with Policy EN12 of the LPP2 and Policy 2 of the JCS which set out that proposals should protect and enhance the significance of the heritage asset.
32. The proposal would also conflict with Policies EN11 of the LPP2 and Policy 8 of the JCS, which require development to integrate positively with the surrounding area and, that it responds to the sites immediate and wider context and local character, respectively.

#### *Highway Safety*

33. The proposed vehicular access for the new dwellings would be via the existing access serving Gordonville. It is undisputed by the main parties that in one direction the access does not meet the required visibility splay. The speed survey undertaken and the 85<sup>th</sup> percentile speeds noted therefrom, indicate a requirement of 51 metres visibility splay to the south of the access, whereas only 31 metres can be achieved, due to the severe bend at the end of High Street.

34. Although, the speed survey undertaken indicates that the 85<sup>th</sup> percentile speeds to be 33.5mph northbound and 31.8m southbound, from my observations, which was only a limited snapshot in time, due to the severe bend of High Street and on street parking along it, through necessity, traffic travelling out of the village in the vicinity of the site tended to travel at much lower speeds than the 30mph speed limit. Notwithstanding this, I do not have any substantive evidence to suggest that the existing sub-standard access has caused any highway safety problems to date nor that, because High Street is of substandard width and future occupants of the proposed development would likely be reliant on private motor vehicles, this would cause particular highway safety issues. The addition of only two dwellings, using the established access would not likely result in a significant increase in traffic within the vicinity of the site and so, would unlikely harmfully exacerbate any potential highway dangers.
35. While I appreciate the objection from the local highway authority. Having regard to the evidence before me and the particular local road conditions, including, in particular, the severe bend at the end of High Street that means it would not be possible to achieve the required visibility standard in one direction, the strict application and adherence to the Northamptonshire Highways Standing Advice (2016) would not be necessary in this instance to provide safe access.
36. Consequently, on balance, I find the proposal would not have a harmful effect on highway safety and so, there would be no conflict with Policy 8 b of the JCS, which at parts i) and ii) requires new development to make safe and pleasant streets and places by resisting development that would prejudice highway safety and ensure satisfactory means of access in accordance with adopted standards. For the same reasons, the proposal would not conflict with paragraph 115 of the Framework, which sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

### **Conclusion**

37. Despite that I have not found harm in respect of highway safety, the harm I have found in relation to the other three main issues is sufficient to justify dismissing the appeal, as the proposal conflicts with the development plan in regard to such matters and material considerations do not indicate that the appeal should be decided other than in accordance with it.
38. Accordingly, I conclude the appeal should be dismissed.

*C Billings*

INSPECTOR