

## North Northamptonshire Area Planning Committee (Wellingborough)

17 August 2022

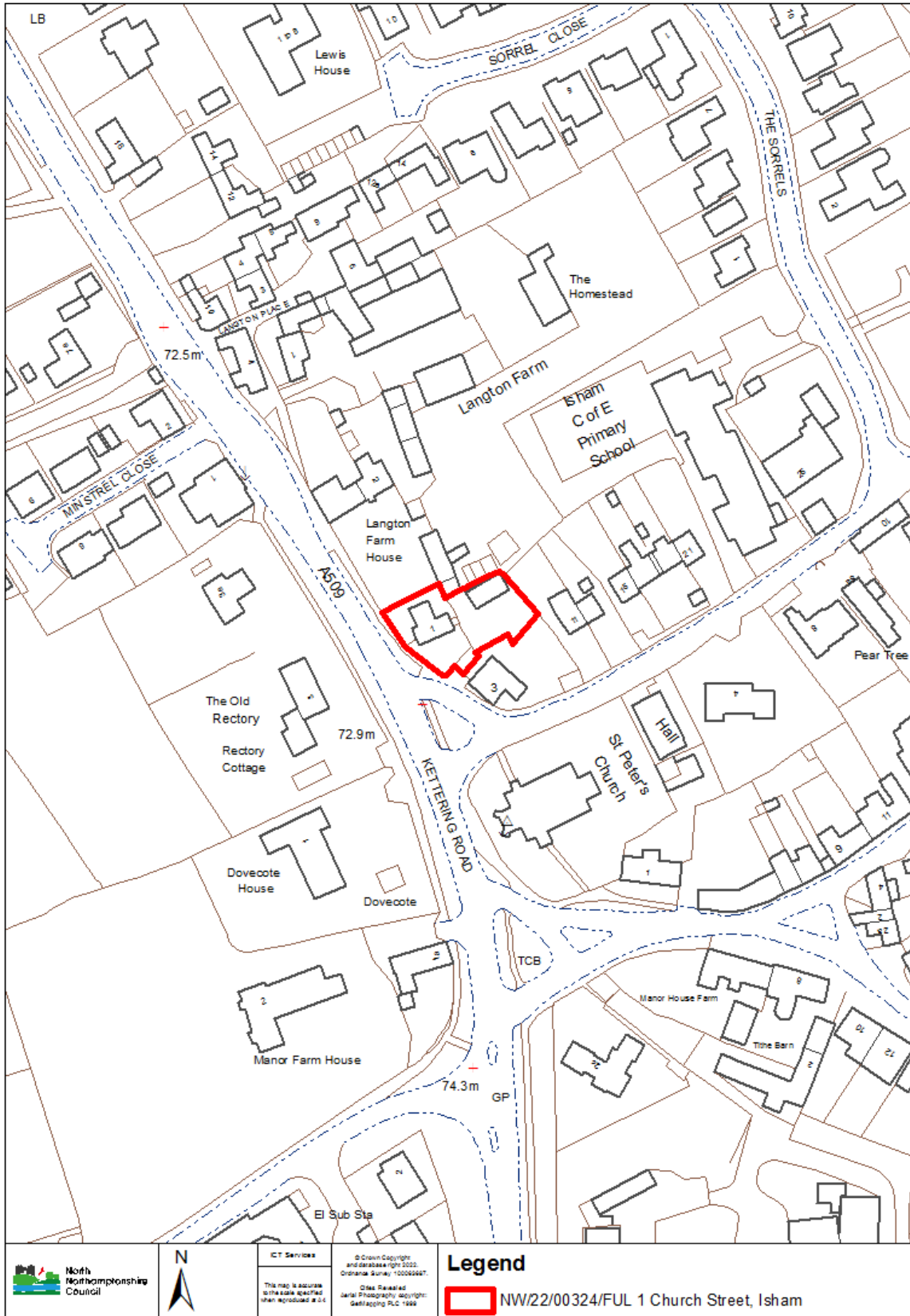
<b>Application Reference</b>	NW/22/00324/FUL	
<b>Case Officer</b>	Mr Duncan Law	
<b>Location</b>	1 Church Street Isham Kettering NN14 1HD	
<b>Development</b>	Change of use of C3 annex to C1 use class (holiday let) (retrospective)	
<b>Applicant</b>	Mrs Kerry Drury	
<b>Agent</b>		
<b>Ward</b>	Earls Barton Ward	
<b>Overall Expiry Date</b>	6 July 2022	
<b>Agreed Extension of Time</b>	19 August 2022	
<b>Checked</b>	Interim Principal Planning and Enforcement Manager	Jasbir Sadhu

### Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation because Isham Parish Council have requested that the application be determined by the area planning committee.

The Parish Council have requested a site visit by the Wellingborough area planning committee before a decision is made to enable the committee to see the parking arrangements at the property.

Having reviewed the issues concerning the site and the area around the site, the decision has been taken by agreement of the Chair, Vice Chair, interim principal planning and enforcement manager and senior planning officer not to undertake a site viewing for this application.



North Northamptonshire Council




ICT Services

This map is accurate to the scale specified when produced at 1:1

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**Legend**

 NW/22/00324/FUL 1 Church Street, Isham

## 1. Recommendation

- 1.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report

## 2. The Application Proposal and Background

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2.1 The proposal seeks retrospective planning permission for a change of use of a C3 residential annex to a C1 use class (holiday let).

2.2 Reference WP/2009/0254 granted listed building consent and reference WP/2009/0255 granted planning permission for a single storey annexe to be built within the garden area to provide living accommodation. The submitted application form indicates the C1 use has been operative since 01/01/2020 without the benefit of a valid planning permission.

2.3 Application reference NW/22/00129/LDE - Lawful development certificate for an existing use confirming the residential use of an Annex with no more than 2 weeks interruption of use over a 4 year period was refused by the council as evidence revealed that the property had been used for a holiday let for a period of approximately 2 years, in order to benefit from deemed consent (i.e. lawfully) it has to be in operation for a period of four years or more. As such the current retrospective application was invited to authorise the holiday let use that has operated for a period of approximately 2 years.

## 3. Site Description and Surroundings

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3.1 The Annex subject to this application is located within the grounds of 1 Church Street, a Grade II Listed property within the village of Isham. The Historic England Listing states:

House. C18 and early C19. Regular coursed limestone with ashlar dressings and slate roof. Double-depth plan. 2 storeys with attic and basement. Main front of 3-window range. Central 6-panel door has panelled reveals and moulded stone surround surmounted by 2 ball finials. Flanking C19 French windows have margin lights and moulded stone surrounds with segmental arch heads. Sash windows at first floor have glazing bars and similar moulded stone surrounds. Hipped roof with panelled soffit. Central C20 roof dormer and brick stacks at eaves. Elevation to left of main front has one C19 casement with moulded stone surround and evidence of a blocked door opening with flat arch head and keyblock. 2-light stone-mullion window to basement, other windows and rear extension, one C20. Interior not inspected. The moulded stone details are reputed to be early C18 reset from Pytchley Old Hall (demolished 1824).

Listing NGR: SP8846873994

3.2 The Annexe for conversion is located within the host's enclosed rear amenity space and comprises a single structure of coursed limestone/ironstone walls under a

45-degree pitched slate roof. Fenestration is painted timber whilst all rainwater goods are black cast iron.

#### 4. Relevant Planning History

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NW/22/00129/LDE	Refused Lawful development certificate for an existing use confirming the residential use of an Annex with no more than 2 weeks interruption of use over a 4-year period	25.04.2022
WP/2009/0254	Approved with conditions Single storey annexe to be built within the garden area to provide living accommodation (application for a Listed Building Consent)	12.08.2009
WP/2009/0255	Approved with conditions Single storey annexe to be built within the garden area to provide living accommodation	28.08.2009
WR/1973/0286	Approved with conditions New garage to replace existing and extension to house	01.11.1973

#### 5. Consultation Responses

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A full copy of all comments received can be found on the Council's Website <https://www.wellingborough.gov.uk/viewplanningapplications>

##### 5.1 Isham Parish Council – objection.

It is noted that an application was refused recently for a change in classification to allow the use of the annex as an Airbnb. Now the parish council are being consulted on the change of use from C3 to C1. The parish council concerns relate to the access to the sole parking space as this property comprises of a main permanent, residential property in addition to the annex in this application. Therefore there is, in total, only one single parking space, this one being mentioned in the application, and therefore not permitting any parking for the house itself, aside from one or two roadside spaces shared by other properties without their own parking, visitors to the church and village hall. There have been issues in the past where residents of the property have parked over a pavement drop kerb, designed to enable motorised scooters and push chairs easy access to the dropped kerb on the opposite footpath. The then NCC agreed to paint a white line to identify the drop kerb, but despite the white line, the kerb has been blocked on occasions, thus endangering pedestrians and other footpath users. Allowing the application will only result in future issues with the drop kerb and safety of Isham villagers.

**5.2 Neighbours/Responses to publicity** - no third party or neighbour responses received.

**5.3 Local highway Authority (LHA)** - The LHA cannot accept the application and require further information to satisfy the following requirements.

The submission does not clearly indicate that a residential off-street parking space measuring 3 metres x 5.5 metres can be provided in the position shown. No parking accommodation is indicated for the host property.

**5.4 Place Services Built heritage consultant-** No objection to the change of use.

**5.5 North Northamptonshire Council Environmental Protection Officer (Noise/air)** - no objections.

## **6. Relevant Planning Policies and Considerations**

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### **6.1 Statutory Duty**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

### **6.2 National Policy**

National Planning Policy Framework (NPPF) (2021)  
National Planning Practice Guidance (NPPG)  
National Design Guide (NDG) (2019)  
Planning (Listed Buildings and Conservation Areas Act) 1990

### **6.3 North Northamptonshire Joint Core Strategy – Part 1 of the local plan (JCS)**

Policies:

- 1 (presumption in favour of sustainable development)
- 2 (Historic Environment);
- 8 (North Northamptonshire place shaping principles)
- 11 (network of urban and rural areas)
- 22 (delivering economic prosperity)
- 25 (rural economic development and diversification)

### **6.4 Plan for the Borough of Wellingborough – Part 2 of the local plan (PBW)**

Policy  
SS1 (villages)

### **6.5 Other Relevant Documents:**

Parking  
Air Quality

## **7. Evaluation**

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The proposal raises the following main issues:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- noise and air quality
- living conditions of the neighbouring occupiers;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;

- conditions

**7.1 Principle of Development and material considerations** - Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”*

7.2 Policy 1 of the North Northamptonshire Joint Core Strategy (JCS) is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

7.3 This proposal is for the change of use to C1 residential let of an existing C3 residential annexe located within the village boundary for Isham as defined under policy SS1 (villages) of the Plan for the Borough of Wellingborough (PBW).

7.4 Table 1: Spatial roles of the JCS outlines the roles villages are to deliver including providing community infrastructure and services to meet day to day needs of residents and businesses in the rural areas. Policy 11 (2) (a) of the JCS sets out that development in the rural areas will be limited to that required to support a prosperous rural economy, which cannot be met more sustainably at a larger nearby settlement. Policy 11 (2) (d) states that rural diversification and the appropriate re-use of rural buildings will be supported in accordance with JCS policy 25.

7.5 Policy 25 supports a mix of uses in the rural area which contribute to the development and diversification of the rural economy where they are of an appropriate scale for their location and where they would respect the environmental quality and character of the rural area. The change of use includes a use that policy 25 (1) (b) of the JCS specifically seeks to encourage, namely supporting the expansion of tourist and visitor facilities of an appropriate scale for its location whilst respecting the environmental quality and character of the rural area through diversification. Policy 25 (2) of the JCS also supports sustainable rural diversification activities which complement and support the ongoing viability of existing businesses.

7.6 The location of the development would benefit from the facilities available within the village including access to public transport and given that the purpose of the proposal is to provide tourism facilities through the re-use of rural buildings, which by definition is unlikely to be within a town centre, there is no conflict with policy 11 (2) (a) and (d) of the JCS.

7.7 The principle of the retrospective development would be acceptable subject to an assessment as to whether the proposed development conforms to the more specific policies of the JCS as set out below

#### **7.8 Design, layout and the effect on the character and appearance of the surrounding area**

JCS at policy 8 (d) (i) and (ii) describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area. The application site is located on land with a lawful established residential use; it is a material consideration that under the updated Use Class Order (1 August 2021), the proposed change of use from C3 residential to C1 Guesthouse falls within

the same 'C' Use Class. Consequently it is considered that to all intents and purposes the guest house use has a similar character and associated “comings and goings” to a dwellinghouse in addition to the annexe and if occupied by a single family would be likely to generate similar levels of activity to the use as proposed in this locale which will not have any resultant adverse character impacts.

7.9 With regards to design, it is noted that the proposal entailed the conversion of an existing building and so would not have any considerable impact on local character. It is considered therefore that the proposal would not be harmful to the appearance or character of the host property or the character and appearance of the surrounding area and that this application is appropriate in respect of design impacts and is therefore in accordance with JCS at policy 8 (d) (i) and (ii).

#### **7.10 Heritage assets**

The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

7.11 Policy 2 (a) and (b) of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment.

7.12 With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 201 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 202 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.13 The development site is located within the Isham Conservation Area and in close proximity to several heritage assets including the Grade II listed 1, Church Street (List Entry Number: 1371692), the Grade II Langton Farmhouse (List Entry Number: 1190945), the Grade II listed Old Rectory and Attached Outbuilding (List Entry number: 1251303), and the Grade II\* listed Church of St Peter (List Entry Number: 1040722), all of which have the potential to be impacted through change within their setting.

7.14 The Planning (Listed Buildings and Conservation Areas Act) 1990 provides that buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building are to be treated as part of the listed building. It is noted that the annexe building subject to application was permitted in 2009 thereby post 1948 and is for a change of use only with no external alterations, no heritage objections were received to the change of use from Place Services built heritage consultant in this regard. Consequently, there is no conflict with JCS policy 2 (a) and (b), and the proposal falls out of the requirement for Listed Building Consent.

#### **7.15 Noise and air quality**

To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (i) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise, whilst 8 (e) (ii) goes further by

stating that both new and existing development should be prevented from contributing to or being adversely affected by unacceptable levels of air pollution.

7.16 NNC environmental protection officer was consulted on the application to which no objections were received. It should be identified that the council's environmental protection service has powers to deal with any unacceptable noise the development may create as necessary under the provisions of the Environmental Protection Act 1990. It is considered that the proposed C1 Guesthouse would not result in any unacceptable additional noise or air pollution impacts beyond the lawful C3 residential use once implemented which is considered to be in accordance with JCS policy 8 (e) (i) and (ii).

#### **7.17 Living conditions of the neighbouring occupiers**

The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers. The C1 Guesthouse use is contained within the existing garden of the host property therefore there are no additions to the mass that could result in overlooking, overshadowing or overbearing impacts. The retrospective C1 use is considered to result in similar activities to that of a C3 residence with no unacceptable adverse amenity impacts to neighbouring occupiers reported in the 2 years of unauthorised use in accordance with JCS Policy 8 (e) (i).

#### **7.18 Highway safety**

JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

7.19 JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

7.20 Paragraph 111 of the NPPF also confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### **7.21 Pedestrian Access**

The C1 Guesthouse will utilise the existing operating shared pedestrian access.

#### **7.22 Parking**

Parking accommodation should be provided in accordance with the Northamptonshire parking standards (2016) and satisfy policy 8 (b) (ii) of the JCS.

7.23 When assessed against the requirements of the Council's Parking Supplementary Planning Guidance as required by JCS policy 8 (b) (ii), the proposed C1 use requires the provision of 1 space for the one-bedroom holiday let. The submitted application form indicates that 1 space is to be provided for the holiday let that is reported to be the only off-road space for the host property of 1 Church Street.

7.24 An objection was received from Isham Parish Council due to the shortfall in parking provision for the holiday let and host property. In addition, the Local Highway Authority (LHA) responded that they 'cannot accept the application' as no parking accommodation is indicated for the host property. Furthermore, additional supporting information submitted by the applicant did not clearly indicate that a further



residential off-street parking space measuring 3 metres x 5.5 metres can be provided.

7.25 Notwithstanding comments from NNC highways engineer, a refusal based on insufficient parking could not be sustained in this instance as there is already an existing shortfall of on-site parking at the application site in connection with the existing residential use. Based on the existing residential use 3 on-site parking spaces for vehicles are required to be provided, the additional shortfall arising from the retrospective development would only be 1 space. As such the increased parking demand arising from the proposed development would be limited to one additional vehicle. Given this existing shortfall, the extent of the implications arising from the lack of parking provision for the proposal would be limited as off-site parking provision remains the same as the existing lawful annex use with sufficient availability of unrestricted parking in the area to satisfactorily provide for the parking needs of the proposed development within comfortable walking distance of the site to accommodate the limited increase in parking demand arising from the development.

7.26 Having taken the concerns of the parish council and the highway engineer into account, and in review of the submitted information, it is considered that, on balance, the applicant has demonstrated that the combined on-site and parking that is available in the wider context and the residual cumulative impacts on the road network would not be severe, therefore the proposal is in compliance with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraph 111 of the NPPF and is acceptable in highway terms

#### **7.27 Conditions**

The revised NPPF at paragraph 56 requires conditions to only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The PPG re-iterates this advice. It is considered that the proposed conditions meet the tests set out in the NPPF and the provisions of the PPG.

### **8. CONCLUSION/PLANNING BALANCE**

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8.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

### **9. RECOMMENDATION**

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9.1 That planning permission be **GRANTED** subject to the conditions listed below.

### **10. Conditions**

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1. The development hereby approved shall be carried out in accordance with the following drawings  
Site Location Plan Scale 1:1250; received 10 May 2022:

H289/P11 (single storey annexe – site plan, floor and elevations) received 10 May 2022:

Site location plan scale 1:1250 including 2 on-site parking spaces received 10 June 2022;

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

2. The property outlined and hatched in red on approved Site Location Plan is to be used as a one bedroom holiday let (Use Class C1) only and shall not be occupied as a permanent dwelling or by any persons for a continuous period exceeding 28 days in any calendar year. It shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: It is considered that the site is inappropriate for an independent unit of accommodation in addition to the main dwelling and such development would be detrimental to the amenities of the area, in accordance with policy 8 (b) (ii), 8 (d) (ii) and 8 (e) (i) of the North Northamptonshire Joint Core Strategy

## **11. INFORMATIVE/S:**

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1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.