

## Appeal Decision

Site visit made on 13 January 2014

**by Thomas Shields MA DipURP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 February 2014**

---

**Appeal Ref: APP/Y2810/A/13/2204003**

**Yelvertoft Marina, High Street, Yelvertoft, Northampton, NN6 6AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr James Jackson (Yelvertoft Marina Ltd) against Daventry District Council.
  - The application Ref DA/2013/0116, is dated 5 February 2013.
  - The development proposed is a new narrowboat slipway off the Grand Union Canal.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a new narrowboat slipway and hard-standing off the Grand Union Canal in accordance with the terms of the application Ref DA/2013/0116, dated 5 February 2013, subject to the schedule of conditions set out in the Annex to this decision.

### Procedural Matter

2. It is clear from the application drawings and details that the proposal includes an area of hard-standing where boats would be maintained. I have therefore amended the description for the sake of clarity.
3. The Council have confirmed that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect on the character and appearance of the Grand Union and Oxford Canal Conservation Area, and its landscape setting.

### Main Issues

4. The main issues in this appeal are:
  - The effect on the character and appearance of the area
  - Whether the proposal would preserve or enhance the character or appearance of the Grand Union and Oxford Canal Conservation Area (CA)

### Reasons

#### *Character and appearance of the area*

5. The existing marina accommodates up to 150 narrowboats accessed through an opening cut through from the canal's south bank. It is an extensive site with footways and a vehicular track around its perimeter and is landscaped

such that it sits comfortably within its tranquil canal and countryside setting. The proposed development would be outside of the existing marina site in open countryside, but would adjoin its southern boundary. The opening in the canal wall for the slipway would be approximately 40 metres in length with the slipway emerging above water level onto a rectangular concrete hard-standing area approximately 105 metres by 20 metres extending to the south east.

6. Saved Policy RC8 of the Daventry District Local Plan (1997) (LP) states that planning permission will normally be granted for canal based recreation facilities provided that new boat bases and moorings together with facilities involving substantial new buildings are closely related to existing settlements. The supporting text to the policy explains that it is important that recreation development does not destroy the amenity and nature conservation value of the canals.
7. Saved LP Policy EN1 permits recreation and tourism development in the Council's designated Special Landscape Areas (SLA) provided it would not adversely affect the character of the local landscape. Also, taken together, saved LP Policies GN2 and EN42 require, amongst other things, that new development is in keeping with the locality, promotes or reinforces local distinctiveness, does not adversely affect a CA or an SLA, and that it blends well within the site and its surroundings.
8. Given that the proposal is for a canal-based recreation facility adjacent to an existing marina close to the settlement of Yelvertoft, these LP policies therefore support its location in the open countryside, and within the CA and the SLA, provided it would not adversely affect their character and appearance. This would also accord with the overarching principles of the National Planning Policy Framework (2012) (the Framework).
9. The hard-standing and boat maintenance activity would be visible to passers by along the canal towpath and to boaters on the canal itself. Although it would be approximately 100 metres away from the nearest boats in the marina, it adjoins the southern boundary of the marina site and would contextually be seen and perceived as part of the marina environment. Given that it is intended to service the marina's boats it would be physically and functionally related to the marina. In addition, the suggested landscaping with native species of hedgerow and trees would help to blend the site with its immediate setting and surroundings and which could be secured by a planning condition.
10. I have very little information before me in respect of the characteristics and extent of the Special Landscape Area (SLA). However, the site is located in an undoubtedly attractive canal-side setting within the open countryside. One visual feature is the evidence of historic ridge and furrow farming methods, a small area of which would be removed during construction. However, larger areas to the north of the marina would remain such that the loss of a small area is not likely to result in an unacceptable level of harm. In addition, the Council's consultant archaeological advisor does not object to the proposal subject to a condition to secure a programme of archaeological investigation and recording.
11. I note that the Council would have preferred the proposal to be located within the existing marina site. However, that option was researched and discounted by the appellant for reasons including noise disturbance to people moored in the marina, and ecological advice that it should be avoided so as not to conflict

with the existing newt licence for the marina and potentially cause harm to Great Crested Newts. Such adverse impacts would clearly conflict with the LP policies referred to above. While no detailed information of the research is before me, the appellant's evidence in this regard is not disputed by the Council, and hence I attribute only limited weight to the Council's concern.

12. Although there are similar facilities for boat lifting and maintenance elsewhere on the canal network, it is the appellant's undisputed evidence that there is a long waiting list for use of those facilities. In addition, provision of the facility at the appeal site would eliminate the need for a significant number of longer boat trips and related road trips which would result in wider environmental benefit. Although such wider benefit may be relatively small in scale it nonetheless weighs in support of the appeal.
13. In conclusion, given the existing character and appearance of the area is largely formed from the countryside, the canal and the existing marina, the proposed development would not result in any significant harm to the character and appearance of the area and would therefore accord with LP Policies RC8, EN1, EN42, GN2 and the provisions of the Framework.

#### *Conservation Area*

14. The CA Appraisal<sup>1</sup> explains that the Grand Union Canal network in the Daventry area dates from the late 18<sup>th</sup> Century and is a major element of Britain's industrial heritage, now used mainly for recreation and tourism. It states: *the predominant character and appearance is simply that of a linear canal, with its towpath to one side and occasional buildings that relate through function to the canal such as cottages, pubs, works, bridges, locks and the service areas such as wharfs and marinas.*
15. The proposed slipway and hard-standing for boat maintenance would be a type of works and service area that would relate through its appearance and function to the canal, and therefore would be a feature that would be entirely appropriate and in keeping with the character and appearance of the canal CA and its setting of the countryside and the existing marina. In addition, such a feature would support the use and awareness of the canal and promote understanding of the canal's evolution from historical to modern usage.
16. Accordingly, I find overall that the proposal would preserve and enhance the character and appearance of the CA and would also accord with LP policies RC8, EN1, EN42, GN2 and the provisions of the Framework.

#### *Other matters*

17. While I note the comments from the Parish Council and third parties they do not lead me to reach a different conclusion.

#### **Conditions**

18. The Council have suggested 5 planning conditions, which I have considered against the advice in Circular 11/95: "The Use of Conditions in Planning Permissions". Where necessary and in the interests of precision, I have amended them to bring them in line with the guidance.

---

<sup>1</sup> Grand Union and Oxford Canal Conservation Area Appraisal (1995)

19. In addition to the statutory 3 year limitation for implementation it is necessary, for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord.
20. In order to ensure that any historical remains are properly investigated and recorded I impose a condition to secure that requirement.
21. In order to safeguard the quality of the ground and water environment I impose a condition for surface water drainage. It is also necessary to impose a condition requiring a landscaping scheme in order that the development blends well with its surroundings.

### **Conclusion**

22. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed and that planning permission should be granted.

*Thomas Shields*

INSPECTOR

## **ANNEX - CONDITIONS SCHEDULE**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6130.01, 6130.03, 6130.04 Rev B.
- 3) No development shall take place until a scheme for the disposal of surface water drainage from the site has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the installation of oil/fuel interceptors and any other measures to minimise the risk of contaminated run-off entering the adjacent canal. The scheme shall be implemented as approved before the slipway is first brought into use and shall be retained thereafter.
- 4) No development shall take place unless and until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place unless and until a landscaping and boundary treatment scheme has first been submitted to and approved in writing by the local planning authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, the treatment of all hard surfaced areas, details of existing and proposed ground levels and cross sections through the site to show the height and profile of proposed earth mounds, and also details of a landscape management plan. Any such planting which within a period of 5 years of implementation of the landscaping dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the local planning authority gives written consent to the variation. The approved scheme shall be fully implemented before the slipway is first brought into use.

## **END OF CONDITIONS SCHEDULE**

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: [customers@english-heritage.org.uk](mailto:customers@english-heritage.org.uk)