



Appeal Decision

Hearing held on 10 May 2016

Site visit made on 10 May 2016

by Anthony Lyman BSC (Hons) DipTP MRTPI

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

Decision date: 30 June 2016

Appeal Ref: APP/Y2810/W/15/3049288

Land off Woodford Road, Byfield, Northamptonshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Daventry District Council.
 - The application Ref DA/2014/0724, dated 31 July 2014, was refused by notice dated 25 February 2015.
 - The development proposed is residential development of up to 116 dwellings including access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters other than access reserved for future determination. An illustrative layout plan of the proposed development was submitted, including the internal roads, the distribution of dwellings, open spaces and suggested landscaping.
3. At the Hearing, a completed Section 106 Unilateral Undertaking was submitted dated 10 May 2016. The Undertaking provides for affordable housing, on-site open space, and measures to mitigate the impact of the proposed development, including contributions towards allotments, enhancement of the local bus service, and the expansion of Byfield Primary School. I will refer to these undertakings later in my Decision.

Main Issues

4. The main issues for consideration are, i) whether the appeal site is an appropriate location for residential development having regard to national and local planning policies relating to development in the countryside, the character and form of Byfield and the principles of sustainable development, ii) the effect of the proposed development on agricultural land.

Reasons

Background

5. The appeal site is an area of about 4.7 hectares of agricultural land in the countryside to the north-east of the village of Byfield. The 'L' shaped site
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wraps round two sides of an existing mid C20th housing estate that appears as a prominent extension of the settlement into the surrounding countryside. To the east and north of the appeal site lie further agricultural lands. The short western boundary of the site adjoins a narrow field, between the site and the busy A361, with open countryside beyond. Woodford Road, from which the proposed highway access would be taken, runs along the short southern boundary of the site.

6. The proposal seeks outline permission for up to 116 dwellings with all matters other than access reserved for future determination. It is proposed that 40% of the dwellings would be affordable homes.

Development in the countryside – policy background

7. The development plan for the area includes the saved policies of the Daventry District Local Plan (1997) (the local plan) and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted in December 2014 (JCS). The Council's Settlements and Countryside Local Plan (Local Plan Part 2a) is at an early stage of preparation and the parties agreed in the Statement of Common Ground (SoCG) that it should be given limited weight, with which I agree.
8. Byfield is designated as a Restricted Infill Village (RIV) under saved local plan Policy HS22. Residential development will normally be permitted under this Policy, provided it is on a small scale, is within the existing confines of the village and does not affect open land which is of particular significance to the form and character of the village.
9. Saved Policy GN1 seeks to protect and enhance the environment and to safeguard natural resources by, amongst other things, limiting development in villages and severely restraining development in the open countryside. Local plan Policy HS24 establishes criteria relating to development to be allowed in the countryside, such as the re-use or conversion of existing buildings.
10. JCS Policy S1 establishes a spatial distribution for development mainly to the principal urban area of Northampton, the main towns and rural service centres. The policy limits new development in rural areas to, amongst other things, that which enhances and maintains the distinctive character and vitality of rural areas, shortens journeys and facilitates access to jobs and services. JCS Policy S3 states that provision will be made for about 2360 dwellings in the rural areas of the Daventry District between 2011 and 2029.
11. Policy R1 of the JCS provides a detailed spatial strategy for the rural areas, and amongst things, requires residential development to be within the existing confines of villages and to be of an appropriate scale to the existing settlement. This Policy also establishes that once the rural housing requirement of 2360 dwellings has been met, additional housing development will only be permitted where a number of further criteria can be satisfied. These require it to be demonstrated that the development: i) would result in environmental improvements on the site, including for example, the re-use of previously developed land and best practice in design; or ii) is required to support the retention of or improvement to essential local services; and iii) has been informed by an effective community involvement exercise; or iv) is a rural exception site; or v) has been agreed through an adopted neighbourhood plan.

12. The Council confirmed that the rural housing requirement to the year 2029, as set out above, had already been exceeded. Therefore, the criteria in Policy R1, against which further rural housing proposals should be determined, are engaged. I am not convinced that the development of up to 116 dwellings on this green field site would result in the environmental improvements required by criterion (i), although the increased landscaping and private gardens would be likely to improve biodiversity. Under criterion (ii) although local businesses would benefit from increased support from the new residents, no evidence has been submitted to demonstrate that the development is *required* in order to support essential local services. The proposal would not satisfy any of the remaining three criteria in Policy R1 and would, therefore, be contrary to the Policy.
13. The appellant argued that Policy R1 should be given limited weight because it refers to a fixed rural housing '*need of 2,360 dwellings*', whereas Policy S3 refers to a distribution of '*about 2,360*' dwellings which, it is claimed, is more in line with the flexible approach of the Framework. I am not persuaded that the slight difference in wording is significant to the determination of this appeal, particularly as Policy R1 makes provision for further rural housing once the need figure has been met, thereby recognising that 2,360 dwellings is not a ceiling.
14. Furthermore, the proposed development of up to 116 houses adjacent to a village of approximately 540 dwellings could not be considered to be small scale, and would be outside the existing confines of the village in the open countryside. The proposal would, therefore, be in breach of saved local plan Policies HS22, HS24 and GN1, and JCS Policy R1. The appellant's hearing statement acknowledged that the development would be contrary to these Policies, but argued that these conflicts would be outweighed by other benefits and material considerations.
15. The appellant referred me to an appeal Decision relating to a site in Moulton, Daventry¹ in which the Inspector considered that that there was '*a notable degree of policy silence*' in relation to Policy R1, because the Policy states that the distribution of the rural housing will be the subject of Local Plan Part 2a, that is still at an early stage of preparation. Nevertheless, the supporting text to JCS Policy R1, confirms that until a new hierarchy of settlements has been established the saved policies should still apply. This includes the RIVs designated in the saved policies.

Development in the countryside - character

16. I turn now to consider the impact of the development on the character and form of Byfield and the surrounding area. The existing housing estate on Lovett Road and the Causeway projects into the open countryside and appears remote from the central core of the village and its facilities. Although the existing houses are within reasonable walking distance of the facilities, the route is less than satisfactory with pedestrians having to cross Woodford Road and then negotiate the busy five ways roundabout on the A361. Although improvements to the footways are planned, I heard evidence from local residents that the estate is still considered remote from the main part of the village.

¹ APP/Y2810/A/14/2225722

17. The proposed development would envelop the existing estate and would extend considerably further into the countryside. Approaching Byfield along the A361 or the Woodford Road, despite the intervening hedgerows and the transient nature of the views, the extensive new development would appear as a detached and incongruous housing estate surrounded by open countryside on three sides, including to the west of the A361. The appellant argued that the development would provide a high quality design that would be fully integrated with the village and would create a greener and more transitional edge to the countryside compared to the claimed hard edge of the existing houses and their rear gardens.
18. I am not persuaded by this argument for the following reasons. The indicative Development Framework Plan 6065-L-02 Revision H shows the suggested internal road layout, proposed landscaping and areas of open space. Although these are reserved matters, proposed condition No. 3 in the SoCG would require the development to be carried out in general accordance with the details shown on this plan. The road layout is carried forward into the illustrative Village Context Plan, which shows a dense layout of dwellings, including a close knit line of development near to the eastern boundary with little opportunity for significant landscaping to screen the development in views from Woodford Road. This lengthy edge to the development would be prominent and would not create a more transitional edge to the countryside.
19. The Council's committee report states that the existing housing estate was *originally developed as a 1930/40s council estate and as a separate identifiable block outside the village confines*. The proposed development would appear as an even more extensive separate block and would be seen as a substantial stand alone development in the open countryside. This remote development would fail to integrate with the existing form of the village, would harm its rural setting and detract from the open character and appearance of the area. The proposal would be contrary to saved Policy GN1, and paragraph 58 of the National Planning Policy Framework (the Framework) that, amongst other things, encourages development to function well, to add to the overall quality of the area, and to create a strong sense of place.

Development in the countryside - sustainability

20. With regard to sustainability, the development would be within the margins of acceptable walking distance of the village facilities which include a shop, garage, primary school, public house and post office. The village is served by regular buses to Daventry, Banbury and Woodford Halse and the s106 Undertaking would fund additional early morning and late evening services. Although the nearest senior school is said to be about eight miles away, the proposed development would generally be in an accessible location.
21. The Framework confirms that to achieve sustainable development, for which there is a presumption in favour, economic, social and environmental gains should be sought jointly and simultaneously. Delivering sustainable outcomes means taking full account of the environmental as well as the economic and social dimensions of development proposals which should not be taken in isolation.
22. The scheme would generate substantial benefits, in particular a mix of market and affordable housing that would contribute to the Framework's requirement to boost significantly the supply of housing. This would satisfy the social

dimension of sustainable development. However, I note that, despite a shortage of affordable houses throughout the District, the provision of up to 47 affordable homes on the appeal site would be considerably in excess of the small identified requirement in the village that, according to the Council, has already been met by another development. Economic gains would be generated through the scale of the investment in the construction of the development and jobs during the build out period, and in the likely support for local Byfield businesses by the future occupants of the new houses.

23. The Framework describes the environmental role as contributing, amongst other things, to protecting and enhancing the natural environment. The development would provide areas of open space and enhanced landscaping. However, these benefits would be outweighed by the harm that the development of this green field site in open countryside would cause to the character and appearance of the local environment, and the acknowledged conflict with the development plan policies set out above, to which I attach significant weight. Accordingly, the environmental dimension would not be satisfied. Taking the three dimensions together, notwithstanding the social and economic benefits, I find that the proposal would not represent sustainable development. Therefore, the presumption in favour of such development set out in the Framework would not apply.
24. In conclusion on this issue, having regard to the Framework and the conflict with the local planning policies referred to above that seek to protect the countryside and promote sustainable development, the appeal site would not be an appropriate location for the proposed residential scheme.

Agricultural land

25. Approximately 3.5 hectares of the appeal site are said to be Grade 3a Best and Most Versatile (BMV) agricultural land. The appellant argued that although this loss would be regrettable, this is the lowest grade of BMV land and the loss would be outweighed by the potential benefits of the scheme. Paragraph 112 of the Framework confirms that the economic and other benefits of BMV land should be taken into account, and JCS Policy R2 seeks to protect agricultural land designated as BMV. Although this loss of BMV land is not sufficient to be a determinative issue, the economic and environmental harm adds further weight to my conclusion above, that the proposal would not be sustainable development.

Overall Planning Balance

26. It is common ground that the proposed development of this green field site in the open countryside, outside the confines of Byfield, would conflict with saved policies HS22, HS24 and GN1 of the local plan, and Policy R1 of the JCS.
27. At the time that the Council refused the application, a five year supply of housing land (HLS) could not be demonstrated. The appellant initially argued that, as the Policies referred to above were relevant to the supply of housing, they were out of date in accordance with paragraph 49 of the Framework. However, in the SoCG, the parties agreed that an HLS in excess of five years now existed, and this was confirmed at the Hearing. The Policies are therefore, up to date, although the weight to be attributed to them depends on their consistency with the Framework.

28. The appellant contended that Policies HS22, HS24 and GN1 confine general housing development to within settlement boundaries and that this aim is not consistent with the thrust of the Framework to boost significantly the supply of housing. However, the need to increase the supply of housing has to be considered alongside other policies in the Framework, including the protection and enhancement the natural environment.
29. Policy GN1 sets out seven principles to guide development including safeguarding the natural resources of the district; protecting and enhancing the environment; making proper use of disused land; concentrating development in or close to large and small towns; limiting development in villages; severely restraining development in the open countryside and ensuring that development is accessible by public transport. Most of these guiding principles closely reflect policies in the Framework, and although development in the open countryside is to be restrained, Policy GN1 does not impose an outright ban. The Policy has a high degree of consistency with the Framework and carries weight in this Decision.
30. The rural housing requirement established by JCS Policy S3 has been exceeded and, although this is not a ceiling, this has triggered the more restrictive criteria of Policy R1 for determining future applications in rural areas. These Policies were adopted as part of the JCS in December 2014, after it had been found to be sound and in accordance with the Framework, and therefore they carry weight. Policies HS22 and HS24 control housing development in rural areas and, in so doing, support Policy R1's more restrictive approach. Together these Policies underpin the approved spatial strategy of the JCS and, therefore, attract weight in this Decision.
31. As discussed above, the proposal would generate considerable economic and social gains, although the loss of BMV land would detract from the economic benefits. I have found that the environmental dimension of sustainability would not be satisfied and that, notwithstanding the social and economic gains, the Framework's presumption in favour of sustainable development and the test set out in paragraph 14 would not apply. The weight attributable to the collective benefits, even allowing for the mitigation measures put forward in the s106 Obligation, would not be sufficient to outweigh the harm I have identified to the character and appearance of the area and Byfield, and the acknowledged and significant conflict with the development plan policies referred to above. Accordingly, I conclude that the appeal should not succeed.

Conclusion

32. For the reasons given, the appeal is dismissed.

Anthony Lyman

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Laura Tilson
Keith Nye

Gladman Developments Ltd
FPCR Environment and Design

FOR THE LOCAL PLANNING AUTHORITY:

Simon Aley
Tom James
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Solicitor, Daventry District Council
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INTERESTED PERSONS:

Cllr John Gillic
Cllr Liz Griffin
Rosemary Wright
Mrs M Brough

Byfield Parish Council
Daventry District Council Ward Member
Local resident
Local Resident

DOCUMENTS

1. Statement of Common Ground
2. Copy of Appeal Decision APP/Y2810/W/15/3134428
3. Infrastructure & Developer Contributions SPD: Application in the context of CIL Regulation 123 list.
4. Copy of Housing section of JCS
5. Plan of proposed footway improvements – A361, Byfield
6. Copy of Council report re-planning application DA/2012/0860
7. Letter from Jonathan Tomalin, dated 29 April 2016
8. Section 106 Deed of Unilateral Undertaking dated 10 May 2016
9. Final comments of Daventry District Council
10. Appellant's Final Key Points note