
Appeal Decision

Hearing held on 6 July 2016

Site visit made on 6 July 2016

by I Radcliffe BSc (Hons) MRTPI MCIEH DMS

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

Decision date: 15 August 2016

Appeal Ref: APP/H2835/W/15/3140093

**102 Harrowden Road, Little Harrowden, Wellingborough,
Northamptonshire NN9 5AH**

- 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 Mr J Alexander against the decision of the Borough Council of Wellingborough.
 - The application Ref WP/14/00386/OUT, dated 11 June 2014, was refused by notice dated 8 July 2015.
 - The development proposed is up to 11 dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis and I have taken the illustrative plans that have been submitted into account insofar as they are relevant to my consideration of the principle of the development on the appeal site.
 3. At appeal stage a plan (ref 0653/008) showing how a footway could be provided from the site entrance to the existing footway to the east was submitted by the appellant. The proposed footway does not amount to a material change in the type of development, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans. As a consequence, I consider that their interests would not be prejudiced if I was to take this plan into account. My consideration of the case and decision therefore takes into account this plan.
 4. On 22 June 2016 the Inspector's report on the examination of the North Northamptonshire Joint Core Strategy (NNJCS) was published. The report found the NNJCS to be sound subject to a number of main modifications with which the Council agrees. As a result, I was advised that the Council would be considering a report recommending adoption of the NNJCS incorporating these modifications at a meeting on 14 July. The hearing was adjourned on 6 July to enable the Council to confirm the outcome of the meeting. Confirmation was subsequently received that the NNJCS had been adopted. As a consequence, I have determined the appeal on the basis that the policies of the North Northamptonshire Core Spatial Strategy (2008) and the saved policies of the Wellingborough Local Plan, cited in the Council's decision notice, have been
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replaced by policies of the NNJCS. Following confirmation of its adoption the hearing was closed in writing on 1 August 2016.

5. A properly completed section 106 agreement has been submitted which I have considered as part of the appeal. It secures the provision of on site affordable housing. Its terms are addressed in more detail within the decision.

Application for costs

6. Prior to the hearing an application for costs was made by Mr J Alexander against the Borough Council of Wellingborough. At the hearing an application for a partial award of costs was made by the Borough Council of Wellingborough against Mr J Alexander. These applications are the subject of separate Decisions.

Main Issues

7. The main issue in this appeal is whether the proposed development would be acceptable, having regard to the principles of sustainable development.

Reasons

Location of development

8. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ('the Framework') is an important material consideration. A core planning principle of the Framework is that decision taking should be genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the area.
9. The development plan for the area includes the North Northamptonshire Joint Core Strategy (NNJCS) which has just been adopted. At present there is no neighbourhood plan that applies to the appeal site. In order to further sustainability objectives, and in the interests of protecting the countryside, the spatial strategy for North Northamptonshire contained within the NNJCS focuses the vast majority of new housing on growth towns such as Wellingborough, where 5,750 dwellings will be provided. The four largest villages in the Borough between them will have 710 new dwellings, with the rural areas providing 540 homes during the plan period.
10. The appeal site is located in the rural area within the open countryside, adjacent to, but outside the village confines of Little Harrowden. In rural areas policy 11 of the NNJCS limits development to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement. On sites within villages, such as Little Harrowden, small scale infill development will be supported. Sites, such as the appeal site, outside the village confines and within the open countryside may be identified for development in order to meet locally identified needs as part of a Neighbourhood Plan or Part 2 Local Plan. However, no such plans are adopted and no drafts of these plans have been brought to my attention.
11. As an exception to the rural policy of restraint policy 13 of the NNJCS identifies the special circumstances in which development next to settlements will be supported. In relation to residential development, schemes need to be purely affordable housing to meet local need, with market housing only allowed to the extent that it is necessary to make the scheme viable. It was agreed at the

hearing that the scheme, which is for open market housing with an element of affordable housing, did not constitute an exception site under policy 13.

12. The proposal would therefore be contrary to policies 11 and 13 of the NNJCS. In locating new housing away from the larger settlements the proposal would undermine the spatial strategy of the NNCJS and result in the loss of open countryside to development.

Housing land supply

13. It is common ground that with the adoption of the NNCJS its housing requirement should be the basis upon which housing supply should be calculated. In terms of which year the five year supply should be measured from, I consider that the current financial year, 2016/17, should be treated as year one. This is because it firmly sets the assessment in the present making it a more realistic projection.
14. The evidence of the appellant was that as recently as October 2015 in a Secretary of State decision the Council was unable to identify a five year supply of deliverable housing sites¹. This was primarily due to the use of delivery rates for sustainable urban extensions (SUEs) in Wellingborough that were found to be unrealistic. The finding that a five year supply did not exist was consistent with a number of other appeal decisions issued in 2015. However, since then events have moved on. In November 2015 the Inspector who examined the NNCJS held hearings. On the basis of the evidence he received he found in his recently published report that the Council, as at February 2016, was able to show that a deliverable rolling 5 year housing land supply exists. These findings were brought to the appellant's attention in advance of the hearing.
15. Of particular relevance in the Secretary of State decision mentioned above was scrutiny of the SUEs delivery rates carried out by Turner Morum which found that they were unduly optimistic. Since then this matter has been considered further. Troy Hayes Planning Limited, on behalf of the Council, has carried out a review of projected housing delivery rates in the Borough. A statement of common ground was agreed in relation to this matter at another appeal in June this year². Troy Hayes Planning Limited and Turner Morum were involved in the preparation of this statement. Based upon a review of delivery rates the statement agreed that the Council could demonstrate a deliverable supply of housing of between 5.38 years and 6.18 years.
16. This evidence was presented to the appellant during the hearing. On the basis of this evidence and the NNJCS report, he conceded that even allowing for his criticisms of delivery rates on a number of smaller sites not covered by the statement the Council could demonstrate a 5 year housing land supply. On the basis of what I have read and heard in relation to this issue, including the recent establishment of a Joint Delivery Unit whose remit is to achieve the housing growth sought by the NNJCS, I agree with that position.

Accessibility

17. Little Harrowden has a primary school, public house, village hall and church. It has other facilities in the form of open space, a play area, a working men's club and a cricket club. A footway would be provided along the road linking the site to the village. Whilst within a reasonable walking distance of the site, the

¹ Appeal ref: APP/H2835/A/14/2221102

² Appeal ref: APP/H2835/W/15/3136236

range of services and facilities the village has to offer is limited and insufficient to meet the day to day needs of its residents. As a result, unlike the four largest villages identified in the NNCJS as suitable for residential development due to their range of facilities and services, future residents would need to travel to towns such as Wellingborough.

18. The No 34 bus service that links the village to Wellingborough and Kettering is infrequent. The bus stop for the X4 service between Milton Keynes and Peterborough is located in the next village and is not within a reasonable walking distance. Although Wellingborough is within a reasonable cycling distance, the route involves cycling along unlit roads where the national speed limit applies. As a result, cycling would only be a realistic option for the most confident.
19. Taking all these matters into account, it is clear to me that future occupiers would be dependent on the use of the private car in order to access day to day facilities, services and employment opportunities. I therefore find that the appeal site is poorly located in terms of accessibility by sustainable modes of transport.

Affordable housing

20. In 2014 a Rural Housing Needs Survey carried out by the Council identified a need for 15 units of affordable housing for Little Harrowden. National planning policy is that contributions towards affordable housing should not be sought from developments of 10 units or less³. As a result, the view of the appellant is that the small scale infill development within the village supported by the NNCJS will not provide the affordable housing needed by the village. However, this ignores the fact that rural exception sites for affordable housing schemes, supported by policy 13 of the NNCJS, are exempt from this restriction. Consequently, should the Part 2 Local Plan or any future Neighbourhood Plan not identify where affordable housing to meet local need should be provided a mechanism exists to address this.
21. For this reason, and given that the Rural Housing Needs Survey identified that there was no need for market housing in Little Harrowden, which the majority of housing in the proposed scheme would constitute, I attach little weight to the benefit of the scheme in meeting the local need for housing.

Overall Conclusions: The Planning Balance

22. The location of the proposed development is contrary to policies 11 and 13 of the NNCJS, and thus the spatial strategy of the development plan. As I have earlier noted the Framework is an important material consideration. If a local authority cannot demonstrate a five year supply of deliverable housing, the Framework advises that relevant policies for the supply of housing should not be considered up to date and that permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It was agreed at the hearing that the Council can demonstrate a five year housing land supply. Accordingly, those circumstances do not exist here.
23. The appeal scheme needs to be considered in the context of the Framework's presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable

³ Planning Policy Guidance Reference ID 23b-031-20160519

- development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
24. In terms of the environment, the site is poorly located with regards to accessibility. Whilst the appeal site is largely screened by trees there would also be a loss of open countryside to development. This would be apparent in views from the highway along the site access and within the site from the internal access road that would be created. The effect of the proposal on bats could be mitigated and opportunities exist to enhance the ecological value of the site.
25. Socially, new housing would be provided of which 40% would be affordable. However, as provision of such levels of affordable housing are a requirement of the NNJCS all housing schemes of the size proposed in locations that comply with the development plan would contribute in this manner. Furthermore, the rural exceptions mechanism allows for the provision of affordable housing to meet local need in rural areas. As such, I attach limited weight to this as a benefit of the scheme. Economically, there would be a boost to employment during construction and fitting out of the development, although by its nature this would be short lived. The scheme would also make a small contribution to boosting local spending power which may be of benefit to local businesses such as the nearby public house.
26. Of importance though is that the proposal would fall accord with, and thus would undermine, the NNJCS which has been very recently adopted. It seeks to direct the location of housing towards sustainable urban areas and strictly limit new dwellings in the open countryside. As a result, there would be conflict with the economic dimension of sustainability which seeks to ensure, amongst other matters, the delivery of land in the right place at the right time.
27. Taking all these matters into account, I therefore conclude, on the overall balance of considerations, that the proposal would not be a sustainable development. As a consequence, given that it is contrary to the development plan and its spatial strategy it should be dismissed.
28. As I noted as a procedural matter, at the request of the Council the appellant has submitted a properly completed section 106 agreement to secure the provision of affordable housing on site. The tests in paragraph 204 of the Framework and regulations 122 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against these requirements.

Ian Radcliffe

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Collerson BA(Hons) MSc MRTPI	CC Town Planning Limited
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FOR THE LOCAL PLANNING AUTHORITY:

Mr Garvey, of Counsel	Kings Chambers
Mr Goodall	Troy Hayes Planning Limited
Ms Simmons	Wellingborough Borough Council
Mr Bateman	Wellingborough Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement of common ground in relation to the appeal.
- 2 North Northamptonshire Joint Core Strategy, February 2016 – incorporating the proposed main modifications to the submitted plan.
- 3 Statement of common ground on housing land requirement and supply, dated 2 June 2016 (Appeal ref: APP/H2835/W/15/3136236).
- 4 No 34 Bus Service timetable
- 5 Appeal decision refs APP/R3325/A/13/2209680 & 2203867.
- 6 Judgement of the High Court in relation to a challenge to decision refs APP/R3325/A/13/2209680 & 2203867 [2016] EWHC XXXX (Admin).
- 7 Dartford Borough Council v Secretary of State for Communities & Local Government, Fairview New Homes Limited [2016] EWHC 649 (Admin).