



Appeal Decision

Inquiry opened on 7 June 2016

Site visit made on 2 August 2016

by David Prentis BA BPI MRTPI

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

Decision date: 12 September 2016

Appeal Ref: APP/H2835/W/15/3136236

Land North of Station Road, Irchester, Wellingborough

- 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 Acreage Strategic Land Limited against the decision of the Borough Council of Wellingborough.
 - The application Ref WP/14/00298/OUT, dated 30 April 2014, was refused by notice dated 5 August 2015.
 - The development proposed is up to 150 houses (including the option of a retail unit), with accesses off Station Road (including a roundabout at the eastern end of the site), public open space, play area, footpaths, new footbridges across stream, drainage attenuation and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Inquiry sat for 4 days on 7 – 9 June and 3 August 2016. I carried out unaccompanied visits to the site and surroundings before the Inquiry and on 2 August 2016. The site is readily visible from roads and public footpaths and none of the parties requested an accompanied site visit.
 3. The application was submitted in outline with only access from the public highway to be determined at this stage. Although the definition of access includes access within the site, in this case the Council and the appellant agreed that access within the site would be determined at reserved matters and/or conditions stage. Appearance, landscaping, layout and scale would be reserved matters.
 4. The appellant company's name appears on the application form as '*Acreage Strategic Limited*'. At the Inquiry it was confirmed that this was an error on the application form and that the applicant was, and the appellant still is, '*Acreage Strategic Land Limited*'.
 5. A unilateral undertaking (UU) under s106 of the Town and Country Planning Act has been submitted. Due to printing problems the final version was not submitted until shortly after the Inquiry. However, the content of the UU had been finalised during the Inquiry and was discussed on day 4. The UU would provide for financial contributions to: (1) environmental improvements; (2) health facilities; (3) libraries; (4) pitch sports; (5) primary education;
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(6) secondary education; (7) public transport and (8) mitigation in relation to the Nene Gravel Pits Special Protection Area (SPA). In addition, it makes provision for bus passes to be given to new residential occupiers. Northamptonshire County Council provided written evidence of the need for the contributions relating to libraries and education. The need for these contributions, and their compliance with the Community Infrastructure Levy Regulations (CIL Regulations) was not a controversial matter. I see no reason to take a different view and accordingly have taken them into account in reaching my decision. I comment further below on the SPA contribution.

6. I have decided to dismiss the appeal for reasons which, on the evidence before me, would not be affected one way or the other by the obligations relating to environmental improvements, health facilities, pitch sports and public transport¹. Consequently it is not necessary for me to comment further on the need for these contributions or their compliance with the CIL Regulations.
7. The development plan position moved on during the course of the Inquiry. At the time the application was determined, and at the opening of the Inquiry, the development plan included the North Northamptonshire Core Spatial Strategy 2008 (CSS08) and the saved policies of the Borough of Wellingborough Local Plan (1999) and Alteration (2004) (BWLP). The Inspector's report on the examination of the North Northamptonshire Joint Core Strategy (JCS) was published during the adjournment and the JCS was adopted on 14 July 2016.
8. At the start of the Inquiry the appellant argued that the Council could not demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework (the Framework). However, in the light of the Inspector's report on the JCS, the appellant did not maintain this position. The agreed position at the close of the Inquiry was that the Council can demonstrate a 5 year supply².
9. After the close of the Inquiry a representation was received on behalf of the promoter of another site in Irchester. The existence of this proposal was a matter which was before the Inquiry. I did not consider that the representation raised any matters which required comments from other parties, nor did it alter any of the conclusions drawn from the evidence which was before the Inquiry.

Main issues

10. The main issues are:

- whether or not the proposal would contribute to a sustainable pattern of development,
- the effect of the proposal on the character and appearance of the area,
- the effect of the proposal on heritage assets.

Reasons

Background and policy context

11. At the time of the Council's decision the development plan included the CSS08 and the saved policies of the BWLP. Following the adoption of the JCS all

¹ Including the provision of bus passes

² SoCG3

policies of the CSS08 have been superseded, as have several of the saved BWLP policies. Of the policies cited in the reasons for refusal, only BWLP Policy G4 remains as part of the development plan. The corresponding policies of the recently adopted JCS are Policies 2 (historic environment); 3 (landscape character); 4 (biodiversity); 11 (network of urban and rural areas); 13 (rural exceptions)³; 29 (distribution of new homes) and 30 (housing mix and tenure).

12. The Council and the appellant disagreed as to whether BWLP Policy G4 should be regarded as out of date and/or otherwise inconsistent with the Framework. Policy G4 defines Irchester as a '*restricted infill village*'. It sets out some policy requirements for proposals which are within the village policy lines (VPL) which are defined on the proposals map. However, the appeal site is outside the VPL for Irchester. It seems to me that the relevance of Policy G4, at the time of the Council's decision, was that it defined the VPL which differentiated the open countryside from the villages. The development management criteria applicable in the open countryside were set out in Policy G6. Policy G6 has been superseded by the JCS and no longer forms part of the development plan. In the absence of Policy G6, it appears to me that Policy G4 has no relevance to the appeal. Consequently, it is not necessary for me to comment further on whether it is out of date and/or inconsistent with the Framework.
13. Turning to the matter of housing land supply, the Council and the appellant disagreed as to the supply of housing sites. However, there was agreement that a credible assessment would be in the range 2,896 to 3,326. Neither party argued that the difference between these two figures is a significant factor in the context of this appeal. I agree, because on either figure the Council is able to demonstrate a 5 year supply as required by the Framework⁴. Moreover, the matter has very recently been considered in the context of the examination of the JCS. The Inspector's report makes clear his finding that the Council has a 5 year supply⁵.

Whether or not the proposal would contribute to a sustainable pattern of development

14. In this section of my decision I consider the principle of the development proposed in the appeal scheme. Impacts on the character and appearance of the area and heritage assets are considered in subsequent sections.
15. JCS Policy 11 seeks to strengthen the network of settlements in the Borough. The Growth Towns are to be the focus for infrastructure investment and higher order facilities to support major housing and employment development. Sustainable Urban Extensions (SUE) will provide strategic locations for housing and employment growth. The Market Towns are seen as providing a strong service role with growth in homes and jobs to support regeneration and local services. In the rural areas development is to be limited to that required to support a prosperous rural economy or to meet a locally arising need.
16. Policy 28 sets out the minimum housing requirement for each of the constituent local planning authority areas in order to meet the objectively assessed need for new housing in the North Northamptonshire Housing Market Area. Policy 29 addresses the distribution of new homes. It states that the

³ The appeal scheme is not promoted on the basis that it is a rural exceptions scheme so this policy is not relevant to the appeal

⁴ Based on a net annual requirement of 350 in accordance with the JCS – see table on page 6 of SoCG1

⁵ CD19, paragraph 149

- provision will be made for new housing as set out in Table 5. Table 5 sets out the housing requirements for each of the local authority areas covered by the JCS for the period 2011 to 2031. In the Borough of Wellingborough, over 80% of the requirement is to be met at the Growth Town of Wellingborough with the balance to be met at four named villages and in the rest of the rural area. Irchester, which is one of the four villages, has a requirement of 150 dwellings.
17. Policy 11 also states that Local and Neighbourhood Plans will identify sites to meet the rural housing requirements. Other than small scale infilling or rural exceptions schemes, development above the Table 5 requirements will be resisted unless agreed through a Part 2 Local Plan or a Neighbourhood Plan⁶.
 18. The JCS notes that the four named villages are significantly bigger than any other villages. It goes on to say that this scale is likely to give rise to a strategically significant level of locally arising housing need. Irchester has a population of 4,745 and is the second largest rural settlement in the Borough. Local services found within the village include a primary school, a library, a doctor's surgery, a convenience store, a post office, leisure facilities and some local employment. Most of these facilities would be within a reasonable walking distance of the greater part of the appeal site.
 19. I note that some local residents have concerns about the capacity of the primary school. However, the UU includes proportionate contributions to increase the capacity of the local primary school and a nearby secondary school. The UU would also provide a contribution to Irchester Library. There are bus services linking the village to employment opportunities and other facilities in nearby centres.
 20. The appeal scheme proposes up to 150 houses, a number which matches the Table 5 requirement for Irchester. It is therefore consistent with the pattern of growth envisaged in the spatial strategy. About 22 dwellings have been delivered in Irchester since the start of the plan period⁷. The Inquiry was not informed whether these were small scale infilling and/or rural exceptions sites. In any event, no party suggested that the potential delivery of 172 dwellings, rather than 150, would be a matter of any consequence.
 21. The Council argued that the Table 5 requirement should be delivered through Local or Neighbourhood Plans and that it would be harmful if all of the 150 were provided early in the plan period. This argument draws some support from the terms of Policy 29 which states that such plans should identify the phasing of individual housing sites in the rural areas to ensure that development opportunities are not exhausted early in the plan period. On the other hand, the JCS does not say that the delivery of the Table 5 requirements for the Rural Areas should wait until such time as either a Part 2 Local Plan or a Neighbourhood Plan is in place. On the contrary, it says that housing development above these requirements will be resisted unless agreed through such plans⁸.
 22. Although the Council stated that it was not advancing a prematurity point, in essence it was doing just that by suggesting that the delivery of 150 houses at Irchester should await the production of either a Part 2 Local Plan or a

⁶ Similar wording is found within Policy 29

⁷ The figure was given by Mr Bradshaw in evidence in chief – it was not disputed

⁸ Similar words are found in Policies 11 and 29

Neighbourhood Plan. Planning Practice Guidance advises that prematurity is unlikely to justify a refusal of planning permission unless (amongst other matters) the emerging plan is at an advanced stage. That is not the case here because the emerging Plan for the Borough of Wellingborough has yet to be submitted for examination. A Neighbourhood Plan is also in preparation but has yet to reach the local planning authority publicity period.

23. The JCS covers the period 2011 – 2031. If the appeal were allowed there would no doubt be a lead in time before the delivery of completed dwellings. Delivery might reasonably be expected to take place from around 2018 to around 2021. It is therefore unlikely that the development would be completed until well into the plan period. The Council also argued that allowing the appeal would have a harmful effect on the delivery of a nearby SUE at Wellingborough. However, this suggestion finds no support in the JCS which specifically promotes growth at Irchester.
24. I acknowledge that the focus of the JCS is the provision of new housing and employment opportunities at the Growth Towns and the SUEs. Growth within the rural areas is planned to be a small proportion of the housing requirement but is nevertheless one component of meeting the total requirement for new homes. The scale of growth proposed by the appeal scheme is consistent with the spatial strategy of the JCS. I conclude that the proposal would contribute to a sustainable pattern of development and would accord with JCS Policies 11 and 29.

The effect of the proposal on the character and appearance of the area

25. The appeal site comprises three agricultural fields on the edge of the settlement of Irchester, described at the Inquiry as the west, middle and east fields, extending to around 8.0ha. All three are bounded by Station Road to the south, beyond which there is residential development. High Street, which represents the historic core of the village, runs a little to the west of the site. On this side the site is adjoined by detached buildings in large plots, to the rear of the High Street frontage. The west field slopes down to a stream which runs approximately south to north through the site, dividing the west field from the middle field. The middle field is bounded to the east by new housing at Biscay Close, by the east field and by further agricultural land. The east field wraps around the northern side of Biscay Close. It forms part of a much larger field parcel and the northern boundary of the appeal site is undefined at this point.
26. A public footpath (TL14) passes through all three fields on an approximately east/west alignment from Station Road (at the eastern end of the site) to Townwell Lane. Another footpath (TL18) runs from the same point on Station Road in a north westerly direction, linking to High Street towards the northern end of the settlement.
27. The site is within the Northamptonshire Vales National Character Area. Key characteristics of this area include distinctive river valleys such as that of the Nene, frequent small towns and large villages, imposing church spires and attractive stone buildings in older village centres. Local landscape character has been assessed in Northamptonshire County Council's Current Landscape Character Assessment. The site is within Area 12 – Limestone Valley Slopes. The key characteristics of this area include gently undulating farmed slopes bordering the river Nene and its tributaries, expansive long distance views and

- wide panoramas across the valley and villages which show a close relationship to landform in their morphology and orientation.
28. To my mind the appeal site is representative of these characteristics. A key feature of the site is its sense of openness and there are extensive panoramic views to the north across the Nene Valley. These views may be seen from Station Road and TL14. The relationship between landform and the morphology of the settlement is clear, with High Street running north/south on higher ground above the stream valley. The prominent Church of St Katherine, with its tall spire, is a characteristic landmark. The lower slopes are undeveloped allowing the fairly subtle variations in landform to be appreciated.
29. The site is not subject to any landscape designations. The Council and the appellant disagreed as to whether it should be regarded as a '*valued landscape*' in the terms of the Framework⁹. I have not been referred to any definition of this term but the parties agreed that the criteria contained in Box 5.1 of the *Guidelines for Landscape and Visual Impact Assessment 3rd edition* (GLVIA3) are pertinent.
30. Looked at in that way, I consider that the site and its surroundings have a relatively high level of scenic value. This is due to the expansive views northwards and the pleasing prospect to the west of the historic village core set amongst trees on higher ground above the undeveloped valley slopes. Moreover, the landscape is in good condition. It is representative of the Limestone Valley Slopes character area of which it forms a part and is a good example of this landscape type. The public footpaths within and close to the site appear to be well used and representations from residents indicate that the site has recreational value to local people. The landscape also has value as part of the setting of the Church of St Katherine. This is a matter which I shall return to below, in relation to heritage assets, but is also relevant to the question of landscape and visual assessment.
31. The appellant draws attention to the proximity of built development and factors such as road traffic and railway noise which, it is suggested, means that the site cannot be regarded as wild or tranquil. I note that the site is on the edge of Irchester, with existing housing areas in view. The new houses at Biscay Close are quite prominent and, to some extent, detract from the rural feel of the site. Nevertheless, the overall experience of passing through the site on footpath TL14 is an experience of being in the countryside.
32. Similarly, the panoramic views northwards from Station Road are predominantly rural in character. Whilst moving trains are visible in such views, the railway line itself is not a prominent feature and its importance has, in my view, been overstated by the appellant. Notwithstanding the various urban influences identified, I consider that these are significantly outweighed by the scenic qualities of the locality. I conclude that the site should be regarded as forming part of a valued landscape which the Framework states ought to be protected.
33. The appeal scheme would result in a transformation of the landscape of the site because open fields would, in the main, be replaced with streets and houses. The Landscape and Visual Impact Assessment (LVIA) submitted with the application assessed this to be a moderate adverse effect on land use and

⁹ Paragraph 109

settlement. As I have found the baseline conditions to be such that the site forms part of a valued landscape, I would regard the landscape impact as greater.

34. The LVIA assesses the effect on footpath TL14 as beneficial, on the basis that the scheme would provide a safe, surfaced route with lighting. I do not share this assessment which, in my view, does not adequately recognise that the value of the path is that it provides a truly rural experience which is readily accessible to the residents of Irchester. The illustrative layout shows that the eastern section of the route would pass along the edge of a residential estate whilst the western section would pass directly through the new houses. This would be an urban or suburban experience rather than the countryside walk it is at present.
35. Turning to the visual impacts of the proposals, the Council and the appellant agreed at the Inquiry that the visual envelope of the scheme is relatively localised. Nevertheless, as noted above, there are currently extensive views out over predominantly open countryside from Station Road and footpath TL14. The LVIA assessed the visual effects on residents, footpath users and users of Station Road as substantial adverse in the short term, reducing to moderate adverse over time as the proposed planting becomes established.
36. Whilst I agree that the short term effects would be substantial, I do not agree that they would reduce much over time. This is because the adverse effect is on the open character of the landscape. New planting could, over time, soften the appearance of new dwellings but this would not mitigate the loss of the expansive views northwards from Station Road, nor the change in character of the views of the historic village core set amongst trees above the level of the undeveloped valley slopes.
37. Moreover, I saw that fine views of the village and church spire may be obtained from footpath TL18. Whilst those features would remain visible following the proposed development, the scale of the new housing would be a dominant element which would greatly diminish the character and quality of such views.
38. A further factor to consider is the new traffic roundabout which would be provided at the eastern access to the site. This would have an urbanising effect which would erode the rural character of the landscape.
39. The appellant argued that the Council's reason for refusal did not identify harm to the landscape as a specific planning objection. Whilst that may be so, in applying the policies of the development plan to this appeal I am bound to reach my own view on this matter on the basis of the evidence before me and what I saw on site. The appellant also suggested that the Council's landscape and heritage arguments were really one and the same, such that treating them separately would amount to double counting. I do not agree. Box 5.1 of GLVIA3 notes that features of historical interest can add to the value of the landscape as well as having value in their own right. Moreover, imposing church spires have been identified as a characteristic feature of the Northamptonshire Vales National Character Area.
40. It was also contended that harm to the landscape will be an inevitable consequence of the need for greenfield housing sites which is identified in the JCS. On that basis it was suggested that JCS Policy 3 should not be interpreted in an unduly restrictive way. Whilst I accept that most greenfield housing sites

will probably result in some degree of landscape harm, it does not follow that landscape harm in general should attract reduced weight. In my view effects on the landscape should be assessed in the context of Policy 3. The outcome of that assessment should then be balanced against any other relevant objectives of the JCS as part of an overall assessment of a proposal against the development plan as a whole.

41. In conclusion, I consider that the site forms part of a landscape which is to be regarded as a valued landscape in the terms of the Framework. Whilst I have taken account of the LVIA, I find that it understates both landscape and visual effects. To my mind the proposal would result in significant harm to the character and appearance of the area. This is a matter to which significant weight should be attached in the overall balance of planning issues. The proposal would neither retain nor enhance the distinctive qualities of the landscape character areas it would affect, nor would it safeguard important views and vistas. It would therefore conflict with Policy 3 of the JCS.

The effect of the proposal on heritage assets

42. Various heritage assets have been addressed in the evidence. Based on that evidence, I consider that the impacts of relevance to this appeal are impacts on the setting of the Church of St Katherine and on buried archaeological remains within the site.
43. English Heritage (EH)¹⁰ noted that the Church is listed Grade I, placing it within the top 2% of listed buildings in the country. It is therefore a heritage asset which has a high level of significance. It dates mainly from the 13th and 14th centuries and is regarded as a fine example of a parish church in the Perpendicular Gothic style. EH commented that the tall tower and spire rise above the lower buildings of the village making a dramatic visual statement which is particularly striking when viewed across open countryside on entering the village from the east. I agree with that assessment.
44. The significance of the Church as a designated heritage asset resides in a range of factors. These include its historic and architectural interest and its communal role as a place of worship. The Framework defines setting as the surroundings in which a heritage asset is experienced. In this case I consider that the setting of the Church makes an important contribution to its significance. The setting includes the green space of the churchyard, nearby buildings within the historic core of the village and the wider landscape from which it can be seen.
45. The Church is situated on a ridge. Although this is a subtle landscape feature, in this gently undulating terrain it is sufficient to elevate the Church above the general level of its surroundings. Together with the scale of the building, and its tall tower, this results in a landmark which has a commanding presence in the surrounding landscape. The appeal site is an integral part of that landscape. There are many views of the Church from Station Road and footpaths TL14 and TL18 in which the site is either directly within the line of sight to the Church or sufficiently close to it to form an important component of the view.
46. In assessing the impact of the appeal scheme, it is not sufficient simply to consider whether or not the spire could be seen from any given point. At

¹⁰ As it then was

present, not just the spire but the roofs, the upper parts of the Church and part of the east window are widely visible. Moreover, these features are seen in relation to the roofs of older buildings within the historic core of the settlement, interspersed with trees, on a ridge. The open agricultural land which forms the foreground to such views is an important component of the way in which the heritage asset is experienced.

47. The nature of the impact on the setting arising from the appeal scheme would vary from one viewpoint to another. In some cases, such as some views from Station Road and the western section of TL14, the views would be lost altogether or severely curtailed. In others, such as the views from the eastern part of TL14 and from TL18, the Church may still be visible but the surroundings in which it would be experienced would be transformed from a predominantly agricultural scene to a prospect dominated by new housing development in the foreground. My assessment is that the appeal scheme would have a strongly negative impact on the ability to experience the Church in its landscape setting. This would have a negative impact on the overall significance of the Church as a designated heritage asset.
48. The appellant contended that the views lost would represent only a small fraction of the many views of the upper levels of the Church which are possible from around Irchester. In fact, the views lost (or significantly impacted) would be from quite a broad sector, from approximately east to approximately south east. Whilst other views may be available, the appellant's analysis misses the point that the affected views are particularly fine. Moreover, as noted above, they are not just glimpses of a spire. Rather, they are opportunities to experience the whole of the upper parts of the Church in relation to the morphology of the settlement, the land form and the intervening landscape.
49. It was also suggested that the vista of the Church from the east is not identified as an important view in the Irchester Character Appraisal Map, or any policy document. Whilst that may be so, the importance of views from this direction is highlighted in the comments from EH. In any event, mindful of my statutory duty¹¹, I am bound to reach my own view on this matter in the light of all the evidence before me.
50. The appellant argued that there would be some enhancement to views of the Church. The enhancements would occur, it was suggested, because some existing hedges would be removed to make way for the new traffic roundabout and because views of Biscay Close would be screened by new housing. The visual impact of hedges is a factor which varies with the seasons and with management practices in any event. Moreover, as noted above, the traffic roundabout would be an urbanising feature. Whilst the Biscay Close housing is quite prominent, I see no reason to think that the quality of views towards the church would be materially improved by building a great deal more housing to the east, north and west of the existing cul-de-sac. I do not agree that the appeal scheme would result in any material enhancement of the setting of the Church. In my view the effect would be wholly negative.
51. In making an overall assessment it is important to note that other components of significance, such as the fabric and architecture of the Church, would be unaffected. The setting, as experienced from viewpoints in the churchyard or the High Street, would not be materially altered.

¹¹ s66, Planning (Listed Buildings and Conservation Areas) Act 1990

52. Turning to the impact on buried archaeology, I note that trial trenching has been carried out within the appeal site. The illustrative masterplan indicates that part of the area of interest would be left as open space. In respect of the area shown to be developed, the Council is satisfied that the archaeological potential of the site could be adequately protected by a condition. I see no reason to disagree.
53. To conclude on the third main issue, I consider that the proposal would fail to preserve the setting of the Church of St Katherine. It would conflict with Policy 2 of the JCS which seeks to protect key views of heritage assets, including the church spires along the Nene Valley. In the terms of the Framework, the harm to the significance of the Church would be '*less than substantial*'. Nevertheless, the Framework states that great weight should be given to the conservation of designated heritage assets. Harm which is less than substantial is not to be equated with harm which is minor or unimportant. For the reasons given above, in this case the harm is a matter to which considerable importance should be attached. Paragraph 134 of the Framework requires such harm to be balanced against any public benefits of the scheme. I return to that balance in the conclusion to my decision.

Other matters

Social and economic benefits

54. The site is not subject to any obvious physical constraints and there is no reason to doubt that it would be able to make a meaningful contribution to the supply of housing. Notwithstanding the existence of a 5 year supply in Wellingborough, this is a benefit to which significant weight should be attached, bearing in mind the Framework's emphasis on boosting the supply of housing.
55. There was evidence before the Inquiry regarding previous under-delivery. The Council and the appellant agreed that this is a planning authority where the Framework indicates that a 20% buffer should be added to the required supply. In the 5 years from April 2011 (the start of the plan period) there has been an undersupply of 493 dwellings against the JCS requirement of 350 dwellings per annum. Allowing for this undersupply, and the buffer, an average of 538 dwellings per year will be needed over the next 5 years. This would be a step change from previous delivery rates. The JCS Inspector concluded that the JCS (as a whole) proposes an ambitious but realistic scale of new housing¹². Against this background, additional supply (above the identified 5 year supply) is to be welcomed.
56. The proposal would also deliver 40% of the units as affordable housing in accordance with JCS Policy 30. The Council argued that the affordable housing ought to be secured by a planning obligation, whereas the appellant argued that it could be secured by a planning condition. I note that the Secretary of State, in allowing an appeal relating to housing at Earls Barton, saw fit to impose a condition to cover the delivery of affordable housing¹³. I see no reason why the appeal scheme should be treated differently. I therefore accept that the proposed affordable units could be appropriately secured by a condition and that the scheme would accord with the JCS in this regard. Given

¹² CD19, paragraph 37

¹³ APP/H2835/A/14/2221102, Condition 11

the pressing need for affordable housing, this would be an important social benefit.

57. The proposed houses would also bring economic benefits, including employment during the construction phase and additional spending in the local economy from new residents.

The retail unit

58. The description of development includes the option of a retail unit. There was very little evidence before the Inquiry about this aspect of the proposal, although some residents are concerned about potential noise and disturbance. I consider that the potential impacts on neighbouring residents could be addressed through detailed design measures at reserved matters stage and through the imposition of appropriate conditions. Consequently, I regard the retail unit as a factor which does not add materially to the case either for or against the appeal.

Traffic and highways considerations

59. Some local residents are concerned about traffic conditions in the locality which may be made worse by the scheme. The highway authority is satisfied that the proposed means of access (which is not a reserved matter) would comply with highway standards. The application was supported by a transport assessment which considered the impacts on other parts of the existing highway network and made recommendations for improvements at two junctions. This is a matter which could be covered by a condition. The scale of development proposed, and hence its likely traffic generation, is consistent with the JCS.

Flood risk and drainage

60. The Environment Agency has raised no objection on grounds of flood risk. Local residents described the problems which have arisen with the capacity of the existing foul drainage infrastructure which crosses the appeal site. If the site were developed, there would be an opportunity to upgrade this system. This is a matter which could be covered by a condition.

Habitats Regulations

61. The appeal site is about 1.5km from the Upper Nene Valley Gravel Pits which are subject to European and National nature conservation designations. They are designated as a Special Protection Area, a Ramsar site and a Site of Special Scientific Interest. Potential impacts on the interest features of the designated areas may arise as a result of increased public access for recreation leading to disturbance of bird populations. No Habitats Regulations Assessment was provided by the appellant – presumably because none was requested at the time the application was submitted.
62. Natural England (NE) responded to the planning application in June 2014, commenting that it had no objection in relation to the designated sites on the basis that the number of additional visitors from the appeal scheme would be low in relation to current visitor numbers¹⁴. On that basis, NE advised that there was unlikely to be a significant effect on the European site.

¹⁴ LPA3

63. By a subsequent email dated 26 July 2016¹⁵, NE advised that further work had been carried out on the in-combination effects of housing within 3km of the designated site. NE now considers that there would be an in-combination effect arising from the appeal scheme together with other plans and projects. Accordingly, NE considers that mitigation would be required and suggests a financial contribution of £269.44 per dwelling. Whilst the UU includes provision for the payment of this sum, the appellant does not consider that the obligation accords with the CIL Regulations. I share that view because there was no detail of the mitigation proposals before the Inquiry. Not only does this fail to meet the CIL Regulations, it does not enable me to assess the effectiveness of the mitigation envisaged.
64. Had I been minded to allow the appeal, the information before me would not have been sufficient to enable me to discharge my duties under the Habitats Regulations¹⁶. I do not regard this as a matter weighing against the appeal because, had I been minded to allow it, I could have sought further information. However, as I have decided that the appeal should be dismissed for other reasons it has not been necessary for me to do that.

Conclusions

65. The proposal would contribute to a sustainable pattern of development and would accord with JCS Policies 11 and 29. It would contribute to meeting the housing requirements contained in JCS Table 5 and would comply with Policy 30 in relation to the provision of affordable housing.
66. On the other hand, it would result in significant harm to the character and appearance of the area and would conflict with JCS Policy 3. Moreover, it would fail to preserve the setting of the Church of St Katherine and would conflict with JCS Policy 2. In my view these conflicts would be of such significance and weight that the scheme should be regarded as being contrary to the development plan as a whole.
67. In the terms of the Framework, the harm to the significance of the Church would be less than substantial. Nevertheless, I consider that the harm is a matter to which considerable importance should be attached. Paragraph 134 of the Framework requires such harm to be balanced against any public benefits of the scheme. In my view the social and economic benefits of the scheme are insufficient to outweigh the harm to the significance of the designated heritage asset. The proposal would not therefore accord with the Framework in relation to the historic environment.
68. Turning to the matter of sustainable development, as defined in paragraph 6 of the Framework, I take account of the social and economic benefits resulting from the delivery of housing. However, these would be insufficient to outweigh the environmental harm in relation to the landscape and the historic environment. It follows that the proposal would not represent sustainable development.
69. My overall assessment is that the proposal would conflict with the JCS. I have not identified any other considerations which indicate that the appeal should be determined other than in accordance with the development plan.

¹⁵ APP3

¹⁶ Conservation of Habitats and Species Regulations 2010

70. For the above reasons, the appeal should be dismissed.

David Prentis

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Simon Aley	Solicitor, District Law Legal Services
He called	
Elizabeth Mee	Heritage Consultant
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Joanna Ede	Technical Director, The Landscape Partnership
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BSc MSc MRTPI AICP	
Maxine Simmons	Principal Planning and Building Control Manager
BSc(Hons) DipTP MRTPI	

FOR THE APPELLANT:

Giles Cannock	of Counsel, instructed by MHB Planning Ltd
He called	
Andrew Brown	Director, Woodhall Planning and Conservation
BA BArch MSc MRTPI	
IHBC	
Suzanne Clampin	Associate, rg+p Ltd
BSc(Hons) DipLA CMLI	
John Turner	Turner Morum Chartered Surveyors
BSc(Hons) MRICS	
Martin Bagshaw	Director, MHB Planning Ltd
BA(Hons) BTP MRTPI	

INTERESTED PERSONS:

Pamela Armstrong	Chair, Irchester Parish Council
Cllr Jon-Paul Carr	Member of Wellingborough Borough Council, Irchester Parish Councillor, Chair of Neighbourhood Plan Steering Group
Tony Skipper	Local Resident and member of Neighbourhood Plan Steering Group
R Hunt	Local resident

Save Irchester Village

David Mole
Tony Lyel
Janice Arnold
Ann Edgecombe
Simon Davies

DOCUMENTS SUBMITTED AT THE INQUIRY

	<i>Documents submitted by the Council</i>
LPA1	Opening submissions
LPA2	Map showing locations of Irchester planning appeals
LPA3	Bundle of documents relating to Upper Nene Gravel Pits Special Protection Area
LPA4	Letter of 27 July 2016 enclosing copy of adoption statement for the JCS
LPA5	Email from NHS Hertfordshire dated 3 July 2014
LPA6	Closing submissions
LPA7	MacTaggart and Mickel Homes Ltd v SSCLG and South Somerset District Council [2016]
	<i>Documents submitted by the appellant</i>
APP1	Opening submissions
APP2	Historic Landscape Character Assessment
APP3	Email from Natural England dated 26 July 2016
APP4	Draft condition – highway mitigation measures
APP5	Plan referred to in draft condition – archaeology
APP6	Closing submissions
APP7	Unilateral Undertaking dated 1 August 2016
	<i>Agreed documents</i>
SoCG1	Statement of Common Ground on Housing Land Requirement and Supply
SoCG2	Statement of Common Ground (General)
SoCG3	Exchange of emails and additional information to the Statement of Common Ground
	<i>Additional Core Documents</i>
CD15	Extracts from emerging JCS (February 2016)
CD16	St Modwen Developments Ltd v SSCLG [2016] EWHC 968
CD17	Daventry District Council v SSCLG [2015] EWHC 3459
CD18	Adopted JCS (July 2016)
CD19	Inspector’s report on examination of the JCS
CD20	List of extant policies as of 14 July 2016
	<i>Other statements</i>
	Statement of Janice Arnold
	Statement of Tony Lyel
	Statement of Ann Edgecombe
	Statement of David Mole
	Statement of Pamela Armstrong
	Statement of Cllr Jon-Paul Carr
	Statement of Mrs Hunt
	Statement of Simon Davies