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## Appeal Decision

Site visit made on 30 August 2016

by **Richard Aston BSc (Hons) DipTP MRTPI**

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

Decision date: 4<sup>th</sup> November 2016

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**Appeal Ref: APP/U2805/W/16/3147966**

**Street Record, Fullen Lane, Gretton, Northamptonshire NN17 3BX**

- 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 Ms Susan Welsh against the decision of Corby Borough Council.
  - The application Ref 13/00092/OUT, dated 1 July 2014, was refused by notice dated 25 January 2016.
  - The development proposed is described as '*outline application for up to 14 affordable dwellings and associated works with access onto Fullen Lane/Southfield Road at Street Record, Fullen Lane, Gretton, Northamptonshire*'.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Ms Susan Welsh against Corby Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was submitted in outline form and the application form makes it clear that all matters are reserved for future consideration apart from 'Access'. The submitted 'Proposed Development Plan' is not entitled 'Indicative' but as all matters are reserved, apart from access, I have determined the appeal on the basis that the plan is indicative.
  4. The description of development is different on the appeal form to the application form. The appeal form relates to 14 'affordable' dwellings and it is clear that it is on this basis that the Council made its decision. I have therefore amended the description in line with the appeal form.
  5. Since the appeal was submitted, Policies 1, 9, 10 and 13 of the North Northamptonshire Core Spatial Strategy ('NCSS') as referred to in the Council's reason for refusal, have been superseded by Policies in the North Northamptonshire Joint Core Strategy 2011 – 2031 ('JCS') which was adopted by the Council in July 2016. With regard to the appeal the Council has confirmed that Policies 1, 3, 11, 13, 29 and 30 are applicable to this appeal and I have been provided with those policies. I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decision and accordingly I have determined the appeal on that basis.
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## **Main Issues**

6. The main issues are:

- Whether the proposal would provide a suitable site for housing, having regard to its location and the character and appearance of the area.
- The effect of the proposal on highway safety.

## **Reasons**

### *Suitable site for housing*

7. Policy 1 of the JCS sets out a presumption in favour of sustainable development. When read in combination with Policies 11, 13 and 29 they establish a settlement hierarchy which aims to direct development to the most sustainable settlements. In rural areas Policy 11 of the JCS 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. Sites adjoining villages 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 I have not been made aware of any drafts of such plans.
8. As an exception to the rural policy of restraint Policy 13 of the JCS identifies the special circumstances in which development adjoining established settlements will be supported. In relation to residential development and amongst other things, the scale and nature of development must be appropriate to its surroundings, schemes need to meet an identified local need and be purely affordable housing unless an element of market housing supports delivery.
9. The application site is a roughly square piece of agricultural land located outside of the village of Gretton. The site is located off Fullen Lane which is a private farm track accessed from Southfield Road. It is partly surrounded by open countryside and by the rear gardens of properties within Finch Hatton Drive and it would therefore adjoin an existing settlement. Despite the contention that the land was previously being used as allotments, I have no substantive evidence before me that demonstrates it should be considered as 'Previously Developed Land' as set out in Annexe 2: Glossary to the National Planning Policy Framework ('the Framework').
10. The residential gardens of properties in Finch Hatton Drive provide a soft edge and it is garden land rather than built development which forms the boundary between settlement and countryside. The appeal site has a sense of spaciousness and openness that positively contributes to the open and relatively undeveloped character and appearance of the area beyond the built up area of the settlement.
11. Any development on the appeal site would undoubtedly be seen as falling outside the built up area of the settlement. The introduction of a much harder edge to the settlement would result in a considerable presence of development, beyond the settlement boundary when viewed from the rear gardens of properties in Finch Hatton Drive and from the open countryside surrounding the site.

12. Furthermore, although matters of the scheme would fall to be assessed in greater detail at a later stage, in trying to achieve an appropriate scheme at the reserved matters stage for fourteen dwellings, there are a limited number of ways in which the appeal site could be developed. Moreover, because of the shape, size and nature of the site such buildings are highly likely to end up being uncharacteristically close to the side and rear boundaries.
13. In my view, such development would be uncharacteristically enclosed by built form, dominated by hard elements such as parking spaces and devoid of sufficient space for soft landscaping. It would appear as an alien and uncharacteristic intrusion into this open area that would be at serious odds with the spacious and open quality of the appeal site and the character and appearance of the area. I do not consider that this harm could be mitigated by additional landscaping in the form of new hedgerows and tree planting.
14. The appellant has indicated that the scheme would provide 14 affordable units and I note that there appears to be some support from the Council's Housing Strategy Manager. However, I have only been provided with a draft copy of a S106 legal agreement and therefore I cannot be satisfied there are means of securing the proposal as purely affordable housing, as required by Policy 13 of the JCS.
15. For these reasons, in locating new housing away from the larger settlements the proposal would undermine the spatial strategy of the JCS, would not secure purely affordable housing and would result in significant harm to the character and appearance of the area. Accordingly, it would not be a suitable site for housing and the proposal would conflict with Policies 1, 3, 11, 13 and 29 of the JCS insofar as these require development to be in accordance with an adopted spatial strategy, rural exception schemes to be for purely affordable housing, conserve landscape character and be appropriate to its surroundings.
16. Although the blanket protection of the countryside is not supported by the Framework I find these policies are consistent with the Framework insofar as the presumption in favour of sustainable development, the need to recognise the intrinsic character and beauty of the countryside, local character and that good design is indivisible from good planning. The proposal would therefore conflict with the Framework and it would also conflict with the Framework's objectives of decision taking being genuinely plan led.

#### *Highway safety*

17. The Council's concerns relate to the use of a relatively short section of an existing Public Right of Way ('RoW') along Fullen Lane that leads to Kirby Lodge. The section of RoW in this case is relatively short and of a sufficient width with adequate visibility in both directions so that there would be very limited conflict between potential users. Moreover, the existing RoW is already used by farm vehicles and I have been provided with no evidence of any particular safety issues or accidents. Overall, I do not consider that the amount of trips generated by the two houses which would need to be accessed from the RoW, by the type of vehicles typically associated with such development and travelling at such low speeds across such a short stretch of the RoW, would be harmful to the safety of its users.
18. For these reasons, the proposal would not cause harm to highway safety in terms of conflict with users of the RoW and the details of which could be

satisfactorily addressed by conditions. It would not therefore conflict with Policy 13 of the JCS or the Framework, insofar as these policies require development to not affect highway safety.

### **Other Matters**

19. I have been referred to an appeal at Church Piece, Willow Lane, Stanion (ref APP/U2805/W/15/3035908). In carrying out the appropriate balancing exercise in that case, the Inspector concluded that the environmental effects do not significantly and demonstrably outweigh the benefits of the proposal. I have reached a different conclusion on the planning merits of the proposal before me and therefore the decision is not directly comparable. Because each case must be determined on its own merits it does not therefore alter my view in relation to the main issue.
20. I also acknowledge the appellant's apparent frustration concerning pre-application discussions and the handling of the application. However, the administration and determination of the application by the Council are not matters for me to address as part of this appeal.

### *Planning balance and overall conclusions*

21. There is some disagreement as to whether the Council can demonstrate a deliverable five year supply of housing land. The appellant considers that in the absence of such that the appeal should be considered on its own merits in the light of sustainable development as set out in the Framework. Whilst the evidence before me does not enable me to reach a definitive conclusion in relation to the housing land supply position I am mindful that the Inspector's examination into the JCS concluded that there is a 6.24<sup>1</sup> year supply of housing land.
22. Fourteen houses comprising a mixture of unit sizes would provide a limited contribution to the supply of housing in a not unsustainable location and some further support for local services and facilities. Furthermore, there would also be some limited economic benefits during construction and financial benefits from the New Homes Bonus. However, I have found that the development would cause significant harm to the character and appearance of the area and would be unlikely to result in a high quality built environment. Furthermore, it would undermine the spatial strategy within the JCS, which has only recently been adopted.
23. Even if I were to conclude there is a shortfall in five year supply of the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up to date, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore be the sustainable development for which the Framework indicates a presumption in favour.
24. Drawing these conclusions together, I have found no harm to highway safety and the scheme would provide a suitable housing mix of smaller properties. Although there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole and the Framework. For the reasons set out above and having

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<sup>1</sup> Page 7 of Council's Response to Grounds of Appeal.

considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR

Richborough Estates