



Appeal Decision

Inquiry held on 4-6 September 2012

Site visit made on 5 September 2012

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 19 October 2012

Appeal Ref: APP/Y2810/A/12/2174386

Land to the West of Station Road, Long Buckby, 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 Hallam Land Management Ltd against the decision of Daventry District Council.
 - The application Ref DA/2011/0726, dated 31 August 2011, was refused by notice dated 14 March 2012.
 - The development proposed is development of 9.6ha of land to provide up to 132 new homes, 4,000 sq m of employment floorspace (use class B1) and associated areas of landscaping and open space; reservation of land for additional car parking spaces for Long Buckby Station.
-

Decision

1. The appeal is allowed and planning permission is granted for development of 9.6ha of land to provide up to 132 new homes, 4,000 sq m of employment floorspace (use class B1) and associated areas of landscaping and open space; reservation of land for additional car parking spaces for Long Buckby Station at Land to the West of Station Road, Long Buckby, Northamptonshire in accordance with the terms of the application, Ref DA/2011/0726, dated 31 August 2011, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) Applications for approval of the reserved matters shall substantially accord with the Illustrative Masterplan (4584-PL-02 REV D) and the Design and Access Statement (August 2011) submitted with the planning application. The development shall include no more than 132 dwellings and no more than 4,000 sq m of B1 floorspace.

- 5) Details of the finished floor levels of the buildings shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the development shall be carried out in accordance with the agreed details.
- 6) Details of the station car parking layout and associated lighting shall be submitted to and approved in writing prior to the commencement of development. The car park layout and associated lighting shall not be carried out otherwise than in accordance with the approved details.
- 7) No development shall commence until full details of the drainage of the site, including a foul and surface water drainage scheme, have been submitted to and approved in writing by the local planning authority. No construction work creating surface water run-off shall be carried out and no dwelling shall be occupied until the required drainage has been provided in accordance with the approved details. The development shall only be carried out in accordance with the submitted Flood Risk Assessment (September 2011).
- 8) No part of the development hereby approved shall commence until the improvement works at A5/Station Road, Long Buckby crossroads have been fully completed as shown on PBA drawing '13814/202/007 - Figure 6 - 1 April 2011 - Potential Mitigation - A5/Station Road/B4036 Long Buckby Road Junction' (subject to any revisions resulting from the implementation of the recommendations in the Road Safety Audit which shall have been submitted to and approved in writing by the local planning authority).
- 9) No development shall commence on site until the proposed site access junction and associated infrastructure (including ancillary works) have been fully completed in accordance with drawing '13814/Figure 05 Revision B - 15 February 2012 - Proposed Site Access Design, With Ghost Island Right Turn Lane'.
- 10) No development shall commence until a noise mitigation scheme for the parts of the site that are exposed to noise levels greater than 55dB (daytime) and 45dB (night-time), as identified in the noise assessment carried out by Peter Brett Associates (March 2011), has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the work and mitigation measures as agreed are carried out in accordance with the approved plans. Mitigation shall include consideration of layout of properties and location of habitable rooms.
- 11) No development shall commence until full details of the boundary treatments, including fences and lockable access gates on the southern boundary with Network Rail land, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 12) No development shall commence until the implementation of an archaeological watching brief is secured in accordance with an agreed programme specified in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.

Procedural Matters

2. At the inquiry a completed legal agreement containing planning obligations pursuant to section 106 of the Act was submitted.
3. The appeal relates to an outline planning application with all matters reserved other than means of access.
4. At the opening of the inquiry I raised the matter of a separate appeal which had been made against the Council's refusal of permission for a mixed use development on Land to the East Side of Station Road (appeal ref APP/Y2810/A/12/2180530). This was anticipated to be the subject of a public inquiry in November, although the date was yet to be confirmed. On the basis of the site's proximity and that the proposal appeared to raise issues similar to those of the current appeal, I invited views on whether the two appeals should be heard at a single inquiry.
5. No party expressed support for postponement of the current inquiry, and the Council further advised that it raised no consistency or cumulative impact case against this proposal. However, a representative for the appellant on the later appeal requested that my decision be delayed until after the second inquiry in order to allow that appeal to be fully taken into account as a material consideration. This was opposed by the current appellant on the basis of the implication that matters emerging from the second inquiry would affect my decision on this appeal.
6. After hearing the submissions I ruled that the current inquiry would proceed as arranged, and advised that in the normal course of events it could be expected that my decision would be issued prior to the second inquiry. However, in recognition that the second appeal was a material consideration in the current case, I set out a reserve position that I would form a view before closing the inquiry, based on the evidence then before me, on whether further consideration of matters of consistency and cumulative impact was necessary before making my decision. In the event the evidence did not warrant this, and no submissions were made to the contrary.

Main Issue

7. The main issue is whether the principle of the proposed development on this site outside the village confines is acceptable having regard to the housing land supply situation in the District, the effect the proposal would have on the character and landscape of the village and its surroundings, and sustainable development considerations.

Reasons

Development plan

8. The site comprises agricultural land adjacent to the built-up area on the southern edge of the village of Long Buckby. Policy HS11 of the Daventry District Local Plan 2007 defines Long Buckby as a limited development village. In such villages planning permission will be granted for restricted categories of residential development. Under policy HS18, permission for residential development will not normally be granted outside the existing confines of the village as defined on the proposals map other than on sites specifically identified in the Local Plan. The appeal site is outside the confines of Long

Buckby and not identified as a development site. The proposal is in conflict with these parts of the development plan.

Housing land supply

9. The National Planning Policy Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements. There should be an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The buffer should be increased to 20% where there has been a record of persistent under delivery of housing.
10. There was substantial agreement on the housing land supply situation in the District during the inquiry. This includes that the housing provision requirement for the period from 2001 to 2026 should derive from the East Midlands Regional Plan 2009. There has been a sustained large shortfall in completions against the annual target of 540 dwellings per year, and it is common ground that the 20% buffer should apply. The supply of identified deliverable sites was also agreed. From these starting points the estimates of the 5 year supply position put forward at the inquiry were 1.78 years for the Council and 1 year for the appellant.
11. The Council's estimate was accepted as being a best case, and utilises inputs in two areas which differ from the appellant's. Firstly, the shortfall in completions to date is rolled forward over the remaining plan period to 2026, whereas the appellant assumes it should be made up in the first 5 years. There is no firm policy guidance on the correct approach in this respect. However, the emphasis of the Framework is to boost significantly the supply of housing, which implies dealing with a backlog as soon as possible. No strong local reason is established for offsetting the remaining requirement into the longer term. The appellant's approach of adding the backlog to the 5 year requirement is therefore preferred.
12. The second area of disagreement on supply is with respect to windfalls. The Framework indicates that local planning authorities can make an allowance for these in the 5 year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends. The Council's estimate is a projection forward of the average in recent years but does not appear to be based on a robust assessment of whether this is likely to be maintained. The appellant's lower figure excludes delivery on residential gardens, which the Framework requires should not be included. The evidence in support of the Council's higher figure is not compelling.
13. The Council's written evidence included a calculation of a higher current level of housing land supply based on the lower housing requirement figures in the emerging West Northamptonshire Joint Core Strategy. However, the weight to be attached to the Core Strategy at the current pre-submission consultation stage is limited. At the inquiry it was accepted by the Council that the figures in the Regional Plan should be used, with this carrying full weight as part of the development plan notwithstanding the proposed future abolition of Regional Strategies.

14. I therefore find the appellant's estimate of a 1 year housing land supply to be the most reliable assessment of the current position. There is thus a substantial shortfall in housing land supply against the 5 year requirement.
15. According to paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. There is agreement between the main parties that policies HS11 and HS18 are housing land policies which were drawn up based on pre-Regional Plan delivery figures, and are now out-of-date having regard to the advice of the Framework.

Character and appearance

16. Immediately to the north-east of the site are residential properties on Rockhill Road and Ryehill Close. The south-west boundary of the site is a hedgerow, dividing it from an assortment of industrial and employment use buildings alongside the elevated Northampton to Rugby railway line which lies immediately beyond. Long Buckby Station is to the south on the east side of Station Road. There are further commercial units on the west side of the road to the south of the railway line.
17. In addition to its Station Road frontage, the site is therefore bounded by existing physical development features to the north-east and south-west, and there is other development in the vicinity. Nevertheless, it is currently an arable field which is crossed by a public footpath, and agricultural land continues towards the north-west beyond a hedgerow. While arguing that the setting gives the site a more urban than open countryside landscape character, the appellant accepts that the development of a greenfield site outside the village would involve a degree of harm by way of erosion of countryside. The Framework requires recognition of the intrinsic character and beauty of the countryside.
18. The Long Buckby Village Design Statement was drawn up locally and adopted by the Council as a supplementary planning document in 2008. As such it carries weight, but it was prepared with an expectation based on the Local Plan that the village would not grow significantly and that new development would be limited. Since the relevant policies of the Local Plan are now out-of-date based on guidance in the Framework, this new policy context reduces the weight that can be given to the Statement in that respect.
19. The Statement identifies that the village stands on a spur of land, giving a hill-top nature to the settlement. In response to this, recommendation S5 is that any future extensions to the village shall be kept to the higher ground and near to the village centre. The appellant is critical of this recommendation on the basis of the potential harmful impact of accommodating significant development on higher ground to the north or east of the village. However, the recommendation can be taken as reflecting the scale of development anticipated by the Statement, and the criticism does not undermine the validity of the hill-top character as an important feature. The Statement also identifies key views out of the village which are enabled by the topography, and recommendation L3 is that these shall be maintained and enhanced and not obscured by new development. These include views from Station Road which cross the south-east side of the appeal site, and views from the public footpath which cross its north-west side.

20. The site rises up from the railway line towards the built-up edge of the village. Seen across the site from the south the rears of properties and ancillary structures are exposed, giving this edge of the settlement a somewhat bare, undistinguished appearance. It nevertheless provides what is no doubt a locally familiar scene that marks the start of the village and indicates the setting of this on higher ground, albeit the view is seen over a relatively short distance.
21. The proposal includes landscaping along this north-east boundary. The vegetation screen would create a softer setting which would accord with the soft boundaries to development on the edge of the village sought by recommendation L1 of the Statement, while still retaining the sense of elevation towards the existing built development along Station Road. The new development would be set well back from the edge of Station Road. Approaching from the south it would not be obtrusive.
22. Travelling southwards on leaving the village the lower agricultural land of the site immediately beyond the existing built-up edge currently reinforces a sense of the hill-top setting. The infilling by new development up to the railway embankment would weaken this quality, and the existing open field nature of the footpath would be lost. However, the development would be set outside the view corridors identified in the Statement, with the exception of the reserve parking land which would be on a low part of the site and capable of screening. Together with the proposed restricted building heights this would retain views across and to the sides of the new buildings to the countryside beyond, including to the landmark of Borough Hill. Existing roadside hedge would be removed, but the layout would provide the opportunity for a public green space and visual interest features on this gateway to the village and route to the railway station, which can be regarded as positive features of the development.
23. In recommending the appeal site for allocation in the Local Plan, which was not taken up by the Council, the Local Plan Inspector in 1995 concluded that its development would not be out of character with either the form of the village or its immediate surrounds. This was based on his findings that there could be a visual improvement on the current raw edge of development on the rising ground, and that there would not be any appreciable loss of the sense of the countryside because of the containment of the site between the village and the railway embankment. With the form and layout of the proposed development in accordance with the illustrative Masterplan, which could be secured by condition, and the mitigation of impact that this would enable, I largely agree with these findings. However, having the benefit of the character assessment provided in the Statement, I recognise a limited element of harm to the hill-top character of the village as well as the harm from the loss of countryside which is accepted by the appellant.

Sustainable development

24. The village of Long Buckby is one of the largest in the District, with a population of over 4,000. It has a range of local services and facilities. The development would be within reasonable walking and cycling distance of the centre. In addition, it is very close to the railway station, and bus services pass the site. The location therefore offers opportunities for non-car travel.
25. The scheme includes employment floorspace. The quantum of this has not been specifically justified as being to meet local needs. However, it is relatively

modest in scale, and the employment buildings would be located on an appropriate part of the site near to existing commercial uses and the railway line. The Framework advises support for the sustainable growth and expansion of all types of business and enterprise in rural areas. As an element of the overall scheme and in the context of the village it appears that the employment floorspace offers positive benefits as part of a mixed use development, which offsets fears about additional commuting. The circumstances warrant an exception to the restrictive approach to business development of policies EM9 and EM16 of the Local Plan.

26. The provision of additional parking associated with the railway station is regarded by the Council as a benefit in terms of reducing parking problems in the village resulting from commuters using the station. It raises no specific objections to this element of the proposal.
27. There is extensive local concern expressed through written representations and at the inquiry about what is seen as an undesirable growth of the village with respect to the effect this would have on the character of the community. References are made to the degree to which its population has already expanded in recent years. Social and community impact does not form part of the Council's case against the proposal, but the involvement of local people in planning their neighbourhoods is an objective of the Framework. However, to be balanced against the concern about the scale of expansion is the serious shortfall in housing land supply in the District and that the restrictive Local Plan housing land policies are out-of-date. An adopted plan-led approach to accommodating new development through the Daventry District Settlements and Countryside Local Plan is not expected to be available until February 2015.
28. With regard to suggestions that local infrastructure is inadequate to accommodate the proposal, financial contributions by way of planning obligations would address deficiencies identified by relevant providers of education and health services to the extent that these would arise from the development. The proposal includes open space and green infrastructure provision, which would provide opportunities for integration with the existing settlement. It can be expected that, through the reserved matters process, the details of the development would meet the development management requirements of the Local Plan, especially as set out in policy EN42, achieving a development of high quality that draws on local distinctiveness.
29. There is local concern about traffic and highways impact. Objectors have provided information on traffic flows, speeds and accidents. This does not appear to be incompatible with the appellant's survey and assessment material which provided the basis for the local highway authority's conclusion that the impact of the proposal would be acceptable. Traffic calming would be provided on Station Road which would be a local benefit. The access works together with improvements at the A5/Station Road junction, required by the Highways Agency, could be secured by conditions. Concerns regarding present and future HGV traffic generated by a nearby grain silo, the traffic and parking effects of other local uses, and the gradient of Station Road are noted. However, these do not provide firm grounds to conclude that significant adverse capacity or safety issues would arise from the proposal, or that the findings of the local highway authority are not soundly based.
30. There is no substantive evidence to suggest that allowing the current proposal would prejudice the development of other land, or that this development

should not be permitted pending another site coming forward. This includes the current appeal proposal on Land to the East Side of Station Road.

31. Concerns about the scale of the proposal and the local changes that this would bring about are understood. The evident degree to which the development would be perceived as an unwelcome local change and therefore not form part of a local vision can be identified as an adverse impact of allowing the proposal. However, assessed on its planning merits the proposal is not disproportionate to the size of the village in a way that would undermine the principles of sustainable development, and it can be regarded as sustainable when considered against the policies as a whole in the Framework.

Obligations and conditions

32. The legal agreement contains obligations on financial contributions towards health and education facilities, highway works, rail station improvements, and fire and rescue facilities. The supporting information indicates how the sums have been calculated and where they would be spent in meeting needs that would arise from the development, including by reference to supplementary guidance. In addition, obligations relating to provision for open space, affordable housing, station car parking and sustainable travel would ensure a satisfactory mixed development that meets relevant policy objectives. The obligations in the agreement have been appropriately justified and can be given weight in support of the proposal.
33. Suggested conditions were agreed between the main parties at the inquiry. Requirements relevant to an outline permission are needed. To ensure that the scheme is implemented as proposed and assessed, the reserved matters should be in substantial accordance with the submitted Masterplan and Design and Access Statement. Any variations on these would need to be addressed through the reserved matters, and separate provision for amendments is unnecessary. To provide for certainty, the permission should be restricted to the maximum scale applied for, which can appropriately be added to this condition.
34. Specific conditions on building levels and the station car parking (including lighting) are needed in view of the significance of these aspects to the landscape impact of the development. Drainage details should be approved and the development carried out in accordance with the submitted Flood Risk Assessment as sought by the Environment Agency. The agreed access and mitigation works should be implemented to safeguard highways conditions. Noise mitigation is needed due to the proximity of the railway. The safety implications of this relationship together with amenity considerations warrant control over boundary treatments. The archaeological evidence justifies a watching brief condition to safeguard this.

Overall balance

35. I have taken into account all other matters raised, including the objection made by Chris Heaton-Harris, the Member of Parliament for Daventry.
36. The Framework sets out a presumption in favour of sustainable development. Where relevant policies in the development plan are out-of-date, as in this case, it indicates that permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against its policies taken as a whole, or specific

policies in the Framework indicate development should be restricted. In this case there would be some harm from loss of countryside and erosion of the hill-top character of the village, and there is widespread local concern about the impact of the scale of development on the nature of the village community. However, it would be a sustainable development that would add to the supply of housing land in a District which has a serious shortfall. These factors carry substantial weight, overriding the conflict with the development plan. The balance lies in favour of granting permission.

Conclusion

37. For the reasons given above I conclude that the appeal should be allowed.

T G Phillimore

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard of Counsel Instructed by Sharpe Pritchard Solicitors

He called:

Philip Smith BA(Hons) Director, Brian Barber Associates
DipTRP MRTPI

FOR THE APPELLANT:

Thomas Hill QC Instructed by Peter Glazebrook, Hallam Land
Management Limited

He called:

Phil Rech BA Phil CMLI Director, FPCR Environment and Design Ltd

Jane Gardner BA(Hons) Director, Marrons Solicitors and Planning
MRTPI Consultants

INTERESTED PERSONS:

Peter Taylor	Representing The Grandfield Partnership
Councillor Chris Millar	District Councillor and Leader of the Council
Councillor Steve Osborne	District Councillor and Parish Councillor
Elizabeth Barnard	Local resident
Nicholas Kates	Local resident
David Stoddart	Parish Councillor
John Woolham	Local resident
Matthew Kinross	Local resident
Rev Canon Clive Evans	Vicar of St Lawrence's Church and local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Joint note on housing land supply
- 2 Joint note on section 106 obligations
- 3 Bundle of third party documents submitted by Buckby Residents Against Controversial Estates
- 4 Extract from Daventry District Local Plan Inspector's Report 1995
- 5 SHLAA sites plan - D26 Long Buckby
- 6 Bundle of 3 appeal decisions, submitted by appellant
- 7 Letter from Chadwick McRae dated 17 August 2012, submitted by appellant
- 8 Petition against the proposal
- 9 Draft section 106 agreement
- 10 Mrs Gardner's corrected Appendix 17
- 11 Extract from Pre-Submission version of the West Northamptonshire Joint Core Strategy July 2012
- 12 Corrected version of Mr Rech's Appendix 2 Figure 6
- 13 Revised Land Supply Table from Mr Smith's Appendix 5
- 14 Marrons' approach to housing land supply - amended table

- 15 Bundle of documents relating to Land to East Side of Station Road, Long Buckby
- 16 Northamptonshire County Council Planning Obligations Framework and Guidance March 2011
- 17 Daventry District Council Interim Supplementary Planning Document on Infrastructure September 2004
- 18 Design and Access Statement August 2011 – A3 version
- 19 Section 106 agreement dated 5 September 2012
- 20 Appellant’s highways note prepared by Peter Brett Associates dated 5 September 2012
- 21 Closing remarks by Rev Canon Clive Evans
- 22 Council’s closing submissions
- 23 Appellant’s closing submissions
- 24 Agreed conditions

Richborough Estates