

---

## Appeal Decision

Site visit made on 3 February 2014

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 25 February 2014

---

**Appeal Ref: APP/Y2810/A/13/2209682**

**Land north of Daventry Road, Staverton, Northamptonshire NN11 6JH**

- 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 G Goode against the decision of Daventry District Council.
  - The application Ref DA/2013/0646, dated 20 August 2013, was refused by notice dated 18 November 2013.
  - The development proposed is described in the application form as: *Outline application for the residential development of land north of Daventry Road/Badby Lane, Staverton.*
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application for outline permission is made on the basis that access is for consideration whereas appearance, landscaping, layout and scale are reserved matters for future determination. An indicative layout plan was submitted with the application. The drawing illustrates four detached dwellings and an access from Daventry Road. I will consider the planning merits of the appeal on this basis.

### Reasons

3. The main issues are the following:
  - firstly, consideration of the principle of the development in this location,
  - secondly, whether the residential development of the appeal site would preserve or enhance the character or appearance of the Staverton Conservation Area (CA) and, linked to that, the effect of the development upon the setting of the Church of St Mary which is a grade I listed building,
  - thirdly, whether or not the development would represent a sustainable form of development having particular regard to the location of the site, and
  - fourthly, whether there is a suitable housing land supply.

*The principle of the residential development of the site*

4. Saved Policy GN1 (F) of the Daventry District Local Plan 1997 (the 'LP') states that the granting of planning permission for development will be guided by the need to severely restrain development in the open countryside. In addition,

Policy HS22 indicates that within infill villages, such as Staverton, residential development will be granted planning permission provided, amongst other matters, it is within the existing village confines. The supporting text states that one of the purposes of this policy is to ensure that development does not bring about an extension of the village into the open countryside. In this case, the site is not situated within the existing confines of the village.

5. LP Policy HS24 states that planning permission will not be granted for residential development in the open countryside, other than for a small number of specific cases, into which the proposal does not fall. The appellant argues that these local planning policies are out-of-date and so should be afforded little weight; a matter which I will return to later because this assessment depends upon consideration of other matters, not least of which is the deliverable housing land supply context.
6. Nonetheless, LP Policies GN1, HS22 and HS24 primarily deal with the protection of the countryside though they have some implication for housing provision. However, taken in isolation, the proposal would conflict with these Policies and would result in an extension of the village into the open countryside contrary to one of the stated aims. So there is an in principle objection to the development.

*Effect upon CA and listed building*

7. LP Policy EN42 states that planning permission will be granted for development provided it meets with its design criteria set out. Policy GN2 (A) and (E) state that planning permission will normally be granted for development provided that it is of a type in-keeping with the locality and does not detract from its amenities and will not adversely affect a CA or a building listed as being of architectural or historic interest and their setting. The main aims and objectives of these Policies are broadly consistent with advice found in paragraphs 17, 56, 58, 61, 64, 126, 128 and 134 of the National Planning Policy Framework.
8. Visually, the site appears to form a wide gap and open field between Church House, the Church of St Mary and the bypass. The hard edge of the village is defined by the built form and layout of Church House and the grade I listed building and its immediate curtilage as well as other properties situated within nearby residential streets. I consider that the open character of the site contributes towards the setting of the listed building.
9. The planning agent points out that the layout and scale of the dwellings would be subject to reserved matters but they would be designed so that the setting of the CA and listed building remain unharmed. There is existing vegetation along the site's boundaries, but it is currently undeveloped and forms a visual backdrop to the Church and the wider CA. In this location, I consider that the new houses with the associated infrastructure and curtilages would be noticeable from public vantage points. The development of the site would lead to a visual intrusion and unwarranted encroachment into the countryside. It would be out-of-keeping with the historic character and form of the CA.
10. Taking all of the above points together, I conclude that the development of this particular site would fail to preserve or enhance the character or appearance of the CA and it would have a harmful effect upon the setting of the Church of St Mary.

### *Sustainable development*

11. LP Policy GN2 (D) indicates that development will be granted planning permission provided it can be provided with the necessary infrastructure and public services and be served by public transport. I find the main aims and objectives of this Policy consistent with advice contained within paragraph 28 of the Framework.
12. Staverton has a primary school, Public House, a veterinary facility, farm shop and it is served by public transport though the Council assert that this is limited. The planning agent acknowledges that for weekly food trips and work commutes residents would be dependent upon private transport. It is argued that is similar to travel to work patterns.
13. Nonetheless, access to local services would be awkward and difficult on foot. Potential occupiers of the dwellings would need to cross a busy road to join the footpath as there is no path close to the site, and cross again to access the village facilities. It is unlikely that such an arrangement would encourage pedestrians to walk and reliance would be upon private transport to meet day-to-day needs.
14. The appellant's argument is that the development would support local businesses. However, the presented information indicates that these enterprises are specialist and do not necessarily rely upon local residents for trade.
15. The appellant's agent considers that Staverton could be categorised as a service village which might be capable of taking additional housing. In support of this view reliance is placed upon emerging policy R1 of the West Northamptonshire Joint Planning Unit's Core Strategy (JCS). It relates to the hierarchy of settlements and sets out sustainable criteria for the designation of villages as primary or secondary service centres amongst other matters. It is, nevertheless, unclear as to where Staverton would fall in the overall assessment and the best place for this type of discussion is the local planning process.
16. In any event, the JCS was submitted for examination but these were adjourned due to unresolved objections surrounding housing needs. The Council state that there are proposed modifications to the JCS and it is expected that the Secretary of State will resume examinations around March 2014. As a result, the JCS might be subject to change; I attach limited weight to policy R1.
17. For all of the above reasons, I conclude that the development would not represent a sustainable form of development given the site's location within the countryside. Accordingly, the development would conflict with LP Policy GN2 (D).

### *Housing Land Supply*

18. The appeal parties disagree as to the current position with regards to a five-year deliverable housing land supply (HLS) as required by the Framework. Prior to the abolition of the regional spatial strategy the Council had 2.03 years of HLS. Subsequently, the CS housing target for the District was set as 8,130 of which 5,330 were allocated in the main urban area of Daventry.

19. The Council state that since the adjourned examination the Objectively Assessed Housing Needs survey has been published. The Council's claim is that they can show a 5.21 years of HLS on the basis of the survey. However, for the purposes of this appeal, there are a number of uncertainties about the assessment, because it is yet to be independently scrutinised. The JCS might be modified in the future and is yet to be found 'sound'.
20. On the basis of the presented evidence, the Council has failed to demonstrate a five-year HLS. However, the matter is far from clear-cut. The aims of the LP Policies referred to above, which can be said to have a bearing upon the supply of housing, are multi-faceted and not relating to housing in isolation. They do aim the achievement of wider and important planning aims of, amongst others, protecting open countryside and the historic environment.
21. Advice in the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Due to the broader nature of the LP Policies set out above I do not consider that it would be appropriate to abandon these Policies. Whilst there may be some implications for HLS, the other purposes of the Policies are still relevant and important and worthy of full weight.

### **Conclusions**

22. On the basis of the presented information, the Council cannot demonstrate a five-year HLS, which should be given significant weight. I have also taken account of the list of matters stated by the appellant to be the benefits of the proposed development in terms of its location.
23. On the other hand, the proposal would conflict with LP Policies EN24, GN1, GN2, HS22 and HS24. Additionally, the development would fail to preserve or enhance the character or appearance of the CA and it would harm the setting of a grade I listed building. On balance, these findings carry greater weight and, in my view, the finding on HLS does not outweigh my conclusions on the first, second and third main issues.
24. For all of the above reasons and having considered all other matters, I conclude that the appeal should not succeed.

*A U Ghafoor*

INSPECTOR