
Appeal Decision

Hearing held on 23 July 2014

Site visit made on 23 July 2014

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 18 August 2014

Appeal Ref: APP/Y2810/A/14/2214145

Land off Guilsborough Road, West Haddon, Northants NN6 7BJ

- 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 James Jackson against the decision of Daventry District Council.
 - The application Ref DA/2013/0626, dated 1 August 2013, was refused by notice dated 20 November 2013.
 - The development proposed is the erection of up to 80 dwellings, public open space and surface water balancing pond; new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an outline application with means of access to be determined at this stage. All other reserved matters would be for subsequent approval.

Main Issues

3. The main issues in this appeal are as follows;
 - Consideration of the principle of the development in this location outside the defined village
 - The effects of the proposal on the countryside and the character and setting of the village
 - Whether there is a suitable housing land supply.

Reasons

Consideration of the principle of the development in this location outside the defined village

4. Within the Daventry District Local Plan (LP) West Haddon is identified as a *Limited Development Village*. Policy HS11 of the LP states that planning permission for residential development in the limited development villages will be granted, subject to criteria. Of relevance to this appeal, these criteria include, a) that it is on a site specifically identified in the LP, b) that it

comprises small scale development within the defined limit of the village, and c) that it does not affect open land which of particular significance to the form and character of the village. Policy HS21 of the LP is specific to West Haddon and states that planning permission for residential development will not normally be granted on sites outside the confines of the village, other than on sites specifically identified in the LP. The appeal site is not specifically identified for development in the LP.

5. Policy HS24 of the LP states that planning permission for residential development will not be granted in the open countryside, other than for specific categories of development, none of which the proposal falls into. It was agreed at the Hearing that the proposal falls outside the village confines and does not fulfil any of the specifically allowed categories of development, and so raises conflict with these policies. Notwithstanding this, the appellant considers that these policies are out of date and so should be given little weight in determining this appeal. I shall give consideration to whether I agree that they are out of date and what weight to give these policies in later sections of this decision. However, I would comment at this stage that paragraph 49 of the National Planning Policy Framework (the Framework) states that if a planning authority cannot demonstrate a five-year supply of housing sites, "relevant policies for the supply of housing should not be considered up-to-date". The primary purpose of the policies needs to be considered and whether they are a relevant policy for the supply of housing.
6. Although not a point contested by the Council, others have raised the issue of the implications of the distance of the site from services. Having carefully considered this matter and observed the proximity of the site to the services available in the village, I do not consider that the site is unreasonably remote from them.

The effects of the proposal on the countryside and the character and setting of the village

7. Policy GN1 of the LP states that the approval of development proposals will be guided by the need to, amongst other things, protect and enhance the environment, concentrate development in or closely associated with the large and small towns, limit development in the villages, and to severely restrain development in the open countryside.
8. The site falls within a much larger area identified as a Special Landscape Area (SLA) within the LP. Policy EN1 of the LP advises that these areas have special environmental qualities, and that planning permission will be granted for development providing that criteria are met; these criteria are; A) it comprises agriculture, forestry, recreation or tourism or; B) it relates to settlements within these areas and in assessing such proposals detailed design and landscaping will be fundamental considerations; C) it relates to the re-use of rural buildings and; D) it does not adversely affect the character of the local landscape. The appellant is critical of Policy EN1 stating that it was formulated prior to the Framework, which states that areas included in local landscape designations should be judged against "criteria based policies". The Council responded by indicating that Policy EN1 is a criteria-based policy and so is consistent with the Framework in this respect.
9. I had the opportunity to view the site from all of the viewpoints identified in the appellant's Landscape and Visual Impact Assessment, although the Council

accept that they are only concerned with the more localised effects of the proposal. The appellant refers to the site as being separated from the open countryside by the nearby West Haddon By-Pass (A428); in my view it is important to acknowledge that the site forms part of the open countryside. The site sits adjacent to the boundary of the village, separated from it by a strip of land containing a public footpath (FK8) and vegetation. The site slopes down to the east and beyond that, land outside the appeal site rises. The West Haddon By-Pass sits within a cutting to the east and it is notable that it has virtually no visual presence from the footpath outside the site nor from the site itself. In this respect, the by-pass does not have the effect of divorcing the appeal site from the rest of the open countryside beyond; it appears as part of the same rural setting of this part of the village when viewed from these points. There is a public footpath (FK10) which crosses the appeal site and crosses the by-pass continuing eastwards. The by-pass only becomes visually apparent from the appeal site on the footpath at very close quarters and when descending the steps to cross the road. The same can be said of the reverse view, when travelling along FK10 from the east the by-pass only has a visual effect when close to it. Slightly further east along FK10 the by-pass is not apparent and the appeal site is clearly in view and exposed to views as it slopes down, facing the viewer at this point.

10. The appellant's LVIA identifies that, of the 9 viewpoints included, there would be a "substantial" significance of visual impact after the development was constructed at 3 of these points. These 3 points are on the footpaths and pavement, close to the edge of the site. I agree that the visual effects here would be substantial and would add that the transformation of the rural aspect of and across the site to one of a housing estate represents a negative change. In my assessment, it should also be included within such an exercise, that the public will have an immediate view of the development when crossing the appeal site on footpath FK10; this too will involve a wholesale and negative change which I consider can also be considered to be a substantial one. Although the possibility exists to add screening in the form of landscaping, I do not consider that this would have the effect of making the proposal appear acceptable from the areas identified, particularly from FK10 within and outside the site, from Gillsborough Road and from footpath FK8 to the north when approaching the site. Therefore, I do not consider that these negative visual effects can be adequately mitigated. Furthermore, I do not consider that the negative impacts from the viewpoints identified are in any way balanced by the absence of a negative effect from other viewpoints. Within this local context, I also judge that there would be some negative effect on the landscape as a result of the significant change of the site from a rural character to a sub-urban form of housing. As a consequence I conclude on this issue that the proposal would be contrary to the aims of Policies GN1 and EN1 of the LP.

Whether there is a suitable housing land supply

11. The Framework requires local planning authorities to use their evidence base to ensure that they can meet the full objectively assessed needs for market and affordable housing and to demonstrate that they can provide five years worth of housing by identifying a supply of specific deliverable sites. Various figures were presented before and at the Hearing and full agreement between the appellant and the Council could not be reached.

12. Using the trajectory in the emerging West Northamptonshire Joint Core Strategy (JCS), the Council indicates that this includes the shortfall as a result of the under-provision for the years 2011-2014. However, it seems to me that this has then been spread over a period of time in the trajectory and not applied within the first 5 years (the Sedgfield method), which I consider to be more reflective of the aim in the Framework to boost significantly the supply of housing. However, the Council also presented figures which are based on the Objectively Assessed Housing Need (OAHN) which incorporates the shortfall in delivery for 2011-2014 and appears to apply it to the period 2014-2019. Based on a number of other assumptions (including the yield from certain sites and Windfalls which I shall come to later) the Council states that this gives 5.09 years of deliverable sites.
13. The yield from Windfalls is said to be 270, which the Council have applied to years 3, 4 and 5 (ie 90 per year). The appellant is sceptical of such a yield, particularly they say in the light of the need to exclude garden-land developments from the figures. However, the Council confirmed that they have undertaken a specific exercise looking at historic rates of Windfall and excluded all those that have previously taken place on garden-land and this leads to the current figure. Although the appellant declined the offer to scrutinise all the evidence which the Council had to hand at the Hearing, he remained of the view that the figure was too high. Based on the Council's firm oral evidence that they have undertaken a specific assessment of Windfall sites and then excluded all those on garden-land, I am of the opinion that this represents compelling evidence, sufficient to justify the inclusion of this figure in their calculations.
14. The appellant then casts doubt over the delivery of 2 sites in particular, within the next 5 years. The Daventry North East Sustainable Urban Extension (SUE) is a proposed allocation in the emerging JCS and the Council considers that it would generate 350 houses in the next 5 years, towards the end of that time period. In relation to the Daventry College site, the Council considers that 150 houses will be provided within the 5 year period. Notwithstanding the Council's evidence, which includes a timetable for the SUE, I agree with the appellant that the time-scales seem over-optimistic. The information dated February 2014 anticipates all outstanding preparatory works to be complete by July 2014 and an outline planning permission submitted and granted by the end of this year. Notwithstanding the fact that the Inspector's report on the JCS has yet to be published, these seem short time periods for such a major development proposal and must cast doubt on the ultimate accuracy of the delivery.
15. In relation to the Daventry College site, it would appear that the site is currently in use by the College, but they are planning to relocate. Evidence submitted by the Council indicates that money has been allocated to fund the relocation. However, there is no indication of phasing of a move to the new facility, when the existing site will be marketed nor how long the planning process will be likely to take before the first dwelling is delivered. Again, this must cast doubt on the expected delivery from this site.
16. Whilst it is not possible to apply figures with absolute precision in relation to the likely delivery from these 2 sites, I remain less optimistic than the Council and so must assess whether this is likely to reduce their expected housing delivery to less than 5 years. With reference to the figures supplied at the Hearing and based on the OAHN, the Council's figures show that the need

figure of 2,985 would be exceeded by 56, giving a total of 3041. On the basis of my scepticism about the 2 sites as set out above, I consider that it would be unlikely that the figure of 2985 would be achieved, although I accept that ultimately it may be close to it. Therefore, I have decided that, on balance, I shall proceed to assess this appeal on the basis that the Council cannot demonstrate a suitable supply of housing land for the next 5 years.

17. I consider that the primary aims of the policies set out earlier are not for the supply of housing. They may have some implications for that matter but they seek to achieve important aims including the protection of the open countryside and the environment. Furthermore, although it was intended that the LP would run until 2006, a number of its policies were saved in 2007 and seek to uphold important aims, including many within the Framework. Therefore, I do not consider that the policies set out above are out of date by virtue of either age or because they are for the supply of housing; and so I attach importance to them. I have also had regard to the policies in the emerging JCS and attach some weight to them, including Policies SA, S1, S3, S10, RC2, H1, H2, H5, INF1, INF2 and R1.

Conclusions

18. The proposal envisages development outside the confines of the existing village, within an area of open countryside. The site forms part of a larger area which is identified as a SLA and the proposal would offend against the relevant criteria based policy which seeks to govern development in SLAs. Furthermore, I have found that the nature of the proposal and the appeal site would mean that it would have an unacceptable effect on the visual and local landscape character. I have taken account of the benefits that scheme would give rise to; namely, the provision of additional houses and an appropriate provision of affordable homes close to the facilities that the village offers. In judging the effects of the proposal I consider that its negative aspects are sufficient to significantly and demonstrably outweigh the benefits of granting planning permission.
19. I have taken account of the contents of the submitted planning obligations but, as the proposal is to be dismissed for other reasons, I shall not examine them here. My attention has also been drawn to the emerging Neighbourhood Development Plan commissioned by the Parish Council, but given its very early stage towards completion, I afford it little weight at this time.
20. As a result of my findings, the appeal is dismissed.

S T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

E Harling-Phillips, of Counsel	DLA Piper UK LLP
L Wiggins	Landmark Planning Ltd
N Weir	URS Landscape Architects

FOR THE LOCAL PLANNING AUTHORITY:

E McDowell	Area Planning Officer
T James	Planning Policy Officer

INTERESTED PERSONS:

Sir Richard Tilt	Resident
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DOCUMENTS

1. JCS Policies
2. Tables and graphs of housing need/trajectory
3. Position statement SUE
4. Press release Daventry College
5. Northamptonshire Growth Deal summary
6. Latest draft of S106 Agreement
7. Letter from County Archaeological Advisor
8. Spreadsheet relating to developer contributions
9. Council's table relating to OAHN and JCS trajectory