



Appeal Decision

Inquiry held on 19-21 August 2014

Site visit made on 21 August 2014

by P Willows BA DipUED MRTPI

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

Decision date: 12 September 2014

Appeal Ref: APP/Y2810/A/14/2216520

Farndon Road, Woodford Halse, Northamptonshire NN11 3PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Davidsons Developments Ltd against the decision of Daventry District Council.
 - The application Ref DA/2013/0916, dated 12 November 2013, was refused by notice dated 19 February 2014.
 - The proposal is a development of 55 dwellings, including vehicular access, pedestrian links, car parking, landscaping and drainage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether there is an adequate supply of land for housing in the district and, if not, whether the need for housing land outweighs any harm arising from the development.

Reasons

Planning policy

3. The development plan comprises the Daventry District Local Plan. Policy GN1 seeks to protect and enhance the environment and severely restrain development in the open countryside. Policy HS22 allows development within restricted infill villages (such as Woodford Halse) provided, amongst other things, the site is within the existing confines of the village. Policy HS24 does not permit residential development in the open countryside other than for the exceptions specified within the policy, which are not applicable in this instance. I deal later with the weight to be attached to these policies
4. The West Northamptonshire Joint Core Strategy is an emerging local plan which has now reached an advanced stage of preparation. At the time of the

Inquiry, proposed modifications had been submitted to the inspector and his report was expected in the near future.

Character and appearance

5. The appeal site is farmland. It is located next to, but outside, the built-up part of the village of Woodford Halse. Farndon Road turns a corner just to the north of the appeal site and, as a consequence, this section of the road does not relate strongly in visual terms to the main built-up part of the village. There are, however, a handful of modern dwellings immediately to the north of the site. There is also a line of houses on the western side of the road, opposite the site, but these are well-spaced, allowing views through to the countryside beyond. Thus, looking south-westwards along Farndon Road, I was left with the impression of the village petering out as it blends into the countryside.
6. The appeal scheme would see the creation of a small new housing estate. This scale of development in this location would harm the subtle transition from the built up part of the village to the countryside. As a result, the character and setting of the village would be harmed. The development would not relate visually to any similar housing development of this scale and, as such, would be incongruous in this setting, complementing neither the adjoining countryside nor the village. Thus, the character of this part of the village and its setting would be seriously compromised.
7. A high, dense, hedge runs along the Farndon Road frontage. Much of the hedge would be retained, and this would help the development to blend into its surroundings to some extent. However, a significant section would be removed to allow the access to be created, thus allowing clear views into the site. Even where the hedge would remain, many of the houses would be clearly seen above it and the new, essentially suburban character of the site would be obvious. Since the hedge is composed of deciduous species it must, in any event, be far less effective as a screen during the colder months.
8. I appreciate that the site does not lie within a Special Landscape Area or any other designation due to its landscape quality, but that does not alter my view that it is an important aspect of the setting of the village and that the appeal proposal would cause significant visual harm. The National Planning Policy Framework (the Framework) makes clear at Paragraph 17 that account must be taken of the different roles and character of different areas. Although long-distance views of the site are limited, the views on Farndon Road are important in my view and the appeal proposal would clearly have a major effect in that regard.
9. For these reasons I conclude that the development would cause significant harm to the character and appearance of the area. This, together with the loss of countryside, puts it at odds with policies GN1 and HS24.
10. The Council also claims conflict with HS22. However, the opening sentence of the policy establishes that it is concerned with development in restricted infill villages. Since the appeal site lies in countryside, outside the developed part of the village, the policy does not apply in this case. Criterion B confuses matters somewhat by raising the issue of whether or not a site falls within the existing confines of the village but, in my view, that does not change the purpose of the policy.

Housing land supply

11. Paragraph 47 of the Framework establishes that local planning authorities should maintain a 5 year supply of housing land. It is agreed that there was not an adequate supply in place when the Council refused permission for this development in February 2014. However, the Council now claims that a 5 year supply is in place. By the close of the Inquiry, the Council put the housing land supply at 5.02 years. This figure allowed for a 20% buffer, as required by the Framework where there has been persistent under-delivery in the past, as is agreed to be the case in Daventry.
12. It is agreed that the requirement for housing land provision in the adopted local plan is now out of date. Both parties refer to the figure of 6,984, which is an assessment of objectively assessed housing need for the period 2011-2029 put forward as part of a proposed modification to the emerging Core Strategy. Given the advanced stage that the Core Strategy has now reached in its preparation, this appears to be the most appropriate basis for assessing housing needs in the district. It gives an average requirement of 388 dwellings per year.
13. There has been a shortfall in the provision of housing during the first 3 years of the Core Strategy plan period amounting to 657 dwellings. This needs to be redressed in the later years of the plan, but the Council and the appellant adopt different approaches to it. The appellant suggests that it should be addressed fully over the next 5 years (the Sedgefield approach). When the 20% buffer is taken into account this gives a requirement of 2,985 dwellings for the period April 2014 to March 2019. The Council puts forward an alternative approach based upon the housing trajectory submitted to the Core Strategy Examination. Using this approach, the 5 year requirement is 2,912.
14. In my view the trajectory is an appropriate basis on which to determine the 5 year requirement. It is clearly based upon extensive work carried out in connection with the Core Strategy Examination. Its practical application is not so very different to the Sedgefield approach (the difference being just 73 dwellings over the 5 year period) and, importantly, would not leave the shortfall to be made up at the end of the plan period. I appreciate that the inspector who determined a recent appeal at West Haddon¹ preferred the Sedgefield approach. However, it is not clear what information was presented to him. From the evidence before me I am satisfied that the approach the Council prefers is reasonable. Accordingly, I consider the 5 year requirement to be 2,912.
15. The supply identified by the Council includes 150 dwellings at the Daventry Campus of Northampton College at Badby Road, Daventry. There is a proposal to relocate the college to a new site, thus releasing the existing site for housing. The Council says that Government funding has been secured, and has provided a copy of a press release confirming this. Funding for the project is also reliant upon redevelopment of the existing site. Thus there is a need to move forward quickly with the project. Moreover, the site for the new college is owned by the Council, which is keen to see the project delivered. All of this supports the Council's optimism regarding the project.

¹ APP/Y2810/A/14/2214145

16. Nevertheless, it is evident that, with the need to relocate the college, much needs to happen before the site can start to deliver dwellings. Yet the Council was unable to provide me with any certainty as to the timetable for that. Indeed, there was not even a planning application for the new college development at the time of the Inquiry. Nor was there a scheme for the proposed housing on the existing site. With these matters in mind, I am not satisfied that this site can be regarded as 'available', as required by the Framework. For this reason alone, even accepting the Council's approach to calculating the housing requirement, there is not currently a 5 year supply.
17. The Council's figures assume that the proposed Daventry North East Sustainable Urban Extension (SUE) will bring forward 250 dwellings within the next 5 years. This assessment is largely based upon a letter from the Portchester planning consultancy, who act for Croudace Homes in respect of this site. The letter sets out a timetable for the development of the site. The Council has, however, made an adjustment to the timetable, essentially allowing it to slip by 7 months, which reduces the delivery of dwellings from the site over the next 5 years to 250. This was done following the West Haddon appeal decision, in which the inspector expressed doubt as to whether the scheme would bring forward 350 dwellings within 5 years, as the Council had argued. In my view, the adjustment the Council has made is sufficient to make the timetable a realistic prospect at the present time. While the appellant is critical of aspects of it, it is prepared on behalf of the house-builder involved in the site and is the best evidence available to me regarding likely timescales.
18. The appellant rejects the Council's allowance of 387 dwellings against the Monksmoor Farm site on the basis that the reserved matters for the next phase of development is for only 175 units. Yet there is no requirement for sites to have detailed approval in order to make up part of the land supply and I have no clear evidence to show that further phases of the site cannot come forward within 5 years.
19. The appellant raises concerns regarding Daventry Middlemore sites 7 and 8, which form part of the Council's land supply. In particular, it is argued that the sites do not meet the test of being 'available now'². However, the Government's Planning Policy Guidance (PPG) advises that a site is considered available for development, when, on the best information available, there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. The sites are owned by the Council and the information provided by the appellant does not show that these requirements would not be met. Nor do I see any clear reason from the evidence before me to disregard Daventry Central Area sites 3 and 6, which are also owned by the Council.
20. The Council's supply assumes that all sites for fewer than 15 dwellings will come forward within 5 years. The appellant suggests that this is unrealistic and that a 'lapse rate' should be applied. However, there is little evidence before me to show that this is needed in this instance or what an appropriate rate for the district would be. I note that a 10% rate was applied in relation to appeals at Droitwich Spa³, but it appears to me that the inspector's comments

² Framework Para 47, footnote 11

³ Refs APP/H1840/A/13/2199085 and APP/H1840/A/13/2199426

in that case related to that particular local authority. In this case, the evidence before me does not show that a lapse rate need be applied.

21. Even so, my concerns regarding the College site mean that the Council cannot demonstrate a 5 year supply. The Framework advises at Paragraph 49 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. At Paragraph 14 it indicates that, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

Other matters raised by those opposing the scheme

22. The range of services available in Woodford Halse and the public transport available have both been raised as concerns. However, a fairly good range of services is available within the village, including a variety of shops and a primary school, and there is an adequate, if not extensive, bus service. Accordingly, the range of services and public transport available have not contributed to my concerns regarding the scheme.
23. Drainage is a particular concern to local residents, and there is evidence of ongoing difficulties. However, Thames Water did not object to the proposal. The appellants have provided technical evidence to suggest that any additional requirements arising from the development can be accommodated. While this may not mean that all existing problems would be resolved, the evidence does suggest that the development could be accommodated without adding to them.
24. The development would, judging by the appellant's evidence⁴, generate about 42 trips per hour at peak times. The roads nearby are narrow and twisty, and I can appreciate that it is not desirable to place excessive demands on them. However, the Highway Authority does not object to the proposal and the professional advice before me suggests that the development would not cause undue road safety concerns. Accordingly, this matter does not count against the proposal.
25. Photographs have been provided to show that the site has been used for arable crops in the recent past. However, I am not persuaded, on the information before me, that the land is of such quality in agricultural terms that it should be withheld from development for that reason.
26. Other concerns raised include the capacity of the local school and the scale of development that has been permitted elsewhere in Woodford Halse and Hinton in recent times but, having considered carefully the arguments made, none have a significant bearing on my decision.

Benefits of the scheme

27. The key benefit of the appeal scheme is the housing it would provide. The lack of a 5 year supply means that this takes on particular importance. In addition to market housing, the scheme would provide 16 affordable units, which would be secured through a s106 agreement. Given the emphasis within the

⁴ Bainbridge Appendix 6, para 2.13

Framework of addressing housing needs, I attach significant weight to this consideration.

28. The scheme would secure the provision of an area of public open space. This would be a benefit to both the occupiers of the new development and existing residents. However, it would be a fairly modest area and I attach only limited weight to this consideration.
29. Clearly, the development would result in economic activity and the creation of jobs during the construction phase. The Government's 'Laying the Foundations' housing strategy indicates that for every new home built, up to 2 new jobs are created for a year. Bearing in mind the importance attached to economic development within the Framework, I attach weight to this consideration, although I am mindful that similar benefits would apply to any development of a similar nature.
30. While there is some scope for benefits in respect of the ecological diversity of the site, it seems to me that the potential for this is very limited, given the extent of the site that would be built upon. While it is also suggested that surface water drainage would be improved, it is proposed that this would be the subject of a planning condition, and the information before me is not sufficient to show any major gains in that regard.

Planning Obligation

31. An agreement under s106 of the Act has been submitted. This would address matters including the provision of open space and affordable housing, contributions to health care, the Fire Service and bus services, as well as bus passes and travel packs. There is agreement between the Council and appellant that the agreement is necessary to meet requirements that would arise from the development. Since the appeal is dismissed for matters unrelated to the agreement, it is not necessary for me to consider it further.

Policy considerations and conclusions

32. My finding that there is not currently a 5 year land supply means that relevant policies for the supply of housing cannot be considered up to date. I must, therefore, consider whether this applies to the policies I have highlighted.
33. As is the case with most planning policies, GN1 and HS24 can quite clearly have a bearing on whether an individual site can be developed. But that does not mean that they are policies 'for the supply of housing'. GN1 sets out some general requirements to be taken into account in determining planning applications and HS24 deals with residential development specifically in the open countryside. Neither policy is primarily concerned with the supply of housing. Thus they should not be set aside on the basis of my findings regarding the housing land supply. In reaching that view I have borne in mind the inspector's findings relating to the sites at Droitwich Spa. However, the inspector in that case observed that 'Policy GD1 sets out the location strategy for new development to 2011', while, 'Policy SR1 sets out housing land supply provision within the district'⁵. The policies before me are different and do not deal with such matters.

⁵ Para 8.11

34. Although the policies are now 'time expired', in the sense that the Local Plan was only designed to run until 2006, they have been 'saved' by the Secretary of State. They do not strike me as being inconsistent with the Framework, given the emphasis within it on securing sustainable development and protecting and enhancing the natural environment. Thus, the policies must be given due weight.
35. Nevertheless, the aim of protecting the countryside, as addressed in GN1 and HS24 must be seen in the context of the lack of a 5 year supply. I have no evidence to show that the shortfall can be addressed without the need to release countryside sites. Accordingly, while there is clear harm due to the loss of countryside and resultant policy conflict, it does not, in itself, mean that the appeal proposal should be rejected.
36. Yet my concerns in this case run deeper than that. In particular, the prominence of this site (in relation to Farndon Road), its scale and the nature of the surrounding development mean that the harm would amount to more than simple loss of countryside; there would be harm to the character and setting of the village as well. In my view, having regard to Paragraph 14 of the Framework, the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits. Moreover, having considered the question of sustainability as a whole, while the scheme would have economic and social benefits, as I have highlighted, the environmental harm due to its visual effect means that I do not regard it as sustainable development overall. Accordingly, the presumption in favour of sustainable development, as outlined in the Framework, does not apply.
37. For these reasons I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Simon Aley	District Law, instructed by Daventry District Council
He called	
Tom James	Senior Planning Policy Officer, Daventry District Council
Bettina Kirkham	Kirkham Landscape Planning Ltd
James Holmes	Brian Barber Associates

FOR THE APPELLANT:

Hugh Richards	Of Counsel, instructed by Bidwells
He called	
Iain Reid	Iain Reid Landscape Planning Ltd
David Bainbridge	Bidwells
Alexander Bennett	MEC

INTERESTED PERSONS:

Alison Bolton	Objecting Residents of Woodford Halse, Hinton and West Farndon (Rule 6 Party)
Iain Reid-Jones	Objecting Residents of Woodford Halse, Hinton and West Farndon (Rule 6 Party)
Tim Cawley	Objecting Residents of Woodford Halse, Hinton and West Farndon (Rule 6 Party)
Justin Filby	Local resident
Cllr Liz Griffin	District Councillor for Woodford Ward
Edith Walker	Local Resident
David Hawes	Woodford-cum-Membris Parish Council
Anthony Gribbon	Local Resident

DOCUMENTS

1	Notification letter dated 10 July 2014
2	Appeal decision APP/Y2810/A/14/2214145
3	Revisions to Proof of Evidence – David Bainbridge
4	Revisions to Proof of Evidence – Tom James
5	Revisions to Proof of Evidence – James Holmes
6	Court Judgement – City and District of St Albans v Hunston Properties
7	Court Judgement – Cotswold DC v SSCLG
8	Court Judgement – Zurich Assurance Ltd v Winchester City Council and South Downs National Park Authority
9	Court Judgement – Wainhomes v SSCLG
10	Petitions (online and handwritten) opposing the development
11	Web page – Daventry Express item on Daventry campus
12	Appeal Decisions and Report – APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426
13	Admission Policy – Woodford Halse C of E Primary School

14	Statement of Justin Filby
15	Infrastructure and Developer Contributions SPD – Daventry District Council
16	Affordable Housing SPD – Daventry District Council
17	Extract – Manual for Streets
18	Sewer Impact Study – Thames Water
19	Environment Agency Surface Water Flooding Map of Woodford Halse
20	Local Plan Policy RC1
21	Planning Agreement dated 20 August 2014
22	Suggested draft conditions (Revised 21 August)
23	Statement of David Hawes

Richborough Estates