



Appeal Decision

Inquiry held on 23/24 September and 2/3 December 2014

Accompanied site visit made on 24 September 2014

by L Rodgers B Eng (Hons) C Eng MICE MBA

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

Decision date: 9 January 2015

Appeal Ref: APP/Z2830/A/14/2216712

Land off Grays Lane, Paulerspury, Towcester NN12 7NW

- 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 Dan Richmond-Watson against the decision of South Northants District Council.
 - The application Ref S/2014/0006/MAO, dated 20 December 2013, was refused by notice dated 2 April 2014.
 - The development proposed is a residential development of up to 14 dwellings and estate road.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Inquiry opened on the 23 September 2014. The Council confirmed at the start of the Inquiry that it had just received the Inspector's report on the Examination into the West Northamptonshire Joint Core Strategy Local Plan (JCS) but that it was not, pending a fact check, yet in the public domain. Nonetheless, it was the Council's strong expectation that publication was imminent. As the Inspector's report clearly had the potential to become a material consideration of some weight during the course of my determination the Inquiry initially only sat for two days before being adjourned to allow for the submission of supplementary proofs. The Inquiry thereafter resumed on the 2 December – sitting for a further two days.
3. The application was submitted in outline with only access to be determined. Appearance, landscaping, layout and scale were reserved for future determination and I have dealt with the appeal on that same basis. It was confirmed at the Inquiry that, other than in regard to the access shown on Drg. No. 972-GL-01A, all matters on the submitted drawings were for illustrative purposes only.
4. A planning obligation in the form of a Unilateral Undertaking pursuant to s106 of the Town and Country Planning Act 1990, dated 18th September 2014, was put before the Inquiry. This is a material consideration in my determination.

Main Issues

5. The Council's third reason for refusing the application concerned the effect of the proposed development on local infrastructure and the provision of affordable housing. However, as a result of the submission of the s106 obligation referred to above the Council confirmed that it no longer wished to pursue that reason for refusal.
6. I therefore consider that there are two main issues: whether the proposed development should be considered sustainable having regard to such matters as the site's location and the housing land supply position, and; the effect of the proposed development on the character and appearance of the area.

Reasons

Background

7. The application site is approximately 0.6 hectares in size and lies on the edge of Paulerspury Village. Access to the site would be from Grays Lane to the north and would run through an area of former orchard/informal garden fronting onto Grays Lane. That area has an extant planning permission for three dwellings one of which would be 'lost' in order to accommodate the proposed access. The remainder of the site lies to the rear of the orchard/garden and is currently in use for pasture.
8. To the west the site abuts the rear boundaries of housing on Plum Park Lane and to the east it partly abuts No 11 Grays Lane and partly agricultural land. The southern boundary in part abuts the rear garden of one of the dwellings on Plum Park Lane and partly open countryside. Although part of the proposed access would lie within the village confines, the bulk of the site and all of the proposed housing would be outside the confines, the confines boundary being largely coincident with the northern and western site boundaries and parts of the eastern and southern boundaries. The Appellant accepts that the site lies outside the village confines.
9. According to the Statement of Common Ground (SOCG), Paulerspury village has a public house, hotel, small doctor's surgery, community facilities and a primary school. A petrol station and a small mini-market are also located close to the site, near to the junction of Grays Lane with the A5.

Policy Framework

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the development plan includes the 'saved' policies of the South Northamptonshire Local Plan 1997 (LP). I consider LP Policies H6, EV2, G2, G3(A), and EV1 to be of most relevance to the main issues.
11. LP Policy H6 states that planning permission will not normally be granted for residential development in the 'restraint villages' and in the open countryside - subject to certain exceptions. Paulerspury is not one of the listed 'restraint villages' but, according to the policy's supporting text, the site should be regarded as being in the open countryside. None of the stated exceptions apply to the appeal proposal. LP Policy EV2 has a similar approach to H6

stating that permission will not be granted for development in the open countryside - subject to certain exceptions. Again, none of these apply to the appeal proposal. The proposed development would therefore be in prima facie conflict with both Policy H6 and Policy EV2.

12. The thrust of LP Policy G2 is to concentrate development in the urban areas of Towcester, Brackley and closely related to the Northampton Borough Boundary - stating that new development will be limited in the villages and severely restrained in the open countryside. The supporting text notes that it is appropriate that some residential and commercial development, of a scale and type suitable to the rural environment, be permitted in order to provide for the needs of the local population and to maintain and enhance the rural economy.
13. LP Policy G3(A) states that planning permission will normally be granted where the development is compatible in terms of type, scale, siting, design and materials with the existing character of the locality and Policy EV1 seeks to encourage a high standard of design by paying particular attention to matters such as the existing site characteristics, the relationship with adjoining land and buildings and the scale, density and layout in relation to the site and its surroundings.
14. As noted above, at the time of the Inquiry the JCS did not form part of the development plan. Nonetheless, the publication of the Inspector's report on the examination into the JCS and its likely imminent adoption mean that its policies should be accorded very significant weight. In its reasons for refusal the Council refers to JCS Policies S1 and H1.
15. JCS Policy S1 is concerned with the distribution of development - which it seeks to concentrate primarily in and adjoining the principal urban area of Northampton whilst meeting the development needs of the rural service centres of Towcester and Brackley. Although noting that the development needs of the rural areas will also be provided for, the policy aim is that such development will be limited with the emphasis on enhancing and maintaining the distinctive character and vitality of rural communities, shortening journeys and facilitating access to jobs and services, strengthening rural enterprise and linkages between settlements and their hinterlands and respecting the quality of tranquillity. The JCS Inspector considered Policy S1 sound.¹
16. JCS Policy H1 expects housing developments to make the most efficient use of land having regard to a variety of considerations including the location and setting of the site, the existing character and density of the area and accessibility to services and facilities. As this is an outline application for up to 14 dwellings with only access to be determined at this stage I find this policy to be of limited relevance to my determination.
17. Although not mentioned in the Council's reasons for refusal a number of other JCS policies were drawn to my attention during the course of the Inquiry. JCS Policy S3 concerns the scale and distribution of housing development and notes that provision will be made for about 42,620 net additional dwellings in the plan area over the plan period 2011 to 2029. That overall number would be distributed between the District and Borough Councils with about 11,020 for South Northamptonshire District. Further distribution in line with JCS Policy S1 between Northampton related development, the rural service centres of

¹ West Northamptonshire Joint Core Strategy Local Plan Part 1, Inspector's Report October 2014, para 22

- Towcester and Brackley and the South Northants rural areas means that the rural areas should provide for around 2,360 dwellings over the plan period.
18. JCS Policy R1 notes that the distribution of the rural housing, including the 2,360 dwellings identified for South Northants in JCS Policy S3 as above, will be the subject of the Part 2 Local Plans that are being prepared by the Councils "...according to the local need of each village and their role within the hierarchy". That hierarchy will comprise a number of categories, ranging from primary service villages through to small settlements/hamlets, and will have regard to factors such as the presence of services and facilities to meet the day to needs of residents, accessibility, evidence of local needs for housing and the role, scale and character of the settlement. Residential development in rural areas will be required to meet certain criteria - including being within the existing village confines. Development outside the existing confines will be permitted where it involves the reuse of buildings or, in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy.
 19. JCS Policy R1 goes on to note that once the housing requirement for rural areas has been met through planning permissions or future allocations, further housing development will only be permitted where it can be demonstrated that it would meet a number of specific criteria including that it would result in environmental improvements on a site or support the retention or improvement of essential local services that may be under threat.
 20. Appendix 5 to the JCS notes that, on adoption, JCS Policy S1 will replace LP Policy G2. However, no other policies relevant to this appeal will be replaced and the Council has drawn my attention to Paragraph 16.9 of the JCS which notes, amongst other matters, that until the named rural settlement hierarchy has been defined the existing saved Adopted Local Plan policies for South Northamptonshire will continue to apply.
 21. The National Planning Policy Framework (NPPF) is a weighty material consideration in my determination. Paragraph 47 says that to boost significantly the supply of housing local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for housing in the housing market area and should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing, plus a buffer, against their housing requirements.
 22. Paragraph 49 notes that housing applications should be considered in the context of the presumption in favour of sustainable development and 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. Paragraph 14 makes it clear that the presumption in favour of sustainable development means approving proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission - unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or specific NPPF policies indicate that development should be restricted. There is no suggestion in this case that specific NPPF policies indicate development should be restricted.

23. The Appellant contends that LP Policies G2, H6 and EV2, relied on by the Council in its first reason for refusal, should be considered relevant policies for the supply of housing. Given that they are largely generic policies that, amongst other matters, seek to restrict where housing development can take place, I agree with the Appellant – a view I consider consistent with the judgement in *South Northamptonshire Council v Secretary of State for Communities and Local Government and Barwood Land and Estates Limited*². The Appellant further contends that, as the Council cannot demonstrate a five-year supply of deliverable housing sites, these policies should be considered out of date. Indeed, the Appellant suggests that even if the Council was able to demonstrate a five year housing land supply the policies should be considered out of date as they are taken from a plan that is itself out of date in terms of how much housing is required or where it should be located. I shall return to both these matters below.
24. My attention was also drawn to the Interim Rural Housing Planning Policy (IRHP) which I understand was adopted by the Council in 2009 in an effort to address the shortfall in housing land supply in the District at that time. It states that permission would be granted for housing outside the confines of sixteen villages equivalent to either a 5 or 10% increase in the housing stock dependent on the level of 'sustainability' of the settlement. Paulerspury was identified as a 'reasonably sustainable' settlement where a 5% increase in housing stock would be permissible.
25. However, the IRHP does not form part of the development plan and itself notes that when the JCS has progressed, it will no longer be applied. Consequently, whilst I have had regard to the IRHP as a material consideration I consider that, for similar reasons to those set out by the Inspector in APP/Z2830/A/14/2215479, and bearing in mind the likely imminent adoption of the JCS, it should be accorded little weight.

Housing Land Supply

Background

26. In terms of NPPF Para 47 the Appellant does not dispute the Council's Objectively Assessed Need (OAN) for housing as set out in the JCS. The JCS Inspector found that the plan "..... is based on an objective assessment of housing need in the area to 2029....." and, subject to the recommended main modifications, considered that the plan satisfied the criteria for soundness. In these circumstances I see no reason to question the OAN further.
27. Against that OAN, the Council maintains that it can demonstrate a supply of deliverable sites sufficient to provide five years worth of housing. In part, the Council relies on the JCS and the examining Inspector's finding that "All the available evidence indicates that both the timing and total of new housing would be largely viable and essentially deliverable over the full plan period, albeit challenging....". The Council considers the JCS to represent an up to date and tested development plan that must be attributed very significant weight.
28. However, notwithstanding the findings of the JCS Inspector the Appellant disputes that the Council has a five year supply of deliverable sites believing that the Council's figures are overly optimistic in two significant respects. First,

² [2014] EWHC 573 (Admin)

the Appellant suggests that certain sites will take longer to start delivering than has been assumed by the Council. Second, the Appellant considers that, even once development has commenced, the rates of delivery will inevitably be slower than has been assumed in the Council's trajectories as the markets in particular areas will be unable to absorb the predicted housing volumes. In consequence developers will slow the rate at which dwellings come to market.

29. To my mind, as the Inspector's report on the JCS examination has just been published, its findings must be a weighty factor in my considerations - not only in terms of the OAN but also in terms of delivery. That said, I am not aware of all the evidence put before the JCS Inspector and I am also conscious that the examination sessions took place some time ago. Consequently, in terms of the volumes and pace at which housing may be delivered, matters may since have moved on. In any event I note that the Inspector's report makes the point that, in light of the challenging delivery rates, progress must be closely monitored. Whilst cognisant of the JCS Inspector's finding I shall therefore examine the specific evidence before me.

Deliverability of sites

30. According to the delivery table put forward jointly by the parties³ the Council believes it can demonstrate a supply of around 6.25 years worth of deliverable sites (slightly less when updated to take account of some recent projections in respect of Catch Yard Farm). The Appellant disputes this figure suggesting that, even before considering the capacities of the various markets to absorb the proposed numbers of dwellings, the speed at which individual sites are likely to come forward means that the 'deliverable' supply is only about 5.34 years. When the market capacities are also taken into account the Appellant considers that the supply of deliverable sites then falls to some 4.77 years.
31. The Planning Practice Guidance (PPG) notes that deliverable sites for housing could include those allocated for housing in the development plan and sites with unimplemented planning permission (either outline or full) *unless there is clear evidence that schemes will not be implemented within five years*. Bearing this guidance in mind I propose to examine the individual sites where there are significant differences between the assumptions of the Council and the Appellant - particularly concerning the speed at which development is likely to come forward.

Towcester South

32. Based on the developers' view that this development of 2,750 dwellings would be delivered within the Plan period 2014 - 2029 (an average delivery rate of 183 dwellings per annum (dpa)) the Council considers delivery of 250 dwellings by 2019 to be a cautious yet prudent approach. The Appellant however points out that, even though the Council has determined to grant outline permission, there are still unresolved issues, such as finalising the s106 and approving the reserved matters, that will delay any start on site. As such the Appellant believes that the trajectory in the Council's Housing Land Availability Study (HLAS) is optimistic and delivery of the first 40 dwellings in 2015/16 is unrealistic. Instead the Appellant suggests that the first delivery would be more like 20 dwellings in 2016/17.

³ Inquiry Document 16

33. Given the number of outstanding matters that would need to be resolved I agree that the HLAS trajectory is optimistic in terms of a likely start on site. Indeed the information put forward to the Council in July 2014 by the Pegasus Group on behalf of the applicant/developer⁴ does not expect the first housing completions until Q1 2017 – and then only 25, close to the Appellant's anticipated 20 dwellings in 2016/17.
34. However, the Appellant thereafter assumes delivery of 60 dwellings in 2017/18 and 70 dwellings in 2018/19 in line with the phasing in the HLAS (giving a total of 150 dwellings in the 5 year period compared to the Council's assumed 250). In contrast the information provided by the Pegasus Group assumes a higher delivery rate of 75 dwellings in 2017/18 and 150 in 2018/19 (ie 250 dwellings in 5 years).
35. To my mind, although the figures suggested by the Pegasus Group might appear optimistic they are not unrealistic. Indeed the 2018/19 figure would still be less than the average 183 dpa necessary to deliver the full development over the plan period and no greater than that originally projected for 2019/20. Consequently whilst I accept that there will be a later start date than anticipated in the HLAS and the delivery of 250 dwellings up to 2019 is not without risk, I do not believe that the Appellant's scepticism amounts to clear evidence that delivery will fall significantly short of the Council's anticipated number. I therefore propose to adopt the numbers and phasing submitted by the Pegasus Group.

Brackley Sawmills

36. The delivery table notes that the Council has assumed a five year delivery of 139 dwellings whereas the Appellant assumes 120 – believing any start on site is likely to be delayed due to a range of outstanding matters such as the discharge of conditions precedent, s278 Agreements, archaeological investigations and dealing with contamination. In consequence the Appellant considers that the first dwellings would not be ready for occupation before April 2016. I note that in June 2014⁵ the applicant, Linden Homes, confirmed that the build out rates being assumed by the Council were reasonable - albeit subject to completion of certain outstanding matters.
37. In light of the number of outstanding matters, I consider that the Council's assumption concerning the number of dwellings likely to be delivered in 2015/16 is optimistic. However, the projected delivery rate is shown to slow in 2018/19 and it therefore seems to me that there is some potential to catch up. For the purposes of my assessment I shall assume that the likely number of dwellings lies somewhere between the Council and Appellant's projections at, say, 130 dwellings.

Turweston Road South

38. The Council's five year delivery figure of 155 dwellings, as given in the HLAS, is based on the delivery of 20 dwellings in 2015/16 and 45 in each year to 2018/19. In that respect the Council has drawn my attention to the submissions of Framptons (the agent for Brackley North) to the CS examination which also suggests that 155 dwellings will be delivered in the period up to 2018/19 – albeit with a slightly different profile. On the basis that the site

⁴ Inquiry Document 13

⁵ PoE D'Arcy Appendix 18

needs to be sold, reserved matters approvals obtained, pre-development conditions discharged and s278 agreements entered into the Appellant suggests that a more realistic projection is 100 dwellings in the five years based on 20 in 2016/17 and 40 in each year to 2018/19.

39. The HLAS notes that the potential developer of the site has advised that in the event permission is granted, an optimistic estimate, depending on how the applications for approval of reserved matters progress, is a 9-10 month lead in for a start on site followed by a 3 month period for installing infrastructure. The delivery of dwellings should then commence some 6 months after that. According to the Council, outline planning permission for 350 dwellings was approved, and a completed s106 issued, in February 2014 suggesting that it would be around August 2015 before any delivery begins.
40. The Inquiry heard no substantive evidence to show that a start on site was imminent, albeit some 9-10 months after permission was granted. It therefore seems reasonable to assume that there is likely to be some slippage in delivery. How much slippage there might be is, without further evidence, a matter of some speculation. Nevertheless, in the absence of any apparent appreciable progress it does not seem unreasonable to assume a 9-10 month slippage. However, I see no good reason to reduce the Council's anticipated annualised delivery rate of some 45dpa to the 40 suggested by the Appellant. In consequence I shall assume that the total number of dwellings likely to be delivered over the five years should be reduced by some 35 dwellings to around 120.

Pianoforte Site, Roade

41. In December 2013 the Council approved an outline planning permission (subject to a s106) for 292 dwellings. The Inquiry was told that the s106 has now been signed and the planning statement put forward on behalf of the applicant records that the site is in single ownership and relatively free from constraints which would affect the ability to deliver housing. The Council anticipates that the site will provide 100 dwellings over the five year period at the rate of 25dpa commencing in 2015/16.
42. In contrast the Appellant believes not only that the existing site contamination and buildings will serve to delay any start on site but also that the village of Roade is unlikely to be able to absorb more dwellings than would be produced by the nearby Chaplins Yard site. In support of this stance the Appellant has drawn my attention to an earlier appeal concerning a development in Roade (APP/Z2830/A/11/2150164) in which the Inspector noted that, in his opinion, the capacity of the local market would be considerably exceeded if all the sites in Roade were to be released in the short term. That view was supported by a letter from Stonhills estate agent which suggested that the local market could only support 25/30 dpa. On this basis the Appellant considers that no dwellings will be delivered on this site within the five year period.
43. According to the Council's assumed trajectories, the Chaplins Yard and Pianoforte sites would together produce between 45 and 55 dwellings per annum over the period 2015/16 to 2018/19. Whilst this exceeds the figure considered reasonable by Stonhills I note that their letter and the Inspector's decision referred to above are now over three years old; today's housing market is likely to be somewhat different and capable of sustaining higher growth. Nonetheless, and despite Roade being identified in the Inspector's

decision as one of the 'most sustainable' villages in the District, the Inquiry was told that the developments would together substantially increase the size of the village. Taking account of all these matters I consider it would be reasonable to assume a reduction in the Council's projected figures - albeit not to the extent suggested by the Appellant. The delivery of 45 dwellings from the two sites in combination would not, in my view, be an unreasonable assumption. In addition, as the s106 has not long been signed, I shall assume a delay to the Council's projected start and a delivery of only 10 dwellings in 2015/16. These factors would reduce the likely overall delivery by some 40 dwellings. For convenience of calculation I shall simply assume that all the reductions would apply to the Pianoforte site.

Catch Yard Farm, Silverstone

44. Notwithstanding the higher figure in the HLAS the Council now suggests that, based on an estimate put forward on behalf of the applicant/developer⁶ in July 2014, 190 dwellings will be delivered on this site over the five year period. The Appellant considers that both the suggested start date and the assumed delivery rate are unlikely to be achieved - in consequence suggesting that a five year delivery of 100 dwellings represents a more realistic figure.
45. I have some sympathy with the Appellant's views concerning a likely start date. Although outline planning permission has been granted I understand that the site is currently being marketed and I accept that this, together with the timescales necessary to discharge conditions and put in place s278 agreements means that dwellings are unlikely to start being delivered until late 2015/16 or early 2016/17. Instead of the 70 dwellings anticipated over those two years in the applicant/developer's estimate it seems to me that 35 dwellings would be a more realistic figure. However, given that the site is currently being marketed and the outcomes of that exercise are unclear, I do not think it reasonable at this stage to prefer the Appellant's assumed maximum delivery of 40 dpa over the figures provided by the applicant/developer of 60dpa in 2017/18 and 2018/19. I shall therefore assume an overall five year delivery of 155 dwellings for this site.

Land off Chapel Hill, Blisworth

46. Although granted planning permission for 27 dwellings in May 2013, the developer of the site maintains⁷ that, with its current planning permission and technical constraints, it is unviable and undeliverable at present. However, I note that alternatives are being explored with the Council and given that build out could occur quite quickly, the Appellant's assumption that no dwellings will be delivered over five years seem pessimistic. Nonetheless, in the absence of further cogent information I shall assume that no dwellings will be realised from this site.

Summary of sites

47. Based on my interpretations of the parties' views on the disputed sites above I consider that the Council's assumed overall levels of delivery should be reduced by around 146 dwellings over the five year period 2014-2019. The implication of this reduction is that rather than demonstrating a 6.25 year supply of deliverable sites (6.16 taking account of the Council's amended assumptions

⁶ PoE D'Arcy Appendix 22a

⁷ PoE Wilbraham Appendix 6

for Catch Yard Farm), the Council would only be able to demonstrate a supply of deliverable sites equivalent to some 5.94 years. The Appellant, however, believes that is not the end of the story. In particular, other factors, such as the capacity of the local housing markets and the historical delivery rates, should also be taken into account.

Market capacities and other factors affecting delivery

48. As far as the Council's overall housing trajectory is concerned the Appellant firstly points out that this includes some significant step changes in delivery (nearly 85% between 2014/15 and 2015/16 with a further increase of nearly 60% to 2016/17), secondly that the anticipated completions in 2015/16 – 2018/19 are all considerably higher than the maximum number of dwellings completed in the district since 2006/7 (in some cases almost two and a half times higher) and thirdly, that the Council's record of delivery is poor with the number of completions consistently falling below those anticipated. The Appellant also points out that the Council itself considered that delivery against the previous targets derived from the Regional Spatial Strategy - at 330 dpa considerably less than some of the current predictions - "..... was always going to be challenging".
49. My attention has also been drawn to a number of other matters that the Appellant believes will significantly affect the number of dwellings likely to be delivered. These include the experiences of delivery on other SUEs⁸, the average production rates of major house builders and the evidence from a local estate agent⁹ concerning matters such as the capacities of local markets to absorb new dwellings and the consequent effect of competition on the likely number of house building companies developing at any one time – as well as the difficulties likely to be experienced in attracting buyers to locations such as Brackley and Towcester.
50. According to the Appellant, the reality is that volume house builders are unlikely to deliver more than 35-40 dwellings per annum per outlet and it is unlikely that there would be more than 3 outlets on any one SUE. In addition the limited markets of Towcester and Brackley are seen as being incapable of absorbing the housing numbers being predicted by the Council. When all these factors are taken into account, the Appellant considers that the maximum housing delivery would be 120 dpa in both Towcester and Brackley – irrespective of the number of sales outlets that are opened.
51. It can be seen from the table below that if the Appellant's assumptions concerning the market capacities of Towcester and Brackley are adopted, then the total number of dwellings likely to be delivered over the five year period would reduce by some 474 dwellings when compared to my assessment of the likely delivery on the various sites. The effect of this would be that the Council could only demonstrate a supply of deliverable sites equivalent to some 4.92 years - a shortfall of some 36 dwellings over the 5 years.

⁸ Inquiry Document 5 - Report of Study into Sutton Coldfield Green Belt sites, Phase 2 (The 'Peter Brett' report)

⁹ PoE Quelch (Connells Estate Agents)

Housing delivery in Towcester and Brackley adjusted for market capacity

	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Towcester major sites (HLAS)	5	65	165	180	175	590
Towcester major sites (HLAS adjusted for deliverability as above)	5	25	130	185	245	590
Towcester major sites (HLAS adjusted for deliverability and market capacity as Quelch)	5	25	120	120	120	390 (-200)
Brackley major sites (HLAS)	85	145	215	245	158	848
Brackley major sites (HLAS adjusted for deliverability as above)	85	120	215	245	174	839
Brackley major sites (HLAS adjusted for deliverability and market capacity as Quelch)	85	120	120	120	120	565 (-274)

52. For its part the Council suggests that there are a number of factors which weigh against adopting the Appellant’s assumptions.

53. These include, firstly, the evidence of Framptons¹⁰ to the JCS Examination which took into account the views of ‘macintyers’, an experienced local estate agency with an office in Brackley. According to macintyers, there will be four outlets at the Radstone Fields site in Brackley (1000 houses) - in contrast to the view put forward by the Appellant that three outlets will be the maximum feasible on site. Whilst macintyers recognises that the proximity of the outlets may reduce the normally expected delivery levels of 50dpa to 35dpa or less, macintyers also considers that the Brackley market should achieve between 180 and 200 units of market housing per annum. Applying the assumption that 180 dpa is the maximum that could be absorbed by the market to the total projected completions for Brackley as shown in the HLAS would reduce the overall five year total by some 126 dwellings (compared to the 274 suggested by the Appellant and shown in the table above). This alone would be sufficient to restore the Council’s five year supply figure to some 5.24 years - without any adjustment to the Towcester figures.

54. Secondly, the Council points out that the Appellant’s figures appear to be based on market housing and make no allowance for affordable housing. Indeed, I note that the macintyers figure of 180-200 dpa concerns solely market housing. Thirdly, the Council notes that the only other SUE to have been brought forward in the district (Grange Park) delivered, in one year, 627 dwellings from six outlets.

55. The Council also contends that the ‘Peter Brett’ report should be accorded little weight as Sutton Coldfield is a wholly different market to that in South Northamptonshire and the report has not been tested through examination – the Council also pointing out that there is in any event a considerable disparity

¹⁰ PoE D’Arcy Appendix 17

between the Peter Brett report and the earlier report by Savills which suggested appreciably higher delivery rates.

56. I can understand the Appellant's concerns over delivery and like the JCS Inspector, I too consider that delivery will be challenging. Nonetheless, given that the current projections include substantial contributions from the Sustainable Urban Extensions (SUEs) at Towcester and Brackley, and the only other SUE to have been brought forward in the district delivered over 620 dwellings in one year from 6 outlets, I do not consider the projections unachievable. I am also conscious that, in comparison to some of the historic delivery rates highlighted by the Appellant, the housing market has lately become somewhat more buoyant.
57. Nevertheless, and notwithstanding the Council's criticisms of the Peter Brett report, it seems to me that the report's overview of delivery on a nationwide range of SUEs should caution against the use of over optimistic delivery estimates. That said, there are appreciable disparities between the opinions of the various professionals involved and between the delivery rates on the various sites studied¹¹. Indeed, the production rates of the major house builders put forward by the Appellant¹² are themselves only broad averages based largely on the annual reports of the companies – and could disguise wide variations on a site by site basis.

Summary - Housing Land Supply

58. Having regard to all the factors above I consider that the current delivery projections of the Council are likely to prove over ambitious. However, I also believe that the Appellant's views on deliverability and the capacities of particular markets are likely to be overly pessimistic.
59. I am particularly conscious that even if I was to accept the Appellant's views on market capacities in their entirety and apply them to what I consider the likely delivery rates, the shortfall in the Council's five year supply would amount to only some 36 dwellings – a small amount in percentage terms. If, however, I was to accept the views put forward by macintyers, the supply of deliverable housing sites would appreciably exceed five years.
60. I accept the Appellant's point that macintyers' evidence, as relied on by the Council, was only in writing and was put forward in the context of the JCS examination whereas the Appellant's witness was made available for cross examination at the Inquiry. Nonetheless, given that the macintyers' evidence represents the views of a long standing estate agent in Brackley, I consider it should be accorded at least moderate weight. That in itself is, in my view, enough to suggest that the Council has a five year housing land supply. When taken together with the delivery of affordable housing, a matter likely to appreciably boost the assumed numbers, and the evidence of that high delivery rates have previously been achieved on other sites, my overall conclusion is that the Council can currently demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing measured against their requirements.
61. In light of this finding, I see no reason to regard LP Policies G2, H6 and EV2 as being out of date in terms of NPPF Paragraph 49.

¹¹ Inquiry Document 5 Appendix A

¹² PoE Wilbraham Appendix 2

Sustainability of the location

62. In terms of the IRHP and whether or not a village should be allocated for some limited development, the Council assessed a range of factors associated with the village, such as access to schools, shops, journey to work bus etc., before placing the village into a category. Those which fell into the category of 'Most Sustainable' were considered appropriate for an indicative growth target of around 10% of the existing dwellings with those in the 'Reasonably Sustainable' category at 5%. Paulerspury was assessed as being 'Reasonably Sustainable', albeit with the lowest score.
63. I see no reason to take issue with the Council's assessment in the IRHP. However, it seems clear to me that given the limited range of facilities and services available in or near the village, for many residents day to day activities such as work and shopping would necessitate frequent trips away from the village. Whilst I accept that Paulerspury is not a significant distance from Towcester, given the level and extent of the bus service and the fact that the busy high speed nature of the A5 would make it unattractive for many cyclists, it seems to me that for most residents these trips would involve a car journey.
64. Consequently, although the location of Paulerspury and its proximity to Towcester make it more suitable for development than many of the smaller and more isolated villages I nevertheless consider that the likely propensity for residents to make frequent journeys by private car must be a factor weighing against the proposed development.

Character and Appearance of the Area

65. In respect of character and appearance, my attention has been drawn to a previous appeal decision concerning development of the land between the petrol station and 9 Grays Lane - which the Council notes is adjacent to the current appeal site ('Land off Grays Lane, Paulerspury, Towcester' - APP/Z2830/A/10/2141571 - August 2011). That appeal concerned the "erection of 14 dwellings, roads and sewers, associated public open space and storm water balancing facility" on a site said to be 0.79 hectare in area. It thus had a number of similarities to the appeal now before me.
66. The previous Inspector noted that the new development "...would obviously encroach into the existing open land on the edge of Paulerspury and I have no doubt that it would extend the village into the countryside in a way which would change the character and appearance of the locality to a marked degree." He then went on to state that "Overall, I am concerned that the proposed development would have a rather suburban appearance, extending development into the countryside and creating an artificial village boundary" before finding that the proposals would cause serious harm to the character and appearance of the rural surroundings. Notwithstanding that the Council was, at that time, unable to demonstrate a five year supply of housing land, the Inspector dismissed the appeal.
67. As the northern and western site boundaries and parts of the eastern and southern boundaries of the current appeal site are coincident with the village confines boundary, it is clearly better related to the body of the village than the site considered by the previous Inspector - and would result in far less of an 'artificial village boundary'. However, whilst I acknowledge the outline nature of the application and the illustrative nature of the drawings, it seems very

likely that the single point of access and the proposed density would result in the development exhibiting the characteristics of a suburban cul-de-sac.

68. I accept that a number of fairly recent developments (at least in part resulting from the application of the IRHP) have taken a cul-de-sac form and have already begun to change and erode the traditional linear form of Paulerspury. Nonetheless, based on the evidence before the Inquiry and what I saw during my site visits it seems clear to me that, overall, the preponderance of development is that along the main spine road of the village with some further development along the access roads entering the village from the north and south. Consequently, notwithstanding the impact of the more recent developments, I consider that the traditional and rural character of the village has, so far, been retained.
69. The proposed development would not only encroach into the countryside but would further erode the rural and linear character of the village and add to its suburbanisation. In consequence I consider that the proposed development would be materially harmful to the character and appearance of the village contrary to LP Policy G3(A) which seeks for development to be compatible in terms of type with the existing character of the locality. It would also be contrary to LP Policy EV1 which amongst other matters expects proposals for new development to pay particular attention to layout in terms of its surroundings and would offend one of the core planning principles of the NPPF which includes taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside.

Other Matters

70. I turn now to the question of whether, irrespective of the five year housing land supply position, 'relevant policies' should be deemed out of date.
71. According to the Council, a recent appeal hearing in the District (at Greens Norton) confirmed that where the Council has a 5 year housing land supply, policies for the supply of housing such as H6, EV1 and EV2 will be considered up to date and ought to be applied. However, I am not convinced that the Council's view fully reflects the conclusions of the Inspector dealing with 'Land north of Towcester Road, Greens Norton' (APP/Z2830/A/14/2215479 – August 2014) who concluded that "Since the Council can demonstrate a 5-year HLS (Housing Land Supply), relevant policies for the supply of housing can be considered up-to-date" but who then went on to say "I accept that these are not the adopted and other policies on which it initially sought to rely....". This followed his earlier finding that ".....the plan dates from 1997 and is clearly out-of-date...".
72. However, I also note that same Inspector then went on to conclude that "....the test in Paragraph 14 of the NPPF does not apply" and the Council points out that under cross examination, the Appellant's witness was unable to identify any national guidance, or anything in the Inspector's report into the JCS examination, to suggest that the relevant policies should be considered out of date if there was deemed to be a five year supply.
73. For its part, the Appellant argues that irrespective of the position on the five year housing land supply, LP Policies G2, H6 and EV2 should be considered out of date as the LP is not only old but is no longer relevant in terms of how much housing is required and where it should be located.

74. In that regard the Appellant has drawn my attention to some earlier appeal decisions including those concerning development on land at Pulley Lane, Droitwich Spa (APP/H1840/A/13/2199085 and 2199426). The Inspector dealing with that appeal found that saved Policies GD1 (dealing with the location strategy of new development) and SR1 (which set out the housing land supply provision in the district in the period April 1996 and March 2011) of the Wychavon District Local Plan 2006 (WDLP) were out of date. The Secretary of State (SoS) agreed with the Inspector's reasoning and conclusion.
75. However, the above appeal concerns policies in a different plan and I am not aware of the full evidence put before that Inspector. In any event, it appears from the Inspector's decision at 8.11 that Policy SR1 applied to a specific time period. The Inspector also notes at Paragraph 8.12 that "...it is clear to me that Policy GD1 applies to new development to 2011. Plainly it was not designed to meet housing needs in 2014" before in Paragraph 8.13 noting that the "...Council's acceptance that the two policies should be read together on the one hand, but that one was out of date and the other not, indicates an inconsistent and untenable position." The Inspector also states in Paragraph 8.14 that "The SoS should be aware of the context here. First, it is clear that the relevant WDLP policies were only saved on the basis that they would be replaced 'promptly'" before he then goes on to find that Policy GD1 and Policy SR1 were out of date and NPPF Paragraph 14 applied.
76. In light of the specific circumstances of the Pulley Lane cases I do not consider that the Inspector's conclusions represent a generic model that I must follow simply because the local plan is somewhat dated. Indeed, the circumstances here can be clearly differentiated from those at Pulley Lane. First, there are no specific time constraints within the policies before me in contrast to those outlined above; second, I was not presented with the same evidence in terms of the saving direction; third, although the examining Inspector was silent on the matter, the JCS notes that LP Policies H6, EV1 and EV2 will continue to apply once the JCS has been adopted, and; fourth, although LP Policy G2 will be replaced by JCS Policy S1, it seems to me that there is little between them in terms of intent or thrust - and I have already noted that JCS Policy S1 was recently found sound following the examination of the JCS.
77. Against this background I do not consider that the policies should be regarded as being out of date in terms of NPPF Paragraph 14 on the basis of their age or the fact that they seek to influence the location of future development.
78. There nonetheless remains the matter of their consistency with the NPPF, the Appellant arguing that policies which prohibit all development in the countryside cannot be consistent with the NPPF in that they do not allow the three dimensions of sustainable development to be considered.
79. However, I have already noted that JCS Policy S1 was recently found sound and in large part parallels LP Policy G2, both policies seeking to concentrate development in and around the principal urban area and the larger towns/rural service centres - with further development in the rural areas being restricted. I see nothing intrinsically inconsistent with the NPPF in such an approach. Indeed, it seems to me to reflect a number of the NPPF Core Planning Principles including setting out a positive vision for the future of the area, providing a practical framework within which to make decisions on planning applications and taking account of the different roles and character of different areas. The

fact that these policies do not explicitly mention the three strands of sustainable development as laid out in the NPPF does not, in my view, mean that they are automatically inconsistent with the NPPF.

80. I have more sympathy with the Appellant's position in regard to LP Policies H6 and EV2 as, despite certain exceptions, these policies aim for an otherwise almost blanket ban on development in the countryside. Given that such an approach appears to eschew some elements of sustainable development it seems to me that conflict with these policies could be easily outweighed by other considerations - including the NPPF and its presumption in favour of sustainable development. That said, I have already noted that JCS Policy R1, again part of a plan that has been recently found sound, takes a similar (although not identical) approach to development outside the village confines.

Conclusion and overall sustainability

81. The proposed development would be in prima facie conflict with both Policy H6 and Policy EV2 and would also conflict with LP Policies G3(A) and EV1. It would also fail to accord with the thrust of Policy G2. I therefore consider the proposal contrary to the development plan.
82. Insofar as the JCS is concerned the Council did not refer to Policy R1 in its reasons for refusal. However, although the Appellant considered it procedurally unfair for it to be raised at this stage the Appellant also acknowledged that I must take a de novo approach. That said, the Appellant suggests that as the hierarchy and settlement boundaries under the Part 2 Local Plans are yet to be formulated, Policy R1 cannot be relied upon - and there can in any event be no breach of the policy until all of the housing requirements for the rural areas have been met. For its part the Council argues that the need for additional dwellings in the rural areas identified in Policy R1 has already been met.
83. Notwithstanding the main parties' views it seems to me that on a straightforward reading of Policy R1, it has three parts; the first part deals with the spatial strategy for rural areas including the hierarchy, the second contains more specific requirements for development in the rural areas and the third is concerned with the situation once the housing requirement for the rural areas has been met. Included in the second part of the policy is a requirement that residential development in rural areas be within the village confines unless there are exceptional circumstances. I heard no cogent evidence to convince me that this should not apply now and none of the exceptional circumstances apply in this case. Consequently, irrespective of whether the rural housing need has already been met, the proposed development would be in breach of JCS Policy R1.
84. Insofar as JCS Policy S1 looks for development in the rural areas to enhance and maintain the distinctive character of rural communities, the proposed development would, for the reasons given earlier, conflict with that aim. Overall I therefore consider the proposed development to also be in conflict with the JCS.
85. In terms of housing land supply, on the basis of the evidence before the Inquiry I am comfortable that the Council can currently demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing measured against their requirements. In terms of NPPF Paragraph 49 I

therefore see no reason to regard LP Policies G2, H6 and EV2 as being out of date (or indeed JCS Policies S1 and R1 insofar as they are relevant policies for the supply of housing). Consequently, the second bullet point of NPPF Paragraph 14, under 'decision-taking', does not apply. Nevertheless, NPPF Paragraph 49 makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and it is still necessary to consider whether there are any material considerations that would outweigh the development plan conflict.

86. Looking to the three strands of sustainable development as identified in the NPPF, the proposed development would fulfil a social role in terms of both market and affordable housing provision. This is clearly a benefit of the proposal, particularly as I understand there is a shortage of affordable housing in the district and a number of people have expressed a wish to live in Paulerspury. However, whilst I also accept the Appellant's points that the Government is seeking to boost the supply of housing, and having a five year housing supply should not be seen as a ceiling for further development, the fact that a five year housing supply does exist must, in comparison to the situation where there is no five year supply, limit the weight accorded to any further housing provision. There would also be some short term economic benefits, through matters such as construction, and the potential for some limited, but longer term, economic benefits.
87. However, the development would also bring with it disbenefits in environmental terms. Not only would the encroachment into the countryside fail to preserve or enhance the natural environment but the likely form of development would also be harmful to the built environment. I give little weight to the suggested ecological benefits and I have already noted that it is likely that the majority of journeys to and from the development would be by car and in consequence the development is also likely to create pollution and use natural resources. Although the Appellant argues that the site's proximity to Towcester makes it a sustainable location, locational sustainability is clearly relative.
88. The NPPF makes it clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In weighing all the above benefits and disbenefits together it is my view that, in the current housing situation, the benefits of the proposal do not outweigh the disbenefits. Consequently the proposed development cannot be regarded as sustainable and the benefits would not be sufficient to outweigh the development plan or JCS conflict.
89. Having had regard to all other matters before me, including the proposed conditions, the further provisions of the Unilateral Undertaking put forward by the Appellant, the other appeal decisions drawn to my attention, the views of local residents concerning such matters as highway safety and capacity and the Paulerspury Village Design Statement (VDS), I find nothing to materially alter the planning balance above. I therefore conclude that the appeal must fail.

Lloyd Rodgers

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Caroline Bolton of Counsel She called	Instructed by Christopher Mace of Legal Services
Mr Andrew D'Arcy BA (Hons)(TP), MRTPI	Lead Planning Policy Officer, South Northants District Council
Ms Amanda Haisman Dip TP, MRTPI	Principal Planning Officer, South Northants District Council

FOR THE APPELLANT:

Mr Satnam Choongh of Counsel He called	Instructed by Wilbraham Associates Ltd
Mr Paul Quelch Dip Man (OU)	Land and New Homes Director, Connells Estate Agents
Mr Laurence Wilbraham Dip TP, MRTPI	Wilbraham Associates Ltd

INTERESTED PERSONS:

Cllr Mrs Sandra Barnes MBE Mr Derek Batten	District Councillor, Tove Ward Member, Paulerspury Parish Council (Speaking on behalf of Mr John Barnes, Chairman Paulerspury Parish Council)
Mr Philip Cooper Mr Andrew Bailey	Local resident Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY¹³

- 1 Appearances on behalf of the Appellant. Submitted by Mr Choongh.
- 2 Written submission on behalf of Paulerspury Parish Council. Submitted by Mr Batten.
- 3 Unilateral Undertaking pursuant to s106. Submitted by Mr Choongh.
- 4 Bundle of appeal decisions. Submitted by Mr Choongh.
- 5 Report of Study into Sutton Coldfield Green Belt sites, Phase 2. Submitted by Mr Choongh.
- 6 Bundle of plans. Submitted by Mr Batten.
- 7 Summary PoE Mr D'Arcy. Submitted by Ms Bolton.
- 8 Summary PoE Ms Haisman. Submitted by Ms Bolton.
- 9 Map of village boundaries. Submitted by Mr Choongh.
- 10 Opening submissions on behalf of Appellant. Submitted by Mr Choongh.
- 11 Historical maps of village. Submitted by Mr Bailey.
- 12 Copy of Approved Judgement: Neutral Citation Number [2012] EWHC 2376 (Admin). Submitted by Mr Choongh.
- 13 Email/form in respect of Towcester SUE delivery. Submitted by Ms Bolton.
- 14 West Northamptonshire JCS Tracked Changes: Proposed Main Modifications Policy S3. Submitted by Mr Choongh.
- 15 West Northamptonshire JCS Tracked Changes: Proposed Main Modifications

¹³ Supplementary proofs and appendices were also submitted during the adjournment by Mr D'Arcy on behalf of the Council and by Mr Wilbraham on behalf of the Appellant.

- Policy R1. Submitted by Ms Bolton.
- 16 Delivery Rates: Comparison table. Submitted by Ms Bolton/Mr Choongh.
- 17 Map showing key village features. Submitted by Ms Bolton/Mr Choongh.
- 18 Appeal decision APP/Z2830/A/11/2147946. Submitted by Mr Batten.
- 19 Table of housing built or granted permission in Paulerspury in last four years. Submitted by Mr Batten.
- 20 Bundle of appeal decisions (2). Submitted by Mr Choongh.
- 21 Extract from the Planning Practice Guidance. Submitted by Ms Bolton.
- 22 Closing statement on behalf of the Council. Submitted by Ms Bolton.
- 23 Closing statement on behalf of the Appellant. Submitted by Mr Choongh.

Richborough Estates