



Appeal Decision

Hearing held on 29 September 2015

Site visit made on 29 September 2015

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 21/10/2015

Appeal Ref: APP/U2805/W/15/3035908

Church Piece, Willow Lane, Stanion, Northamptonshire NN14 1DW

- 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 & Mrs R Spencer against the decision of Corby Borough Council.
 - The application Ref 14/00135/OUT, dated 28 March 2014, was refused by notice dated 5 March 2015.
 - The development proposed is described as an 'outline application (with all matters except access reserved) for the proposed development of 11 dwellings (single storey and storey and a half), access, landscaping and associated works'.
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Decision

1. The appeal is allowed and planning permission is granted for outline application (with all matters except access reserved) for the proposed development of 11 dwellings (single storey and storey and a half), access, landscaping and associated works at Church Piece, Willow Lane, Stanion, Northamptonshire NN14 1DW in accordance with the terms of the application, Ref 14/00135/OUT, dated 28 March 2014, subject to the conditions set out at the end of my decision.

Application for costs

2. On the day before the Hearing an application for costs was made by Mr & Mrs R Spencer against Corby Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Subsequent to the Hearing closing a further valid representation in response to the appeal was brought to my attention. I have considered this representation in my examination of the appeal, and in the interests of fairness and openness allowed the Council and the appellants a short time period to comment on the representation should they so wish. Comments were received from the appellant.
4. The proposal has been submitted in outline with only access to be decided at this stage. I have therefore treated the submitted layout plan as indicative only, and have decided the appeal on this basis.

Main Issue

5. Based on all that I have read, seen and heard at the Hearing, I consider the main issue in this case to be whether the proposed site is an appropriate

location for housing, having regard to the principles of sustainable development, including the character and appearance of the surrounding area and housing land supply.

Reasons

6. Willow Lane lies on the south east edge of the small village of Stanion. The appeal site forms part of a field situated mainly behind numbers 1-19 (odd) Willow Lane, which are all semi detached two storey dwellings. Between numbers 11 & 13 there is a reasonably wide green track which leads to the field. The track is also used by a public right of way, which accesses the field via a kissing gate. The site forms the northern part of the field and is proposed to be used for the provision of 11 single storey and storey-and-a-half dwellings.

Housing Land Supply and Planning Policy

7. It is common ground amongst the parties that the Council cannot demonstrate a five year supply of deliverable housing sites. In such circumstances the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up to date. Housing applications should be considered in the context of the presumption in favour of sustainable development.
8. Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy (the NNCSS) together establish a settlement hierarchy which aims to direct development to the most sustainable settlements. Policy 10 specifically states that development should be directed to growth towns, including Corby, with limited development in villages and restricted development in the open countryside. All 3 policies can be considered as relevant policies for the supply of housing and consequently cannot be viewed as up to date.
9. At the Hearing the Council submitted a recent appeal decision¹ in support of their view that, although policies 1, 9 and 10 are relevant policies for the supply of housing, when taking a broader view the NNCSS is not inconsistent with the philosophy of the Framework. In this context I would agree with this view. The policy of directing growth towards large settlements which are likely to be inherently more sustainable than small villages does accord with the principles of the Framework.
10. However, whilst I have limited information of the appeal decision submitted I note that the scheme in that case was significantly larger than the scheme in this case – at around 75 dwellings as compared to 11. The size and scale of the proposal in that case therefore is significantly different to that in the case before me. I also note that the Inspector stated that “I do not consider that locating significant tranches of new development into small villages is the appropriate response” [with regard to meeting a 5 year housing land supply].
11. Policy 10 allows for limited growth in villages and it seems to me that a total of 11 dwellings would constitute limited growth, and not a significant tranche. Therefore, when taking the broader view as suggested by the Council I do not consider that a proposal of 11 properties in an edge of village location would necessarily conflict with this wider view. Planning Practice Guidance states that it is important to recognise the particular issues facing rural areas in terms of

¹ APP/H2835/A/14/2227520, Easton Lane, Bozeat, Wellingborough.

housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements.

12. The village development boundary is defined in the Corby Borough Local Plan of 1997. Policy P1(E), relating to special landscape areas, and policies P10(E), P2(V), and P5(V) of this Plan are referred to in the Council's appeal statement but are stated to be of limited weight by the Council themselves due to their age and the introduction of the NNCSS in 2008. This view was confirmed in the Hearing and I have no reason to disagree with this view.
13. I therefore consider that in the context of this case, Policies 1,9 and 10 of the NNCSS are out of date, aside from the wider context of the settlement hierarchy, which the proposal would comply with in principle. This then takes the decision maker to paragraph 14 of the Framework, which states that, where the development plan is out of date, permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Sustainable development

14. Stanion is a small village with relatively few facilities. However, the village does have a school and a pub, and a reasonably good bus service to the local large towns of Corby and Kettering. Evidence submitted at the Hearing indicates that the current bus timetables would allow someone working a normal day of 0900-1700 to use the bus to access either settlement, and that services are fairly regular at every hour, with a reasonable service of every 2 hours on a Saturday. The site lies just outside the village boundary referred to above. However, the Council confirmed at the Hearing that they would consider the proposal to be sustainably located were it to lie within these village boundaries. The proposal would not be considered as isolated within the terms of paragraph 55 of the Framework and I therefore the site to be a reasonably sustainable location for limited growth.
15. The proposal would generate economic benefits through the construction of 11 units. Such benefits would be relatively short lived and would not be substantial. However, there would also be some economic benefits through the new residents and their contribution to the local economy.
16. Social benefits of the scheme would be accrued from the provision of 11 houses towards the Council's five year housing land supply, and from the provision of 3 affordable units within the overall 11 houses. It is also reasonable to suggest that new residents would also contribute somewhat to the social scene of the village. I place significant weight in particular on the affordable housing provision proposed and confirmed within a submitted unilateral undertaking.
17. The appeal site lies on a field which falls towards Harper's Brook. It is an attractive field for walkers using the public right of way that traverses it and for the residents of the properties on Willow Lane that back onto it. A landscape statement submitted by the appellant states that the field lies close to the boundaries of two Landscape Character Areas; the Harper's Brook Limestone Valley Slopes Character Area, and the Geddington Chase Wooded Clay Plateau Character Area.

18. However, the site would not cover the whole field. Fundamentally, there is development of a form on 3 sides of the site; the rear of the houses on Willow Lane to the north, the relatively modern Village Hall and playground to the east, and a line of terraced garages to the west. The site boundary would follow a rough line from the southern edge of the garages to a hedged field boundary to the south of the playground. Whilst it would therefore constitute a small growth of the village out from its current landform, it would largely be within existing development on three sides.
19. Concern is raised over the effect of the proposal on views from Willow Lane and the green infrastructure that the current track provides, and on wider views. However, Willow Lane has various cul-de-sacs accessed off it presently, and the proposal could be designed sensitively both at reserved matters stage and via condition to retain green views into, and beyond the site from Willow Lane, and to ensure that the necessary access was not unduly conspicuous or overly engineered in appearance.
20. The landscape statement demonstrates that the effect of the scheme on wider views would be slight, with significant views only really available from the track which leads to Stanion Lodge to the east of the village. This track is little used by vehicular traffic and landscaping could be used at reserved matters stage to mitigate many such effects, which would also be lessened by the proposed single storey, and storey and half height of the houses. The height of the proposed dwellings and the topography of the site would also mean that, subject to detailed design, the residents of Willow Lane would also still retain views to the surrounding countryside above the proposed units once constructed. The site is large enough to provide both existing neighbouring residents and future residents with more than adequate living conditions, and the proposal to plant and strengthen existing hedgerows around the edges of the site would help to integrate the scheme into the surrounding countryside.
21. It is axiomatic that a development of housing on a green field would have a certain negative effect on the character and appearance of the surrounding area. However, I consider that in the light of the Council's lack of housing land supply and the economic and social benefits that the proposal would supply, that this negative effect would not significantly and demonstrably outweigh the benefits of the proposed development, and I therefore conclude that the proposal would constitute an appropriate location for housing, having regard to the principles of sustainable development, including the character and appearance of the surrounding area and housing land supply. The proposal would accord with the Framework and with Policy 13 of the NNCSS which states that development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to.

Other Matters

22. Concern was raised during the application process over the proposals effect on flooding, and also concerning the capacity of local sewerage systems. The site lies within Flood Zone 1, which carries the lowest risk of flooding. I also note that the Environment Agency had no objections to the proposal subject to conditions concerning the phasing of the development and main foul sewer drainage.

23. Local residents raise concerns over the proposed access to the scheme, including provision for disabled persons. The proposal includes a 5.5m wide shared surface access which will allow the required highways visibility splays to be achieved whilst still allowing access to be maintained to both the adjacent properties to the access, to the well used public footpath through the site and safe disabled access through and across the site to be achieved. I noted the tight bend at the southern end of Willow Lane during my site visit; however, this bend appears to me to offer a form of traffic calming around which drivers are likely to slow down appreciably to negotiate the bend, when travelling in either direction.
24. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However, no directly comparable sites in the village to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
25. An extended ecological survey and a subsequent reptile survey was submitted with, and during the planning application. These reports concluded that the proposal would not have a significant effect on ecology, and that mitigation could be provided for any effects that do exist. Such mitigation measures could be reasonably conditioned.
26. Concern is raised over the shape and form of the detailed design of the proposed dwellings. This would be dealt with by reserved matters but I note in this context that the assessment of effects of the proposal has been considered in accordance with the development description. Representations are made over the capacity of the local school. However, I note that no issues were raised over this matter in consultation with statutory consultees.

Obligation and conditions

27. I consider that the measures in the submitted unilateral obligation are necessary, related directly to the development and are fairly related in scale and kind. As such they accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework, as well as with Policy 15 of the NNCSS.
28. I have imposed standard conditions relating to time limits for implementation and reserved matters in the interests of proper planning and for the avoidance of doubt. Given that access is approved as part of the consent, I have also imposed conditions relating to this matter, including compliance with the submitted access plan in the interests of highway safety.
29. A local resident raises concern over possible construction times. In relation to this, and as contained within the submitted Statement of Common Ground (SoCG), I agree that a condition relating to a construction management plan should be imposed, in the interests of the living conditions of nearby residents and the character and appearance of the area. As mentioned previously, conditions are also imposed concerning phasing of development and foul drainage works, and with regard to ecological mitigation measures.
30. Following comments from County Archaeology, and as discussed at the Hearing, I have also imposed a condition requiring archaeological works to be

carried out. Finally, I have also imposed a condition requiring 10% of energy requirements of the development to be from renewable sources or for the development to generate an energy demand of 10% less than current building regulations. This is in line with Policy 14 of the NNCSS.

31. The SoCG contains three conditions relating to proposed materials, boundary treatments and landscaping. Such conditions would be best suited to being dealt with at the reserved matters stage.

Conclusion

32. I appreciate that the proposed scheme had a significant level of objections, and fully understand and sympathise with such concerns over the proposal, particularly to those residents on Willow Lane whose views will be altered. However, I have concluded that the site constitutes a suitable site for housing some limited growth for the village and that the environmental effects do not significantly and demonstrably outweigh the benefits of the proposal.
33. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

Schedule of 10 conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this permission, or two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 4) The access for the development hereby permitted shall be carried out in accordance with the following approved plans: 28789/003/002 Rev A 23.05.14.
- 5) Prior to the commencement of development the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - A programme for the construction and surfacing of the access road and public right of way.
 - Details of proposed vehicle and pedestrian visibility splays, hard surfacing materials, means of drainage, kerbing and surfacing, street lighting, and parking court lighting.

All roads shall be constructed to achieve a maximum gradient of 1:15 and minimum gradient of 1:100. Development shall be carried out in accordance with the approved scheme.

- 6) Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include and specify provisions for the hours of working on site, deliveries of materials to site, and measures to control noise, dust, and mud on the road. The CMP shall also include a waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works. The approved CMP shall be adhered to throughout the construction period and the approved measures shall be retained during the duration of the construction works.
- 7) No development which comprises the construction of any building to be served by water services shall be undertaken until full details of a scheme to include phasing for the provision of main foul sewage infrastructure on and off site where appropriate has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with approved details.
- 8) The development hereby approved shall be undertaken in accordance with the recommendations and conclusions of the Extended Phase 1 Habitat Survey submitted by ecologylink dated December 2012, Reptile Survey Report by ecologylink dated July 2014 and Precautionary Method of Works by ecologylink dated 6 July 2014, unless otherwise agreed in writing by the Local Planning Authority.
- 9) Prior to the commencement of development, an energy strategy shall be submitted to and agreed in writing by the Local Planning Authority which includes details and drawings demonstrating how either:
 - 10% of the energy requirements generated by the development as a whole will be secured from decentralised and/or renewable or low-carbon energy sources and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage; or
 - 10% reduction in energy usage over the development when compared to the development if it were built to a standard which would achieve the current minimum Building Regulations.

The energy strategy shall include details of location, design and installation of any measures and shall identify how renewable energy, passive energy or efficiency measures are utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The approved details shall be implemented with the construction of each building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

- 10) No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.

APPEARANCES

FOR THE APPELLANT:

Russell Spencer	Appellant.
Mark Richards	Appellant's Agent.
David Gadsby	

FOR THE LOCAL PLANNING AUTHORITY:

Mitesh Rathod	Corby Borough Council
Terry Begley	Corby Borough Council.

INTERESTED PARTIES:

Ms Patterson	Local resident.
Mr Bailey	Local resident.

DOCUMENTS SUBMITTED AT THE HEARING

1. Appeal decision APP/H2835/A/14/2227520; Easton Lane, Bozeat, Wellingborough NN29 7LA.
2. Centrebus Timetable Route 8 – Corby – Kettering.
3. Drawing No 28789/003/002 rev A- Indicative Site Access.