



Appeal Decision

Hearing held on 17 November 2015

Site visit made on 16 November 2015

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 24/11/2015

Appeal Ref: APP/Z2830/W/14/3000537
Abbey Road, Syresham, Northamptonshire

- 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 Mulberry Property Developments against the decision of South Northants District Council.
 - The application Ref S/2014/0436/MAF, dated 17 March 2014, was refused by notice dated 10 June 2014.
 - The development proposed is described as '30 dwellings, open space and associated works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, it has adopted the West Northamptonshire Joint Core Strategy (the Core Strategy). This has superseded some of the saved policies from the South Northamptonshire Local Plan and I have determined the appeal accordingly.
3. At the Hearing the Council confirmed that the submitted S106 agreement addressed its reason for refusal in relation to impacts upon local infrastructure and, as such, it would not be defending that reason. I expressed a number of concerns with the lack of specificity of, and inaccuracies in, the S106 agreement at the Hearing. If this had been the sole determinative factor in dismissing the appeal I would have considered them further here. However, given that it is not, and having regard to the Council's position, there is no need for me to do so.

Main Issues

4. The main issues are:
 - whether, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed;
 - the effect of the proposed development on the character and appearance of the area, including protected trees;

- whether the design of the proposed affordable housing units is appropriate in the context of the wider development scheme;
- the effect of the proposed development on the living conditions of the residents of neighbouring properties, with regard to light, outlook and privacy.

Reasons

Whether an appropriate location

5. Policy S1 of the Core Strategy sets out a broad strategy for the distribution of development across its area. This concentrates development primarily on Northampton and Daventry. With regard to the rural areas development, although not precluded, will be limited. The policy emphasises, among other factors, shortening journeys and facilitating access to jobs and services.
6. Policy R1 of the Core Strategy provides greater focus in relation to the rural areas. Of direct relevance to the location of residential development is the criterion that it should be within existing village confines. It is common ground that the appeal site is situated outside the 'village confines' of Syresham as defined by Local Plan policy H5 and its accompanying inset map. The appeal site is, therefore, in the open countryside.
7. There are two exceptional criteria to policy R1, but the appeal scheme does not meet either of them in that there is no compelling evidence that it would improve the local economy or enhance or maintain the local community (which I consider below).
8. In addition, policy H6 of the Local Plan applies. This also seeks to restrict development in the open countryside, subject to certain criteria, which the appeal scheme fails to meet. The scheme is, therefore, in conflict with the development plan in relation to the locational criteria set out in Core Strategy policies S1 and R1 and Local Plan policy H6.
9. In addition, policy R1 sets out five criteria to be considered for when the housing requirement for the rural areas has been met. It was not disputed that this has requirement has been met in South Northamptonshire. The appeal scheme fails to meet any of the five criteria and, as such, is in further conflict with the development plan.
10. It was suggested to me that as it passes the establishment of a specific village hierarchy to the Part 2 Local Plan, which has yet to materialise, the Core Strategy is silent on the approach to residential development in rural areas. Recent appeal decisions, which appear to support this contention in relation to the Core Strategy, albeit in relation to its application to a different District, were drawn to my attention. With respect to these Inspectors, I cannot agree.
11. The Core Strategy may lack a village hierarchy, and may not indicate where allocations may be specifically located, but this is not the same as saying that the development plan, when taken as a whole, is silent or that a locational strategy is absent. Policy S1 sets out a strategic framework for the distribution of new development and policy R1 sets out a clear set of criteria against which development proposals in rural areas may be considered, irrespective of a hierarchy. As such, the development plan provides decision makers and applicants with a clear means of assessing and making judgments about the

acceptability of development proposals in rural areas. Although it may not be as specific as the appellant may wish, it is not silent.

12. Policy H6, referred to by the Council in its decision notice, was 'saved' and, as such, cannot be considered to be absent. It continues to form part of the extant development plan, albeit that the Council has evidently, on occasion, taken the view that the application of development boundary policies is not appropriate in relation to its determination of specific planning applications.
13. Even so, the appellant advanced the argument that policies H5 and H6 were out-of-date by virtue of the fact that they were originally envisaged as running to 2006. I also note that other decisions presented to me, albeit relating to a different local authority with a different set of locally specific development plan policies, conclude that saved development boundary policies are out-of-date as they are time expired.
14. I do not know the detailed arguments that were before the Inspectors in those cases, but I do not consider that considerations in relation to a different local planning authority area and specific sets of circumstances can necessarily be regarded as establishing a generally applicable principle. In any case, based on the evidence that I have heard I am not persuaded by this argument. The relevant test in the Framework in relation to saved policies¹, with regard to whether a plan is out-of-date, is not one of chronology but of consistency with the Framework.
15. In this regard, I consider that the saved policies reflect the Framework's aim of taking account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and the role of plan making in identifying land where development would be inappropriate². I am also mindful that the policies are cross-referenced explicitly in the Core Strategy, which is clear at paragraph 16.9 that *'until the named rural settlement hierarchy has been defined within the Part 2 Local Plans ... the existing saved Adopted Local Plan policies for ... South Northamptonshire will apply'*.
16. Paragraph 55 of the National Planning Policy Framework promotes sustainable development in rural areas by seeking to locate housing where it will enhance or maintain the vitality of rural communities. Policy H1 of the Core Strategy states that new housing development will be expected to make the most efficient use of land having regard, among other things, to accessibility to services and facilities.
17. Syresham is a very small village, some distance from the nearest larger centres of Brackley, Towcester and Buckingham. It has a very limited range of local facilities, which comprise a pre-school and primary school, a very small shop and post office, a church, a pub and a village hall. I do not regard the monthly visit of a mobile library or the presence of mains drainage and a play area as 'facilities' of any great note. It is not suggested that there are any significant employment opportunities and it was evident from discussion with regard to the S106 agreement that any children of primary school age would be expected to travel to Silverstone for schooling.

¹ Paragraph 215

² Paragraphs 17 and 157

18. Thus, in my judgment, any future residents would need to travel further afield to access schools, food shops, medical services and work. Although there is a bus service to larger settlements, with a stop near the appeal site, it is a two hourly service at best for most of the day. It was not suggested that walking or cycling to nearer, larger, centres would be a particularly feasible or attractive option for future residents. This being so, I do not consider that accessing what services and facilities there are in larger settlements by means other than the private car would be an attractive proposition for most future residents.
19. The appellant makes reference to the Council's, now revoked, Interim Rural Housing Planning Policy (IRHPP) document, which ranks South Northamptonshire's Limited Development and Restricted Infill villages in relation to their services and facilities. Albeit that very little weight can be attributed to this as a policy document, the appellant concludes that it shows Syresham to be a 'sustainable' location for additional residential development. It is not for me to come to a view on whether Syresham has a role to play in relation to any future housing allocations. However, the IRHPP clearly shows Syresham to be some way down the 'pecking order' in terms of its number of services and facilities relative to other settlements in the District.
20. Even if this were not the case, there is no evidence before me that the vitality of Syresham or other nearby settlements, or their services and facilities, are under threat such that they require either enhancement or maintenance from thirty new dwellings on the appeal site. Indeed, Syresham Parish Council, which it is reasonable to consider would be well placed to comment on such matters, objects to the appeal proposal.
21. The recent grant of permission for 26 dwellings by the village hall was drawn to my attention as being indicative of an acceptance by the Council that Syresham is a 'sustainable' location for new development. However, it is evident that that scheme had community support and was felt to be of benefit through its contribution to the provision of a new village hall. These factors were felt to outweigh any locational concerns, which is not the case here.
22. Thus, I conclude that, for the reasons set out above, having regard to the requirements of local planning policy for the delivery of housing, the appeal site is not an appropriate location for the development proposed. In addition it would conflict with the requirements of the Framework, which seeks, among other things, to ensure that rural housing is appropriately located³ and that developments should be located and designed where practical to give priority to pedestrian and cycle movements and have access to high quality public transport facilities⁴.

Character and Appearance

23. In advance of the Hearing, the Council agreed that it would no longer be defending its concerns in relation to the scheme's proposed use of single casement windows. It also agreed that its objections in relation to the scheme's palette of materials could be overcome by condition. I have no reason to disagree with this. At the Hearing, the Council conceded that dwellings with deep plan depths, although not prevalent, could be found within

³ Paragraph 55

⁴ Paragraph 35

- the settlement and that the location of the affordable housing units, although not ideal, would be policy compliant. Thus, the Council's remaining objections to the appeal scheme in relation to character and appearance relate to its location; layout; use of frontage parking; and use of gables on front elevations.
24. Although it has clearly expanded over the years, the overall impression of Syresham is of an historic, stone built village surrounded by open countryside. Dwellings are typically clustered around a network of lanes. There are one or two short cul-de-sacs, but the village is typically characterised by ribbon development of dwellings set close to the road. Standalone estate development is not a feature.
 25. The appeal site is a large arable field situated adjacent to the village boundary. The rear gardens of the dwellings on Malt Lane back onto it to the north, but otherwise it is unenclosed by existing development. A prominent and imposing line of Lime trees runs along its western boundary with Abbey Road, the main access to the village from the south, with mature hedges to the south and east.
 26. There are dwellings along Abbey Road, the appearance of which is somewhat at odds with that of the core of the village. Nonetheless, the presence of the Lime trees, set on a deep grass verge, and the views of the open countryside beyond serves to preserve an overall impression of quiet rurality. The appeal site forms an integral part of this rural setting to the village, the main body of which is set some distance further down Abbey Road.
 27. The appeal proposal would extend development from Malt Lane all the way to Main Road. It would result in the relocation of one of the Lime trees to accommodate the access from Abbey Road, and introduce a new footway along Abbey Road. The overall result would be an incongruous extension of the village into its open setting. Development would be clearly visible from Abbey Road, even if under planting of the Limes were successful, which would take on a much more suburban appearance, at odds with the established rural approach to Syresham.
 28. In addition, the extensive, standalone estate style of the appeal proposal, with blocks of uniform dwellings located around a number of internal roads, including a formal central avenue, would sit uncomfortably with the prevailing form and varied character of the village. Although it is suggested that there would be distinct character areas within it, as a whole the scheme would take little in the way of cues from the overall pattern of development in the village. It would introduce a significant, discrete block of housing that would appear disconnected from, and poorly integrated with, the main body of the village.
 29. Turning to the protected Lime trees, in addition to their contribution as a prominent positive feature of this area of the village, they form a 'living memorial' to those men from the village that fell in the First World War. They have taken on a greater local significance with the situating of the village's war memorial just beyond the northernmost tree. For this reason they have been judged by the appellant, using the relevant British Standard⁵ grading, as Category A trees due to their historic and cultural significance.
 30. One Lime tree, T5, would be relocated onto the appeal site as part of the appeal scheme. There was debate at the Hearing as to whether such an

⁵ BS5837

operation would be effective insofar as the long term health of the tree was concerned. This, however, is largely moot. The loss of tree T5, part way along the line, would result in a significant adverse impact upon this approach to the village. It would disrupt the even rhythm of the planting with a sizeable gap accommodating a formal highway access into the site. This could not fail to have an adverse impact upon the character of Abbey Road to which the presence of the run of Lime trees is a key contributing factor.

31. The relocation of the tree would also impact adversely on the purpose of the Limes as a memorial. The loss of an integral part of the memorial could not fail to be harmful to it, undermining its planned design by the insertion of a roadway through it.
32. I now turn to the specific issues around frontage parking and use of front gables. With regard to the former, I agree with the Council's view that extensive areas of hardstanding in front of dwellings can be harmful to character and appearance. The frontage parking to plots 6 to 9 is broken up by green space, whereas that to plots 19 and 20 is unsympathetic, presenting a solid block of parking at the head of private drive 02.
33. Gable frontages, and side gables to the street, while not entirely alien, are not prominent features of the village. Indeed, of those examples of gable frontages provided to me many were small or more readily characterised as half dormer windows. The appellant's argument that the use of them to provide interest at the end of streets is not entirely without merit. However, there are other means of achieving this without introducing features that are atypical to that of the surrounding built environment.
34. Although these features may not be reasons for dismissal on their own, taken together they nonetheless add weight to my wider concerns in relation to character and appearance set out above.
35. It is suggested that additional planting as part of the scheme would create a strong alternative village boundary. This may be so, but the village already has strong boundaries in this area and there is no compelling reason why different ones should be established.
36. It was further suggested that the 26 dwelling scheme by the village hall was not particularly sympathetic to the village vernacular. This was acknowledged to some extent by the Council, but this is an outline application with the final layout and design yet to be established.
37. Paragraph 60 of the Framework states that planning decisions should not attempt to impose architectural styles or particular tastes. However, it is also clear that it is proper to reinforce local distinctiveness. Paragraph 61 also emphasises the need to address the connections between people and places and the integration of new development into the natural, built and historic environment.
38. I conclude, therefore, that the appeal scheme would have an adverse impact upon the character and appearance of the area. It would conflict with Local Plan policies G3(A) and ENV1, and Core Strategy policy H1, which seek, among other things, to ensure that new development is compatible with the existing character of the area.

Affordable Housing

39. The Council's concerns in relation to the proposed affordable housing units relate to their appearance, which is regarded as being sufficiently distinct from that of the proposed market housing such that they are not 'tenure blind'.
40. The resolution of issues in relation to plan depths and use of materials have been addressed above. In addition I have raised concerns, in more general terms, about the use of gable frontages, and the nature of the frontage parking on plots 19 and 20.
41. It is clear that frontage parking and gable frontages would not be features of the proposed market housing. As such, although some of the proposed affordable units would reflect the design of the market housing, this would not be universally applicable. Some variation between house types is to be expected and, in many cases, is essential. Nonetheless, these variations, which are found solely on the affordable units, do result in them being more readily identified as distinct from the market housing.
42. I conclude, therefore, that the design of the proposed affordable housing units is not appropriate in the context of the wider development scheme. The appeal scheme would conflict, therefore, with Core Strategy policy H2, which seeks, among other things, to ensure that affordable housing is provided as an integral part of development.

Living Conditions

43. The outlook from the rear of numbers 8 and 10 Malt Lane is currently open, across the appeal site over the low post and rail fence and low hedge that forms their rear boundaries. Although there is some tree cover to no 8's boundary, and a single small tree on No 10's boundary, neither is extensive.
44. The appeal scheme would situate two dwellings behind nos 8 and 10. Although, some limited tree planting within the gardens of the new dwellings is proposed, which may provide some landscape interest, no additional boundary treatment is to be provided. There was no suggestion that this was something that could be addressed by condition and, even if it were, consideration would need to be given to the impacts of that. Nor is it appropriate to rely on the occupiers of neighbouring properties to retain existing trees or to raise the height of hedges in order to screen themselves from new development.
45. Given the open aspect from both nos 8 and 10, this situation could not fail to compromise the outlook from, and privacy of, both dwellings. Their rear gardens and rooms would be directly overlooked from the rear gardens and rear elevations of the proposed dwellings and the introduction of two buildings in relatively close proximity, albeit that one would be single storey, would compromise the existing expansive, open outlook.
46. Turning to light, the rear elevations of nos 8 and 10 face southeast. However, given the height of the buildings proposed, I do not consider it likely that loss of either daylight or sunlight to nos 8 and 10 would occur.
47. The appellant is of the view that the back-to-back distances between the proposed dwellings and nos 8 to 10 are reasonable, being around the 'standard' distance employed by them in other developments. The District Council has no formal policy on separation distances and it may be that such distances are appropriate in certain situations. Policy H1 of the Core Strategy is clear, however, that new residential development should, among other things, have

regard to the location and setting of the site; the existing character and density of the area; and the impact on the amenities of occupiers of neighbouring properties.

48. Given the complete absence of development beyond nos 8 and 10 at present; the expansive open outlook from them; the minimal, low boundary cover; and the atypical (to the village) back-to-back layout that would arise as a result of the appeal development, with its attendant impacts, I am not persuaded that the distances proposed are reasonable. I am also mindful that the southern part of the proposed development has a more spacious layout with the back-to-back distances between dwellings appearing to be considerably greater than those proposed between nos 8 and 10 and the new dwellings behind them.
49. I conclude, therefore, that the proposed development would have an adverse impact upon the living conditions of the residents of neighbouring properties, with regard to outlook and privacy. Although I have found harm from loss of light would be unlikely, this does not outweigh the other impacts upon living conditions.

Other Matters

50. My attention was drawn to an appeal decision in Launceston wherein the Inspector concluded that even where the local authority in question could show a five-year supply of deliverable housing sites, its housing target was not to be regarded as an upper limited. This is not disputed, but the Inspector in that case found that the limited harm arising from the appeal scheme was not outweighed by the scheme's benefits. I have found harm in relation to a number of issues, set out above and, although I weigh this appeal scheme's suggested benefits below, I do not, therefore, consider the Launceston appeal to be a comparable example to that before me.

Conclusion

51. I have found that, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is not an appropriate location for the development proposed; that the scheme would cause harm to the character and appearance of the area; that the design of the proposed affordable housing units is not appropriate in the context of the wider development scheme; and that the scheme would have an adverse impact upon the living conditions of neighbouring residents. I give significant weight to these harms.
52. Nonetheless, the appellant has stated that the appeal scheme would provide a number of benefits and I weigh these in the planning balance, taking account of the three strands of sustainable development as set out in the Framework.
53. First, it was suggested that the provision of additional housing, including affordable housing, in the settlement would be of social benefit in significantly boosting housing supply and delivering a choice of homes in the District, in line with the aims of the Framework. It was common ground that there is a need for affordable housing across the District.
54. However, the Framework also supports a plan-led approach and it does not automatically follow that just because a housing target figure is a minimum it must be exceeded, whether generally or in relation to a specific settlement, particularly where such proposals would result in conflict with the development

plan. In addition, I am mindful of the recent grant of permission for 26 new houses in Syresham, including affordable units, and of that for a discrete development of affordable housing units in The Pound. Also, in my judgment, the existence of a five-year supply of deliverable housing land in the District reduces the weight to be given to the social benefit of any housing provision.

55. In economic terms, it was suggested that the appeal scheme would help to sustain local services and facilities, through increased spend and usage. However, as noted above, there is no evidence to suggest that local services and facilities are under threat and, as such, I give this factor little weight.
56. It was further suggested that the scheme would provide local construction jobs, with money 'hopefully' returning to the local economy; would 'potentially' improve affordability of open market housing; and would provide New Homes Bonus (NHB) payments to the Council. There is no evidence to support what are, at best, assertions, in relation to the first two factors and, thus, I give them little weight. The NHB is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between the spend of the NHB and Syresham has been established. I do not consider, therefore, that this factor attracts weight as a benefit in the planning balance.
57. In environmental terms, the site is not subject to any environmental designations and the scheme proposes mitigation measures, open space, new tree planting and a surface water attenuation basin. However, the first point is a fact rather than a benefit and the other measures relate to policy requirements, mitigation factors or measures that would be expected of any modern housing development. As such, I give them little weight.
58. Placing these factors and all of the relevant material considerations in the balance, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. In the circumstances I conclude that the proposal would not represent a sustainable form of development. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Glenn Godwin Dip TP MRTPI
Mrs Angela Wood
Dr Richard Curtis
Mr Martin Letts

Pegasus Group
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Mulberry Property Developments

FOR THE LOCAL PLANNING AUTHORITY:

Mr Wayne Campbell
Mr Andrew D'Arcy
Mr Michael Warren
Mr Alan D'Albe

South Northamptonshire Council
South Northamptonshire Council
South Northamptonshire Council
Leicester City Council

FOR SYRESHAM PARISH COUNCIL:

Mrs Lesley Sambrooke Smith
Mrs Dorothy Dunkley
Mr Ian Draper

INTERESTED PERSONS

Mr Jonathan Stone

DOCUMENTS SUBMITTED AT THE HEARING

1. Timetable for No 8 Bus Service through Syresham
2. Indicative layout for Village Hall Site, Syresham (S/2014/1701/MAO)
3. South Northamptonshire Council CIL Charging Schedule and Infrastructure Delivery Plan
4. Email from Richard Wood (Daventry District Council), dated 17 November 2015, confirming the ongoing challenge by Daventry DC to the New Street Weedon appeal decision
5. Examples of mature tree transplanting undertaken by Ruskins Trees and Landscapes
6. Confirmation of the grant of planning permission for a new primary school at Silverstone, dated 22 April 2015