



Appeal Decision

Site visit made on 14 December 2015

by I Radcliffe BSc(Hons) MCIEH DMS

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

Decision date: 18 January 2016

Appeal Ref: APP/Y2810/W/15/3134428

Land off Northampton Road, Chapel Brampton, Northamptonshire (Grid reference: 472937, 266156)

- 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 Mulberry Property Developments Limited against the decision of Daventry District Council.
 - The application Ref DA/2014/0795, dated 22 August 2014, was refused by notice dated 16 June 2015.
 - The development proposed is residential development of up to 25 dwellings, village shop and community room, vehicular access onto Northampton Road, public open space and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis and I have taken the illustrative plans that have been submitted into account insofar as they are relevant to my consideration of the principle of the development on the appeal site.
3. The Council's second reason for refusal, in relation to the effect of the proposal on the Special Landscape Area, was withdrawn following receipt of the appellant's Landscape Appeal Statement. I have dealt with the appeal on this basis.
4. A planning obligation has been submitted to secure the provision on the site of affordable housing, public open space, a community room and shop. The agreement also seeks to mitigate the effects of the proposed development on local infrastructure and services. The obligation is a material consideration and is a matter that I will address later in the decision.

Application for costs

5. An application for costs was made by Mulberry Property Developments Limited against Daventry District Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue in this appeal is whether new housing in this location would be acceptable, having regard to the principles of sustainable development.

Reasons

Planning Policy, the housing requirement for rural areas and housing land supply

7. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area consists of the saved policies of the Daventry District Local Plan ('Local Plan') and the West Northants Joint Core Strategy Local Plan (Part 1) ('Core Strategy'). The National Planning Policy Framework ('the Framework') is an important material consideration.
8. The Core Strategy, informed by the Framework, was adopted only a year ago and covers the period 2011 to 2029. Its spatial strategy focuses new development on sustainable urban areas such as Northampton and other towns in West Northamptonshire. In rural areas, new residential development is supported by policy R1 of the Core Strategy. The preamble to this policy recognises that the scale of development has to be consistent with local need and that the natural and built environment should be protected.
9. Policy S3 of the Core Strategy identifies that in the rural areas about 2,360 dwellings will be sought during the plan period. Policy R1 sets out the spatial strategy for rural areas and the principles governing where new housing will be located. The location of new housing in districts such as Daventry is to be confirmed Part 2 Local Plan which is yet to be prepared. However, only four years into the eighteen year period of the Core Strategy the Council most recent figures show that the rural housing requirement for the plan period of 2,360 has already been met and exceeded by approximately 10%. Where the housing requirement has been achieved policy R1 only supports further housing development in rural areas where certain criteria are met.
10. The appellant contends that there is conflict between policy S3 which refers to 'about 2,360 dwellings' and policy R1. However, policy R1 does not prevent further housing in rural areas: it introduces a mechanism to more strictly control further residential development. As a result, policy R1 and policy S3, rather than being in conflict, complement each other. The question which therefore arises is does the appeal proposal comply with the relevant criteria in policy R1? It is to that matter that I now turn.
11. In relation to the first criteria, as the development would result in the loss of a field to development it would not result overall in environmental improvements. As a result, this criterion is failed. The alternative qualifying condition is that the development is required to support the retention, or improvement, of local services that may be under threat. As the proposed convenience store and community room do not yet exist they do not qualify to be considered against this test. In terms of the village primary school, it is stated that Department of Education figures show that the local primary school is operating at 74% capacity and that the proposed development in increasing school numbers would support the school. However, the position of the Education Authority in its letter setting out the effect of the proposal on the school is that it is running at close to full capacity and that additional places would need to be funded by the development to mitigate its effect on primary school provision in the area. To that effect, a planning obligation securing contributions towards the development and expansion of the school has been agreed to by the appellant. I therefore find that the available evidence does not demonstrate that the development is required to support the school, or that the school is under threat. It is not a matter in dispute that the appeal site is not a rural exception

- site that meets the criteria of policy H3 and it is not a development that has been agreed through an adopted Neighbourhood Plan. The proposed development would therefore be contrary to policy R1 of the Core Strategy.
12. The Council states, and it is not disputed by the appellant, that a five year housing land supply exists. Appeal decisions have shown this is not necessarily a cap on delivery¹. However, as the housing requirement for rural areas has been exceeded so early in the plan period, it is right that in order to achieve the spatial strategy of focussing development on sustainable urban areas further rural housing is only supported in certain circumstances. A mechanism in policy R1 exists for that purpose and the proposal would be contrary to it.
 13. In the District two applications for housing in rural areas have been allowed at appeal this year². However, the context of those appeals is materially different to current circumstances. When these appeals were decided the housing requirement for rural areas had not been met. In the absence of details as to where rural housing on green field sites should be located, it was considered that a policy silence existed reducing the weight to be given to policy R1 of the Core Strategy. In relation to policy H24 of the Local Plan, which strictly controls residential development within the open countryside, the Inspectors considered little weight should be attached to it because it was adopted some years ago in the context of a different housing requirement.
 14. In this appeal, as the housing requirement for rural areas for the whole plan period has now been exceeded, circumstances have changed. In controlling housing development in rural areas policy R1 of the Core Strategy, along with policy H24 of the Local Plan, fulfil an important role in supporting the spatial strategy of the Core Strategy. As a result, I find that the weight attached to these policies should not be reduced. For these reasons, the appeals referred to have not altered my reasoning in relation to this appeal.
 15. There would be a fundamental conflict therefore with policy R1 which as part of the recently adopted Core Strategy remains the starting point for the location of new residential development in rural areas of the District. As it is no part of the appellant's case that the proposal accords with the exceptions set out in policy H24 of the Local Plan the scheme therefore would be contrary to this policy also.
 16. The government recently published a plan for boosting productivity in rural areas³. It includes proposals to increase the availability of housing by, for example, ensuring that local plans are in place. It also seeks to make it easier for villages to establish neighbourhood plans and allocate land for new housing. As a recently adopted local plan in the form of the Core Strategy is in place, and policy R1 supports new housing agreed through a neighbourhood plan, I find that this plan is a consideration of little weight in favour of the appeal.
 17. Paragraph 49 of the Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 sets out how that is to be applied in practice, advising that proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, it advises that planning permission should be

¹ APP/H1840/A/12/2171339, APP/D0840/A/13/2209757

² APP/Y2810/A/14/2228921, APP/Y2810/A/14/2225722

³ Towards a one nation economy: A 10-point plan for boosting productivity in rural areas, August 2015, Department for Environment & Rural Affairs.

granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies of the Framework indicate that development should be restricted.

18. If a local authority cannot demonstrate a five year housing land supply the Framework advises that relevant policies for the supply of housing should not be considered to be up to date. There is no dispute in this case that a five year exists at the present time. Accordingly, those circumstances do not exist here. Furthermore, in focusing development on sustainable urban locations, supporting housing in rural areas to meet the housing requirement and seeking to protect the countryside, I find no conflict between policy R1 of the recently adopted Core Strategy, policy H24 of the Local Plan and the thrust of the Framework. Therefore, whilst the Local Plan is dated, for the purposes of this appeal I consider that policy H24 of that Plan, along with policy R1 of the Core Strategy, should not be treated as being out of date.

Conclusion on planning policy, rural housing requirement and housing land supply

19. The Framework seeks to significantly boost housing land supply and there is in principle no objection to housing development within or adjacent to sustainable urban locations in the West Northamptonshire area. However, in rural areas the housing requirement only four years into the eighteen year plan period has already been exceeded. To grant more housing in such locations, other than in accordance with the circumstances identified by policy R1, would undermine the spatial strategy for the area.

Character and appearance

20. The older central core of the village lies within Chapel Brampton Conservation Area. Its significance is architectural and historical. In the exercise of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing their character or appearance. The appeal site, positioned on the southern edge of the village, lies outside but next to the Conservation Area. Subject to sensitive design, which is a matter that could be controlled at reserved matters stage, the proposed development would not adversely affect views into or out of the Conservation Area, or adversely affect its setting. As a result, the statutory test would be passed. As the appeal site does not make any contribution to the heritage significance of the Conservation Area the proposal would also therefore cause no harm in this regard either.
21. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in decision taking. Policy H24 of the Local Plan is consistent with this principle. It is common ground between the main parties that the proposed development would not be detrimental to the Special Landscape designation. On the basis of what I have read and seen I agree with that assessment. However, as an open agricultural field adjacent to the built confines of the village the site it is open countryside that the development plan seeks to protect. The proposed development would urbanise the site and result in the loss of this area of countryside to development. This loss, and the housing that would occupy the site, would be apparent in public views from Northampton Road.
22. As part of the proposal, the hedgerow around the site would be retained and the built development proposed could be set back from the site frontage. As a result, I am satisfied that there would not be a hard edge to the development. I also recognise that with the control that exists at reserved matters stage a

well designed development that would complement existing housing within the confines of the village could be achieved. However, notwithstanding that there would be no landscape harm these features would not negate the fact that material harm would be caused to the countryside through the loss of the field to development, contrary to policy H24 of the Local Plan.

Other considerations

23. The village has some local facilities; a primary school and public house. The appeal site is within comfortable walking distance of both and the bus stops for the bus services that connect the village to Northampton and Welford. The appeal site is therefore in a reasonably accessible location.
24. The housing scheme, would help to address housing need and with 40% of the properties proposed as affordable housing, would also have social benefits. However, the weight that I attach to this benefit is tempered by the consideration that the policy requirement to provide a proportion of dwellings as affordable housing would also apply to other residential developments that come forward. As part of the proposal a village convenience store is proposed. Although Smiths Farm Shop which sells a wide range of foods is only a mile away, in providing a facility that is absent from the village this would be of social benefit, particularly for those who do not drive. A community room would also be made available and a sum provided for its maintenance. However, with the availability of the local school for community events and meetings, along with public houses and hotels in the area, the need for this facility has not been clearly established and thus the value of it as a benefit of the scheme is reduced. An area of public open space would be provided within the development which would be a benefit.
25. In terms of the economy, new development would create employment and support growth during construction. The New Homes Bonus could contribute money that may be spent on local services and facilities. The increase in population would also boost the spending power of the local economy to some extent.
26. Environmentally, the boundary planting, the erection of bird and bat boxes proposed and the inclusion of a small area of public open space within the development would be of some environmental benefit.

Other matters

27. The Council has no objection to the proposed site access. On the basis of what I have read and seen I agree that assessment.

Planning Balance and Overall Conclusions

28. Sustainable development is at the heart of the Framework and paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of such development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social. Policies SA and R1(f) of the Core Strategy are consistent with this approach.
29. In this case I have found that the proposal would be contrary to policy HS24 of the Local Plan and policy R1 of the Core Strategy in that the proposal is a housing development in the open countryside, outside the built confines of Chapel Brampton. Whilst I attach some weight to the economic benefits of the

scheme, and moderate weight to the social benefits of additional housing, including affordable housing, a convenience store and community room, other planning and policy requirements cannot simply be set aside. I note that the environmental dimension of sustainability is concerned, among other things, with protecting and enhancing the natural environment and improving biodiversity. I have found nothing to suggest that the development would provide significant benefits in this regard. To the contrary, the loss of 2.6 hectares of open countryside to development would result in material harm which the provision of boundary planting, boxes for wildlife and a small area of public open space would not overcome.

30. However, more importantly the proposal would fail to accord with, and thus would undermine, the recently adopted Core Strategy which seeks to direct the location of housing towards sustainable urban areas and control the number of dwellings in rural areas. As a result, there would also be conflict with the economic dimension of sustainability which seeks to ensure that, amongst other matters, the delivery of land in the right place at the right time. The collective benefits of the appeal scheme are of insufficient weight to indicate that its determination should be made other than in accordance with the development plan. As a consequence, the proposal cannot be considered to be a sustainable development and so would be contrary to policies SA and R1(f) of the Core Strategy. I therefore conclude that the appeal should not succeed.
31. As I noted as procedural matter, at the request of the Council the appellant has submitted a properly completed section 106 agreement. The tests in paragraph 204 of the Framework and regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against these requirements.

Ian Radcliffe

Inspector