



Appeal Decision

Hearing Held on 1 June 2021

Site visit made on 2 June 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/Z2830/W/20/3256072

Land North of Ashton Road, Hartwell

- 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 Kler Group Limited against the decision of South Northamptonshire District Council.
 - The application Ref S/2020/0157/MAO, dated 31 January 2020, was refused by notice dated 15 May 2020.
 - The development proposed is an outline application for the erection of up to 55 dwellings, landscaping, open space, and associated works including access, with all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I acknowledge that South Northamptonshire Council (SNC) ceased to exist on 1 April 2021. SNC has been replaced with West Northamptonshire Council (WNC). Therefore, my decision will be issued to the new Unitary Authority formed.
3. Since the decision of SNC I note that the adoption of the South Northamptonshire Local Plan Part 2 (LPP2) has replaced the policies within the South Northamptonshire Local Plan 1997. It is also the case that the existing development plan for South Northamptonshire continues to have full effect.
4. Notwithstanding the description of the development specified on the planning application form, and quoted in the above banner, only access is applied for as a reserved matter. Therefore, I have treated all other plan information as indicative only.
5. The SNC in its decision notice cited the lack of an obligation securing adequate levels of infrastructure provision relating to: affordable housing; primary education; public open space; refuse/recycling; public transport; libraries and primary healthcare. A completed planning obligation is now before me and there is agreement between the main parties that it overcomes those particular areas of concern. I have no reason to take a different view.
6. With respect to the remaining issues in contention between the main parties I acknowledge that accessibility issues concern development plan policies which also relate to character and appearance considerations. Although I recognise

there is some overlap within the policy wording, I have treated those areas of contention separately as they are stand-alone reasons to the outcome of the appeal.

Main Issues

7. The main issues are the appropriateness of the proposed development within the open countryside having specific regard to i) accessibility to services; and ii) the character and appearance of the area.

Reasons

Accessibility

8. The appeal site lies outside of the village settlement confines of Hartwell. Accordingly, for decision making purposes there is agreement between the main parties that the site is located within the open countryside.
9. The objectives of the West Northamptonshire Joint Core Strategy Local Plan Part 1, December 2014 (JCS) include providing a range of housing in sustainable locations to ensure that all residents have access to a home they can afford, and which meets their needs. Housing development is primarily directed to the sustainable locations of Northampton, supported by Daventry, Towcester and Brackley in their roles as rural service centres. The strategy supports limited development in the rural areas to meet local needs and to support local services.
10. Policy R1 of the JCS is central to the dispute. It makes provision for 2,360 dwellings within the rural area and states that the distribution of the rural housing requirement will be subject to the LPP2 and the rural settlement hierarchy it contains.
11. Policy S1 of the JCS also states that development will be concentrated primarily in and adjoining the principal urban area of Northampton and then the sub regional centre of Daventry. The development needs of the rural service centres of Towcester and Brackley and the rural areas will also be provided for. The policy confirms that new development in the rural areas will be limited.
12. I note that Policy SS1 of the LPP2 identifies Hartwell as a third category settlement – Secondary Service Village B. Such settlements are accepted as providing some scope to meet local needs for housing acknowledging they have a limited range of services. Category B villages are considered to be less sustainable by the development plan than those Secondary Villages categorised 'A', which offer more services and facilities and are identified as being more suitable for limited development within the district. The explanatory text within LPP2 indicates that large scale development in Secondary Villages would be unsustainable.
13. Policy SS1 states new development should be within the adopted limits of settlements in accordance with their scale, role and function unless otherwise indicated in the local plan. In that regard, I acknowledge that the broad principle of affordable housing outside of rural settlement confines can be afforded some flexibility through Policy LH1 and H3 of LPP2 and the development plan read as a whole.

14. The level of service provision which would be available to future occupants of the scheme is reflective of a category B village only. This includes services such as a shop/post office, public house as well as a primary school. Nonetheless, it would still be necessary to commute further afield for other day to day needs such as shopping, employment, secondary schools, or higher education.
15. Although there is a bus service operating within Hartwell it has a limited frequency, and entails restricted destination points, relative to more densely populated higher order settlements within the district and beyond. I am not persuaded the level of service would offer a realistic alternative to the flexibility of daily car use by potential future occupants of the development when also considering overall commute times to reach main service and employment areas.
16. The proximity of the nearby settlement of Roade and the limited services it contains does not alleviate, or alter, my concerns. I also acknowledge that Grange Park lies not far from Roade and does offer some employment provision. Nonetheless it is still some distance from Hartwell. There is little in the form of employment options within the village itself.
17. Sparse evidence is before me as to the nature and type of employment or indeed the recruitment rates for businesses within Grange Park. I cannot conclude there is a strong likelihood that future occupiers would have reasonable prospects of finding employment there.
18. Rural roads in the vicinity outside of the village confines leading to other settlements lack pedestrian footways and adequate lighting. Those factors and the distances to larger towns and settlements are likely to make options to walk and cycle undesirable to potential occupiers of the proposed development.
19. Consequently, I find that the location of the scheme outside of the settlement boundary would conflict with policies SA, S1, S3, S10 and R1 of the JCS, as well as Policies SS1 and LH1 of the LPP2. In doing so it would conflict with Section 9 of the National Planning Policy Framework (the Framework) which promotes opportunities to maximise sustainable transport solutions available through decision-making. I attribute substantial weight to the harm identified.

Character and appearance

20. At my site visit I could see that the appeal site is predominantly undeveloped land used for grazing with a small-scale horse stable. The open countryside in the vicinity is an attractive and dominant component of local distinctiveness. Hartwell is a modest sized rural settlement. The existing landscape greenery, which the appeal site is part of, encircling the village confines is a noticeable and distinctive part of its setting.
21. The appellant contends limited harm arises from the appeal proposal in terms of its effect to the local landscape and the subsequent visual impact of the loss of a greenfield site. I disagree.
22. Although the site is close to the confines of Hartwell it has a far stronger visual connection with the open countryside surrounding the village. The part of Ashton Road opposite the site marks a clear visual break between housing within the village and the wider countryside beyond. The development of the land for housing would be noticeable from the local road network.

23. I accept that there are other existing forms of development either side of the appeal site. But the buildings present are largely sporadic. Because the frequency of buildings is far greater within the village confines there is a clear visual distinction between buildings within the village boundary and those within the open countryside.
24. The development would urbanise the site. The number of units involved would result in a considerable increase to the size of Hartwell and diminish the current levels of openness which provide an attractive setting to the settlements character. This would alter the setting of the village, significantly reducing the amount of attractive undeveloped greenery which currently surrounds it. The urbanisation the scheme would result in would lead to substantial visual harm to the character and appearance of the area.
25. Acknowledging that landscaping is a reserved matter I have considered scope to apply conditions in line with the appellant's landscape strategy to provide mitigation and enhancements. However, the level of urbanisation would be of a magnitude and prominence whereby the harm would not be successfully reduced by doing that. Moreover, whilst tree planting and other new landscaping could be pursued it would take many years for new trees to become established and the number of residential units would still be the main noticeable feature of the site.
26. I find that the effects of the development on the character and appearance of the area would conflict with Policy S1 criterion D1 and Policy R1 criteria (B) and (E) of the JCS, as well as Policy SS2 criteria 1 (A) and (B) of the LPP2. Those policies combined encourage that new development is of an appropriate scale and has an acceptable visual impact on its surroundings.

Other considerations

27. At the time SNC made its decision it claimed the existence of a housing land supply of 7.54 years. Nonetheless, I accept there have been changes to that position through the passage of time.
28. During the Hearing it was referred to by WNC, that based on its most recent assessments a housing land supply of over 5 years can currently be demonstrated. That position reflects the findings of a recent appeal referred to in Middleton Cheney¹ (determined in April this year) indicating a supply figure of 5.14 years. It was also suggested that information made public by WNC post that appeal decision now indicates a further increased housing land supply of over 6 years. However, I do not have the details of the most recent assessment.
29. Even so, the appeal information available points me to the conclusion that the Council presently maintains a five-year housing land supply. Consequently, I accept that paragraph 11(d) of the Framework is not engaged. Therefore, the relevant housing distribution policies within the development plan carry full weight in my decision. Moreover, there is no substantive evidence demonstrating that the market housing figure specified by the development plan for the rural area has not been met.
30. I note that when the scheme was assessed during the planning application process 34% of the total number of units were anticipated as affordable

¹ APP/Z2830/W/20/3261483

housing. The appellant has subsequently increased the level of expected affordable homes to a minimum of 50% of the total number of units, in accordance with development plan policy requirements. Nevertheless, that is a standard requirement for housing schemes in the rural area regardless of their position relative to the adopted village confines.

31. There would be social and economic benefits from the delivery of new market homes, and I agree that there is a delivery shortfall within the district for affordable housing. I acknowledge that schemes with open market housing can facilitate the delivery of more affordable homes.
32. The main parties accept that there is not an up to date parish needs survey to refer to. Instead reference is made to the Council's Housing Register containing people expressing an interest of living in Hartwell of which a small number are described as having a local connection. This does not demonstrate to me that a pressing or urgent need exists for local people to find nearby and affordable accommodation within Hartwell.
33. Although the delivery of additional affordable housing within the district would be a benefit there is nothing to suggest policy complaint schemes elsewhere could not come forward within settlement confines. Furthermore, there is flexibility for rural exception housing within the development plan to allow for local needs. In that particular context, I afford only modest weight to the affordable home delivery benefits of the proposed development.
34. Existing housing permissions in Towcester and Brackley are referred to within the evidence as being subject to viability issues impeding affordable home delivery. But I do not have any conclusive evidence of viability issues preventing affordable home delivery in those settlements. Those locations are also fundamental to the delivery of the housing growth identified in the JCS.
35. Biodiversity net gain is agreed on by the main parties as providing a benefit. I accept that there is scope for landscaping and plantings which may be beneficial to wildlife but there is no indication of the level of net gain it would provide. That is important because as the level of suggested enhancement is undefined and not based on any formal assessment it cannot be properly evaluated. In those circumstances I attribute that suggested benefit limited weight.
36. Reference is made to New Homes Bonus and tax receipts as benefits. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. However, Planning Practice Guidance makes it clear that it would not be appropriate to make a decision based on the potential for the proposal to raise money for a local authority. Accordingly, I ascribe little weight to those considerations.
37. In addition, I recognise that the completed obligation would allow the development to contribute towards local infrastructure, but the provision generated would be largely of a mitigatory nature and the wider benefits on offer would be limited.

Planning Balance and Conclusion

38. Paragraph 12 of the Framework specifies that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Nonetheless, it also states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
39. Indeed, Paragraph 47 of the Framework also advises that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
40. Even though the Council can demonstrate a five-year housing land supply I accept that this should not be taken to be a maximum, in accordance with the advice of the Framework. There would be some moderate social and economic benefits arising from the delivery of market homes and housing choice in the district in that context.
41. The provision of affordable housing would be a benefit. But there is no convincing evidence it would alleviate an unmet need within, or close to, Hartwell of the scale proposed. I note that 50% affordable housing provision within the scheme is a standard requirement of adopted local policy throughout the rural area. There is no basis to treat the proposal as rural exception development.
42. Furthermore, there are important overarching strategic principles contained within the JCS and LPP2 to reduce the need to travel by car, and to protect the countryside from encroachment. This is closely linked to the adopted settlement hierarchy of the area based on the service level provision contained within individual settlements throughout the district and the level of accessibility to other settlements.
43. The distribution of unjustified housing outside of the most sustainable towns, villages, and adopted confines within the district would undermine the basis of the development plan strategy, of which Part 2 was only very recently adopted. There would also be visual harm arising from the enlargement of the village and to the intrinsic beauty of the open countryside arising from encroachment.
44. Overall, the adverse impacts of the scheme I have identified within the main issues outweigh any of the benefits referred to when assessed against the policies in the development plan as a whole. There are no reasons before me of sufficient weight, taken either individually or collectively, which suggest that anything other than the development plan should be followed.
45. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Cerda Planning

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Ben Pycroft	Emery Planning

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Flanagan of Counsel	Instructed by: West Northamptonshire Council (WNC)
Andrew Murphy	Director, Stansgate Planning Consultants Ltd
Jon Goodall	WNC
Clare Caldwell	WNC

INTERESTED PARTIES:

Cllr Stephen Clarke	Councillor (WNC)
Nigel Ozier	Observer
Amy Holt	Parish Council
Mike Bennett	Observer
Sonia Clews	Observer
Greg Hutton	Observer
Philip Weston	Observer
Cllr Derek Hawley	Observer
David Godfrey	Observer