



Appeal Decision

Inquiry Held on 8 – 11, 15 June 2021

Site visit made on 14 June 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/Z2830/W/21/3267906

Land off Blakesley Hill, Greens Norton

- 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 Richborough Estates against the decision of South Northamptonshire District Council.
 - The application Ref S/2020/1376/MAO, dated 31 July 2020, was refused by notice dated 04 December 2020.
 - The development proposed is outline application for up to 69 dwellings, with associated access, landscaping, open space, and drainage infrastructure (all matters reserved other than access).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the identified strategy for growth;
 - The effect of the proposal on the character and appearance of the area;

Procedural and Preliminary Matters

3. The proposal is for outline planning permission with approval sought at this stage for access only, with layout, appearance, landscaping and scale reserved for future approval. The details submitted with the application include a Parameters Plan¹. The Parameters Plan sets out high level controls for the development's layout and scale, including a built development envelope and green development edge. During the inquiry, it was agreed that the Parameters Plan be added to the list of plans for approval, and I have, thus, treated it as formally part of the scheme. I have treated the other remaining plan information as indicative only.
4. The Council's third refusal reason concerned the absence of planning obligations entered into under a legal agreement relating to: affordable housing; on site public open space and facilities; travel cards; contributions

¹ Dwg no. RICU3014_02 Rev 3

towards public transport, cycling infrastructure, refuse bins, primary education, early years provision, libraries, primary healthcare and monitoring.

5. A draft section 106 legal agreement (s106) was discussed at the inquiry, with a final completed version submitted after the inquiry with my agreement. The Council, through the giving of its oral evidence, confirmed that a completed S106², in accordance with the submitted draft, would overcome their third refusal reason in its entirety³. The appellant has not objected to the justification for the planning obligations as set out by the Council in their Community Infrastructure Levy (CIL) Compliance Statement. I have, therefore, treated those matters referred to in the Council's third refusal reason as not being subject to any dispute between the appellant and the Council. I will consider the planning obligations secured by the s106 later in this decision.
6. Following the closing of the inquiry, the Council submitted 2 appeal decisions that had been issued after the sitting of the inquiry. The appeal decisions relate to housing at Milton Malsor⁴ and at Blisworth⁵. In reaching my decision, I have had regard to these appeal decisions, and the comments received from both main parties regarding them.
7. The development plan for the area includes the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 (JCS) and the South Northamptonshire Part 2 Local Plan 2011-2029 (LPP2). The LPP2 was adopted on 22 July 2020 and replaced the remaining saved policies of the South Northamptonshire Local Plan 1997.
8. On 1 April 2021 South Northamptonshire Council (SNC) ceased to exist and became, together with Daventry District Council (DDC) and Northampton Borough Council (NBC), part of the unitary authority known as West Northamptonshire Council (WNC).

Reasons

Location

9. The appeal site lies outside, but adjacent to, the settlement confines for Greens Norton as defined on the LPP2 Proposals Map. The Statement of Common Ground (SoCG) confirms the main parties' agreement⁶ that the proposal is contrary to JCS Policy R1(G), Policy SS1(2) and LH1(2) of the LPP2 by virtue of being outside the settlement confines for Greens Norton. I see no reason to disagree.
10. The main parties disagree, however, with regards to the extent of any conflict with JCS Policies S1 and R1 and LPP2 Policies SS1. The fundamental policy disagreements with regards to this main issue relate to whether the residential development proposed would be of an appropriate scale to Greens Norton in accordance with Policy R1(E), and whether it would undermine the development plan's spatial strategy of directing housing to the most sustainable locations.

² Completed S106 dated 15 June 2021 – received by PINS 16 June 2021

³ Statement of Common Ground Paragraph 3.3.4

⁴ APP/Z2830/W/21/3269904

⁵ APP/Z2830/W/21/3270614

⁶ Statement of Common Ground Paragraph 5.2.4

11. JCS Policy S1 provides the starting point for the spatial strategy across WNC. It reflects JCS Objective 11, stating that development will be concentrated primarily in and adjoining the principal urban area of Northampton, with development of a lesser scale located in and adjoining the sub regional centre of Daventry. The policy confirms that the development needs of the rural service centres of Towcester and Brackley will also be provided for and that new development in the rural areas will be limited. JCS Policy S3 sets out, amongst other things, that rural areas within the SNC area will provide about 2,360 dwellings.
12. JCS Policy R1 confirms that the distribution of the rural housing requirement will be subject to the LPP2 and its rural settlement hierarchy. LLP2 Policy SS1(2) states new development should be within settlement boundaries in accordance with the settlement's scale, role and function unless otherwise indicated in the local plan. LLP2 Policy SS1 identifies Greens Norton as a Secondary Service Village (A). Policy SS1 states that Secondary Villages are likely to be more suitable for limited development by virtue of the Plan's policies for housing (LH1-LH11) than category B service villages. LLP2 Policy LH1(2) states residential development outside settlement confines is considered to be in the open countryside and will not be acceptable except for a limited number of circumstances, none of which are argued by the appellant to apply.
13. Notwithstanding the agreed development plan policy conflicts, the appellant asserts that the development would be in a sustainable location. The services and facilities available within Greens Norton were assessed and scored within the Settlement Hierarchy Background Paper⁷ that underpins the settlement hierarchy set out by LPP2 Policy SS1. Whilst I appreciate that the alternative scoring scenarios presented by the appellant would result in a different ranking of Greens Norton in comparison to other settlements, the LPP2 Inspector found that the methodology of the Background Paper was robust. I am not persuaded that excluding the points awarded for 'other considerations' and 'secondary school' results in a more robust comparative assessment of settlements.
14. The position of Greens Norton in the settlement hierarchy, as a Secondary Service Village, reflects the level of services provided. The village does not provide the wide range of facilities and services available within higher order settlements, such as a secondary school, supermarket and significant employment opportunities. Regular trips to the higher order settlements, including Towcester and Northampton, would likely be necessary to meet the day-to-day needs of future residents of the development.
15. I have had regard to the agreed distances of the site to the services and facilities provided within Green Norton as set out within the SoCG. I note that many services and facilities are within a 1km journey from the site. The pedestrian route would be along a separate roadside pavement. Given these conditions, the distances to many of the facilities in Greens Norton would be achievable by those on foot. Whilst the cycle route along Blakesley Hill into Greens Norton is initially unlit, the width of the carriageway, in combination with the short distance and 30mph speed limit, would allow comfortable trips for cyclists to village facilities.

⁷ Published 2019

16. I note that the nearest bus stops, located on High Street to the east of the site, would be readily accessible to future residents. I have also had regard to the evidence presented to me in relation to the destinations, frequency and timings of the bus service. The three daily services, referred to in the SoCG, from Greens Norton to Towcester and Northampton (six days a week with a commuter service to/from Northampton) represents a limited service that would not be a suitable option for many journeys. I have had regard to the contribution that would be made to the existing bus service from Greens Norton. However, there is no substantive evidence before me that demonstrates the existing bus service is at risk or that the financial contribution would result in additional services. As such, I afford the contribution to the local bus service limited weight in favour of the proposal.
17. There are two main options for cycle routes to Towcester, either along Mill Lane or Towcester Road. The distances from the site to the edge of Towcester along both of these routes is approximately 2.9km. Whilst such a distance would be manageable for some to undertake by bicycle, these roads are predominantly unlit and with a 60mph speed limit. I note that a cycle route beginning at the Abthorpe Roundabout provides segregation from the busy vehicular traffic. Nevertheless, navigating the busy traffic at either the Towcester Roundabout or the Abthorpe Roundabout would not be an attractive proposition for cyclists. Furthermore, whilst there is good visibility for the majority of both these routes, the hump bridge on Mill Lane represents a significant constraint to visibility.
18. The appellant's Transport Assessment (TA) indicates that, over a recent five-year period, there have been six recorded personal injury accidents (PIA) along the Towcester Road route and a single PIA along the Mill Lane route. Whilst the PIA data does not demonstrate any significant clustering of accidents, I am not persuaded that journeys between Greens Norton and Towcester, along either Mill Lane or Towcester Road would be attractive for cyclists. This is due to their 60mph speed limit, the absence of lighting along much of the routes, and the need to cross a busy dual carriageway (A43). Furthermore, the walking distance to Towcester would not be realistic for most.
19. The lack of suitable walking and cycling routes to higher order settlements, in combination with the limited bus service, would result in future residents relying on the private motor car to access regular requirements such as education, shops and employment. Accordingly, there would be significant conflict with the objectives of the development plan to locate new homes where ready access to services and facilities is the greatest. The development would conflict with Section 9 of the Framework which promotes opportunities to maximise sustainable transport solutions available through decision-making. I attribute substantial weight to the harm identified.
20. Whilst no guidance is provided within the JCS as to what might constitute an 'appropriate scale' for the purposes of Policy R1, the development would represent a significant extension of the built area of Greens Norton and a significant increase in the size of the village community. Given the scale of services and facilities within Greens Norton, the scale of the proposal would undermine the urban focused spatial strategy and is not, therefore, appropriate to the scale of the existing settlement.

21. The effect of the proposal would, therefore, be to undermine the development plan's spatial strategy of directing housing to the most sustainable locations. The development would likely result in longer and less sustainable journeys than would be the case for new residential developments in higher order settlements. The location of the site outside of the settlement confines, and the absence of compliance with any of the identified policy exceptions, means that there is conflict with JCS Policies R1 and S1 and LPP2 Policies SS1 and LH1.

Character and Appearance

22. The appeal site comprises an agricultural field located at the north-west edge of Greens Norton. The site is adjoined by highways to the north (Blakesley Hill) and west (Bury Hill). Blakesley Hill is the main road towards the western side of the village and Bury Hill is a narrow country lane bounded by mature hedges and trees. A further agricultural field adjoins the site to the south, and the rear gardens of dwellings on Benham Road and Falcon View adjoin the site to the east. The site is currently used for arable farming, with an existing access at its south-western corner. The site generally rises northward towards Blakesley Hill. The wider landscape to the north, south and west is predominantly undulating, open, mixed agricultural countryside.
23. Neither the appeal site or the surrounding area form part of a designated or protected landscape. The site is identified by the Northamptonshire Current Landscape Assessment (NCLA) as forming part of the 'Undulating Claylands' Landscape Character Type (LCT) and as within 'The Tove Catchment (6a)' Landscape Character Area (LCA). The NCLA describes the key characteristics of the Undulating Claylands LCT as, amongst others, 'a broad, elevated undulating landscape that is more elevated to the west shelving eastwards and drained by numerous broad, gentle convex sloped valleys; wide panoramic views across elevated areas, though the undulating landform creates more contained and intimate areas; a productive rural landscape with an equal balance of arable and pastoral farming with the former predominating on more elevated land and often larger in scale, although arable land can be found along valley bottoms where sand and gravel deposits are located;'
24. The NCLA describes the characteristics of the Tove Catchment LCA to include, 'land cover that is typically a combination of both arable and pasture farming with improved pasture largely located around village settlements bordering the River Tove and its tributaries, and also on sloping valley sides. Where pastoral fields predominate, a more intricate and intimate pattern prevails. The landscape is relatively well settled with numerous villages scattered throughout the area.'
25. The main parties have submitted a Landscape Statement of Common Ground (LSOCG). In that document, the main parties agree that whilst the appeal site does not represent particularly valuable characteristics of the wider landscape character, the appeal site does contribute to the character of the Tove Catchment LCA. I find that the appeal site, as a sloping, agricultural field within an undulating, productive rural landscape is representative of the wider LCT and LCA. The site's geographical location and attractive appearance, as an undeveloped arable field with mature boundary hedgerows, is such that it helps to delineate the crisply-defined north-western boundary of the village. The appeal site, therefore, forms a positive part of the village's transition from an

- urban environment to the open countryside, and is an important part of the rural setting of the village.
26. The proposed change from arable field to residential housing estate would fundamentally change the rural character of the site, altering its nature and function, which can only be seen as high magnitude change, notwithstanding the open space and landscaping proposed as part of the layout. Rather than rounding off the village, the development would project into the open countryside, representing a harmful urban intrusion that disrupts the established crisply-defined north-western boundary of the village.
27. On my site visit, my observations included views from the viewpoints identified within the LSO CG. Whilst local topography and intervening vegetation mean that the visual impact of the development would be relatively localised, the development would be prominent in views from Blakesley Hill and, to a lesser extent, from Bury Hill. Views from Blakesley Hill are particularly important as it forms the main western gateway into the village. The harm to the undeveloped and attractive rural setting of Greens Norton would, therefore, be readily apparent to those approaching the village from the west. The height of the deciduous hedgerows would not be sufficient to mitigate the visual impact of the proposed dwellings. Although the tall hedge around the appeal site would be retained, the dwellings at the top end of the site would be visible well above it and through the vehicular access. This visual impact would be greater during the winter months when leaves are absent, and the hedgerows have been cut.
28. I acknowledge the potential mitigating effects of the landscape buffer and the limiting of dwellings' heights as shown on the Parameters Plan. However, the fact remains that the proposal would lead to a significant encroachment of the built form into the open countryside, inevitably changing the nature and character of the site. The reliance on existing hedgerows and proposed landscaping to provide screening is not sufficiently robust given the impermanent nature of such features and the fact that they can be removed or die from natural causes at any time.
29. The development would result in the loss of an open field that is integral to the comfortable transition of the western edge of Greens Norton to the open countryside. The development would harmfully project into the open countryside, appearing as an unduly large and unsympathetic urban extension. This would be to the detriment of the site's intrinsic value in currently providing a pleasant open and rural edge to the existing settlement, connecting the site with the wider countryside. There would be harm to landscape character and to the appearance of the area. The proposal is therefore contrary to JCS Policy R1(b) and LPP2 Policy SS2(1a). Furthermore, the proposal fails to accord with Chapter 12 of the Framework insofar as it would not add to the overall quality of the area, would not be sympathetic to local character, and would not recognise the intrinsic character and beauty of the countryside.

Other Matters

Affordable Housing

30. The proposal would provide up to 50% affordable housing on-site (up to 35 affordable dwellings) in accordance with Policy LH8 of the adopted WNJCS. Whilst there is no up-to-date Housing Needs Survey for Greens Norton, the

Council accepts that the delivery of affordable housing is a benefit that attracts significant weight and I concur with that assessment.

Public Open Space

31. Public open space, including a LAP and natural areas of play are shown on the indicative masterplan. At outline stage, the extent of any derived benefits are difficult to quantify as the precise details, including of any circular walk within the public space, are unknown. The S106 secures a minimum 15 sq m of public open space per dwelling but, the indicative masterplan shows a substantially greater provision. I have not been presented with any substantive evidence to suggest that there is a shortfall in public open space within Greens Norton. Furthermore, the edge of settlement location of the development would reduce the likelihood that any provided open space would be regularly used by existing residents. As such, the public open space would represent a benefit of limited weight.

Biodiversity

32. The appellant's Ecological Report advises that the proposal will result in the loss of arable habitat of negligible importance and the loss of a small discrete section of hedgerow of site importance to facilitate access. Boundary hedgerows and trees would predominantly be retained, and additional native species planting is proposed. Bird and bat boxes would also be provided. The appellant's Ecological Note states that, subject to an appropriate Landscape and Ecological Management Plan, the proposals have the ability to provide net gains for biodiversity of 1.1%. Whilst appropriate conditions could ensure no significant adverse effects on protected species, such a minor net gain in bio-diversity represents a benefit of only limited weight.

Obligation

33. A signed and dated legal agreement was submitted after the inquiry closed. It would secure the provision of: affordable housing; on site public open space and facilities; travel cards; contributions towards public transport, cycling infrastructure, refuse bins, primary education, early years provision, libraries, primary healthcare and monitoring. The Council has set out the relevant planning policy support/justification related to these obligations.
34. I have considered the legal agreement in light of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), Paragraph 57 of the Framework and the PPG regarding the use of planning obligations. However, as I am dismissing the appeal for other substantive reasons, with the exception of affordable housing, public open space and biodiversity, I do not consider this matter further.

Planning Balance

35. There is no dispute that the proposal, by virtue of being outside the settlement confines for Greens Norton, is contrary to JCS Policy R1(G), and LPP2 Policies SS1(2) and LH1(2). Given the scale of services and facilities within Greens Norton, I have found the scale of the proposal would undermine the urban focused spatial strategy and is not, therefore, appropriate to the scale of the existing settlement contrary to JCS Policy R1(E). The proposal would not comply with the spatial strategy of the plan and would not represent a plan led development. The proposal would undermine the settlement hierarchy and

would provide future residents with limited accessibility to necessary day to day facilities by sustainable transport modes. I give these harms and the consequent conflict with the above noted policies significant weight.

36. The proposal would lead to a significant encroachment of the built form into the open countryside. Notwithstanding the proposed parameter plan and mitigations, residual harm to the character and appearance of the area would remain by virtue of the erosion of Greens Norton's rural setting. I give significant weight to these harms and the consequent conflict with JCS Policies S1 and R1(b), and LPP2 Policy SS2(1a).
37. A development plan must, however, be read as a whole. Benefits of the proposal in compliance with the development plan include the delivery of affordable housing (significant weight), the provision of public open space (limited weight), bio-diversity net gain (limited weight), and a contribution to public transport (limited weight). Notwithstanding these benefits, given the proposal fails to comply with the overarching spatial strategy of the plan, it does not comply with the development plan when read as a whole.
38. It follows from my assessment of the main issues that the policies which are most important for determining this appeal are JCS Policies S1, S3, S4 and R1; and LPP2 Policies SS1, SS2, and LH1. Even if the administrative area approach to calculating five-year housing land supply (5 Year HLS) were to be taken, resulting in the policies most important for determining the application being deemed to be out-of-date, that does not mean that the policies would carry no weight. The aims of Policies S1, S3, S4, R1, SS1, SS2 and LH1 are considered to be in general conformity with the Framework by focusing development to the most sustainable and accessible parts of West Northamptonshire, whilst protecting the intrinsic character and beauty of the countryside. These policies, taken together, allow for ongoing suitable development in the open countryside and do not result in a blanket restriction on such development. I therefore find these policies broadly consistent with the Framework and ascribe significant weight to the identified conflicts with the development plan policies as noted above.
39. The development would provide for up to 69 dwellings in a location within walking distance of many of the facilities within Greens Norton. The Framework seeks to boost significantly the supply of housing and the proposal would make a considerable contribution towards the supply of housing, including the provision of affordable housing. Even the most favourable 5 Year HLS position under the administrative area approach (3.11 years) is notably deficient. The proposed delivery of housing would, therefore, represent a significant social benefit. As such, significant weight is given to both the provision of market and affordable housing. In reaching this view, I have taken into account the reduced submission period for reserved matters to 2 years suggested by the appellant.
40. The proposal would provide moderate economic benefits from employment during construction and further moderate economic benefits would result from future residents supporting existing shops and services in Greens Norton.
41. The adverse impacts in relation to undermining a recently adopted plan led spatial strategy, limited accessibility to services by sustainable transport modes, and harm to character and appearance are detailed above. I find the development would be unlikely to function well over its lifetime because of its

poor connectivity. These adverse impacts are afforded significant weight given their conflict with the Framework requirements that the planning system should be genuinely plan-led, managing patterns of growth to promote sustainable transport, whilst recognising the intrinsic character and beauty of the countryside. The environmental dimension of sustainable development would not be achieved given the identified harms and this weighs significantly against the proposal.

42. The Council's 5 Year HLS position is agreed to be between no less than 2.31 years (appellant) and no more than 3.11 years (Council) under the administrative area approach. Even if I were to conclude there is a shortfall in the 5 Year HLS on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
43. A great many other appeal decisions were put before me in evidence and cited in support of the parties' respective cases. However, each decision turned on its own evidence, as has my decision. I have had regard to the Middleton Cheney⁸ appeals cited by the appellant as providing support for residential development within the open countryside when adjacent to an existing settlement. Middleton Cheney is, however, defined as a Primary Service Village (second category) and is therefore higher in the settlement hierarchy than Greens Norton. That represents a materially different circumstance and provides only very limited weight in support of the current proposals.
44. I have had regard to all the other appeals referred to me and note that those at Blisworth⁹, Paulerspury¹⁰, Potterspury¹¹, (all within the within the same category of the settlement hierarchy as Greens Norton) were dismissed, with concerns regarding less sustainable journeys to services forming a common reason in their dismissals. In this regard, I ascribe some limited weight to these appeals against the current proposals given the relevant settlements are in the same category of the settlement hierarchy. Notwithstanding this, I have employed my own reasoned planning judgement in this case based on its specific merits.
45. Even though the proposal would deliver significant benefits, the application of the tilted balance would still not indicate permission should be granted. As such, I find material considerations do not exist to justify a decision other than in accordance with the development plan.

Conclusion

46. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR

⁸ APP/Z2830/W/20/3259839 & APP/Z2830/W/20/3261483

⁹ APP/Z2830/W/21/3270614

¹⁰ APP/Z2830/W/20/3261692

¹¹ APP/Z2830/W/20/2224285

APPEARANCES

FOR THE APPELLANT:

Mr Zack Simons of Counsel	Landmark Chambers, instructed by Richborough Estates
He called:	
Mr Ben Pycroft BA (Hons) DipTP MRTPI	Director, Emery Planning
Mr Richard Lomas BSc (Hons) DipTP MRTPI	Associate, Axis PED Ltd
Mr Robert Hughes BSc (Hons), PGDipLA CMLI	Director, Incola Landscape Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr Hugh Flanagan of Counsel	Francis Taylor Building, instructed by West Northamptonshire Council (WNC)
He called:	
Mr John Goodall MA (Cantab) MSc MRTPI	Associate Director, DLP Planning Ltd
Mr Andrew Murphy BA (Hons) MSc MRTPI	Director, Stansgate Planning Consultants
Mr Samuel Dix MRTPI	Principal Planning Officer, WNC

INTERESTED PERSONS:

Councillor Stephen Clarke	WNC
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DOCUMENTS SUBMITTED DURING THE COURSE OF THE INQUIRY

ID01	Opening submissions on behalf of the appellant
ID02	Opening submissions on behalf of the WNC
ID03	CPRE Objection
ID04	Written Statement of Councillor Stephen Clarke (WNC)
ID05	Summary of Section 106 Planning Obligations
ID06	Closing submissions on behalf of WNC
ID07	Closing submissions on behalf of the appellant
ID13	List of conditions

DOCUMENTS SUBMITTED AFTER INQUIRY SESSIONS:

1. Updated Agreed List of Conditions
2. Section 106 Legal Agreement
3. Appeal Decision APP/Z2830/W/21/3269904, Land East of Lower Road, Milton Malsor
4. WNC comments on Appeal Decision APP/Z2830/W/21/3269904
5. Appellant's comments on Appeal Decision APP/Z2830/W/21/3269904
6. Appeal Decision APP/Z2830/W/21/3270614, Land off Northampton Road, Blisworth
7. WNC comments on Appeal Decision APP/Z2830/W/21/3270614
8. Appellant's comments on Appeal Decision APP/Z2830/W/21/3270614