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## Appeal Decision

Hearing held on the 29 March 2023

Site visit made on the 29 March 2023

**by Zoe Raygen DipURP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 April 2023**

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**Appeal Ref: APP/ W2845/W/22/3307647**

**Land to the South of Litchborough Road bounded to the West by the Grand Union Canal, Bugbrooke**

- 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 Barwood Homes against the decision of West Northamptonshire Council.
  - The application Ref WNS/2021/0450/MAF, dated 25 April 2021, was refused by notice dated 10 June 2022.
  - The development proposed is Construction of 52 new dwellings with associated open spaces, roads and drainage infrastructure.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A draft S106 planning agreement (the S106) was submitted prior to the Hearing securing contributions to primary education, refuse/recycling, libraries and primary healthcare together with securing affordable housing and public open space and its maintenance on the site.
3. The Council confirmed at the Hearing that the submission of the S106 addresses its second reason for refusal and it was satisfied therefore that the proposal would comply with Policies H2, INF1 and INF2 of the West Northamptonshire Core Strategy Local Plan (Part 1) adopted in 2014 (the Core Strategy) and Policies LH8, INF1 and GS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 adopted 2020 (the LPP2). From the evidence before me I see no reason to disagree.
4. With agreement a signed and sealed version of the S106 was submitted after the Hearing and this is a relevant material consideration.

### Main Issues

5. The main issues are:
  - The effect of the proposal on the setting of the Grand Union Canal Conservation Area and the Bugbrooke Conservation Area; and
  - Whether the appeal site is in an appropriate location for housing having regard to the requirements of local and national policy.

## Reasons

### *Conservation Areas*

6. The Bugbrooke Conservation Area (BCA) encompasses the historic core of the village and is divided by a narrow brook. To the west is an open character and to the east, a more urban feel with clusters of buildings. Although the west is more open there is substantial vegetation which screens it from the surrounding open landscape. Its significance, for the purposes of this appeal, is therefore derived from its historic buildings and their relationship to open space together with a sense of enclosure from the surrounding landscape.
7. Although the appeal site overlaps to a very small extent with the boundary of the BCA, this is due to the peculiarities of the boundary of the appeal site which is partly elongated to provide footpath connection along the southern boundary. The main part of the appeal site lies some distance from the boundary of the BCA with built development present in the intervening gap. Given the distance between the appeal site and the BCA there would be no impact on the sense of enclosure within the western part of the conservation area. The important view identified to the south would be along the proposed footpath and therefore devoid of built form. I am satisfied therefore that the character and appearance of the BCA would be preserved.
8. The Grand Union Canal Conservation Area (GUCCA) runs to the west of the appeal site encompassing the canal and its towpath. The GUCCA Character Appraisal and Management Plan (CAMP) describes the overall character as being defined by the gently curving Canal, the modest grassy towpath and the surviving bridge. The landscape setting is of particular note, the Canal passing though or next to the valleys of River Nene, Tove and Great Ouse. Stands of willow, poplar and other deciduous trees make a major contribution to the character of the Canal and in places completely contain the views along it.
9. I found this to be the case at my site visit. The Canal at Bugbrooke winds beneath the road bridge and views are mostly contained by a hedge/trees on the east side adjacent to the appeal site being an open field. To the west of the canal in this location is development in the form of a pub, private housing and a marina. Most is of domestic scale. The significance of the GUCCA, for the purposes of this appeal, is therefore the path of the canal and its relationship to the surrounding area and the towpath. The appeal site to the east being a green field site forms an important part of the landscape setting, particularly given the built form on the opposite side of the canal.
10. The provision of housing on the appeal site would harmfully erode that landscape setting in this location, especially given the proximity of the proposed housing to the towpath. The appellant confirmed at the Hearing that, despite an image in the submitted design and access statement, the hedge and trees along the towpath would be retained as these were outside of the appeal site and maintained by the Canal Trust. Even so, I saw that the hedge is not high in this location. While it and the trees provide some containment to views, at the time of my site visit the appeal site was visible and, in any case, given the height and proximity of the proposed housing, it would likely be visible above the vegetation.
11. I appreciate that the vegetation may provide a greater degree of containment in the summer when in full leaf, however, the users of the canal and the

towpath would still be aware of housing above the hedge, given the three-storey nature of development in this location. While interested parties object to this particular element, I find it typical of a canal side architecture. What is harmful is the provision of housing within the landscape setting.

12. The appellant considers that as there are no important views highlighted within the CAMP towards the appeal site, together with the degree of containment provided by the vegetation then the appeal site does not contribute to the setting of the GUCCA. However, I disagree. The CAMP makes it clear that some areas are contained, and others have long views across the countryside. However, it still highlights the attractive landscape setting with mature trees and open fields as is the case here which would be lost by the development, harmfully eroding the significance of the GUCCA.
13. For the reasons above, I conclude that the proposal would harm the setting of the GUCCA. It would therefore conflict with policies BN5 of the LPP1 and HE6 of the LPP2. These require that development preserves or enhances the significance of heritage assets.

#### *Location*

14. The appeal site is located adjacent to the settlement boundary of the village of Bugbrooke. Policy S1 of the Core Strategy describes the distribution of development and economic activity based on a spatial hierarchy and the figures for housing development contained in Policy S3 of the Core Strategy.
15. The spatial hierarchy directs development first to the principal urban area of Northampton, followed by the sub-regional centre of Daventry, the rural service centres of Towcester and Brackley and then limited development within the rural areas to provide for local need and to support local services (policy S1D).
16. It is agreed by parties that the limited development within rural areas relates to the 2,360 houses allocated within Policy S3. There is also no dispute that whilst that figure is not a cap on development, it was reached some years ago and therefore the proposal is in breach of Policy S1 as a result.
17. The Council also considers that the proposal offends parts D1 and D2 of Policy S1 in that it would not enhance or maintain the distinctive character of the community or shorten journeys and facilitate access to jobs and services.
18. The appellant's view on this is that those criteria are not relevant. They consider this to be a strategic, high-level policy and not a development control policy. By applying those criteria no green field site would ever receive planning permission which is clearly not the case in the authority where permission has previously been forthcoming on such sites.
19. However, it seems to me that had the rural requirement not been met then some form of criteria for its location against which to assess a proposals suitability would be required. I accept Policy R1 of the Core Strategy regarding the spatial strategy for rural areas provides a basis to do this, but in any case, much of the thrust of Policy R1 reflects that of Policy S1.
20. The site is greenfield and hence the introduction of housing would inevitably change the character of the rural community. The question is would it maintain or enhance it. The Landscape and Visual Appraisal (LVA) submitted by the

appellant considers that the change to the immediate setting is tempered by the views of the existing settlement edge and the audible railway which further urbanise the site. However, from my observations on site I saw that the approach to Bugbrooke along Litchborough Road has an open verdant character. Even when the houses are reached on the southern side of the road, they are not particularly noticeable due to the extensive trees and hedges and in my view do not therefore overly urbanise the site. I did hear trains at my site visit, but again I am not convinced that this necessarily urbanises the site with railways being a feature of the countryside.

21. The proposal would change the approach to Bugbrooke through the provision of houses onto Litchborough Road and a fairly dense frontage to the canal harmfully eroding that verdant approach and the setting of the village in this locality. This is reflected in the LVA which concludes that no landscape impact as a result of the development would be 'substantial' although there would be a number of major/moderate adverse effects on viewpoints within or immediately adjacent to the site in the short term. I accept that there would be no wider impacts on the landscape, but even with proposed planting the localised impacts of the development would not in my view be acceptably mitigated in the longer term especially along the Litchborough Road frontage. Due to the localised nature of the effects, there would be minor harm in this respect.
22. With regard to criteria D2, Bugbrooke is allocated as a primary service village within the settlement hierarchy via Policy SS1 of the LPP2. These are the villages that have the highest levels of services and facilities. I saw this to be the case at my site visit with the village having a shop, a small farm shop, pub, health centre, pre-school, primary school, secondary school, place of worship, leisure club, community centre and a plethora of open space. It is true that the appeal site is somewhat removed from the High Street where many of the services are located, but I found I was able to access them within a 10-minute walk. Some of the facilities are beyond the 800m recommended walking distance<sup>1</sup>. However, with the exception of the secondary school, not by a great deal.
23. Furthermore, the footway is not ideal in places, sometimes uneven, narrow and, sometimes, no convenient crossing places. However, in my view accessibility is not so poor as to not offer a genuine choice of transport modes as required by the National Planning Policy Framework (The Framework). This is reinforced by the proximity of the appeal site to bus stops which provide a service to both Northampton and Daventry. I saw that these run roughly every hour and a half, Monday to Saturday into the evening and every two hours on a Sunday. Bugbrooke is after all a primary service village designated as one of the most accessible villages, where presumably if the limited development in the rural areas had not been met then development would be directed to albeit within the settlement confines. Whether it is the *most* accessible is a moot point. The scores allocated by the Council in its settlement hierarchy are very similar across the five primary service villages. Some have services and facilities that others do not.
24. While therefore this may be an accessible location, capable of shortening journeys, the proposal is still contrary to Policy S1 given that the limited

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<sup>1</sup> Planning for Walking CIHT 2015 & National Design Guide 2019

development within the rural area has been met and there would be minor harm to the character of the village.

25. Policy R1 of the Core Strategy requires development to be within the existing confines of the village, which the appeal site is not. It goes on to describe that once the housing requirement for the rural areas has been met, as is the case here, then further housing development would only be permitted where at least one of five criteria would be demonstrated. There would be environmental improvement due to biodiversity enhancement equating to 0.96% habitat units and 17.86% of hedgerow units. However, taken as a whole, given my findings on character and appearance then I do not consider that the biodiversity enhancement solely is sufficient to secure accordance with Policy R1. In any case the proposed development would still be outside of the settlement confines where the policy states that only in exceptional circumstances would development be allowed that enhanced or maintained the vitality of rural communities or would contribute to or improve the local economy. There is nothing substantive before me to suggest that this case is an exceptional circumstance. The proposal is therefore contrary to Policy R1.
26. Policy SS1 requires that development should be within the settlement boundaries of the settlements in accordance with their scale, role and function unless otherwise indicated in the LPP2. Part 4 of Policy SS1 outlines specific types of housing that would be acceptable outside settlement boundaries, none of which the appeal proposal meets. Policy LH1 of the LPP2 confirms that development outside settlement confines will not be acceptable unless it meets a number of criteria. The parties agree that due to its location outside of the settlement boundary it conflicts with these two policies. I concur.
27. The appellant suggested that Policy S1 is not up-to-date, as although responsible for the overall distribution of development, due to the ongoing inability of the Council to demonstrate a five-year housing land supply in the Northampton Related Development Area (NRDA) then it had failed to appropriately deliver the required housing.
28. However, Policy S1 concerns all development, not just housing. Furthermore, it has successfully delivered housing in the rural areas. The principle of the policy in directing development to the most accessible locations while protecting the rural character of the area is entirely in accordance with the Framework. In my view therefore, the Policy is up to date and should receive full weight.
29. Therefore, for the reasons above, I conclude that the appeal site is not an appropriate location for housing having regard to the requirements of local and national policy conflicting with Policies S1 and R1 of the Core Strategy and Policies SS1 and LH1 of the LPP2.

### **Other Matters**

30. The appellant has made much of the two appeal decisions which I issued at Middleton Cheney<sup>2</sup>. I have found that the accessibility of the two villages is very similar, with both allocated as primary service villages within the development plan. However, currently the five-year land supply position is very different to when I made my decisions at Middleton Cheney. Then it stood at just 5.14 Years, now it is 6.9 years for the rural area, and I discuss this below.

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<sup>2</sup> APP/Z2830/W/20/3261483 & APP/Z2830/W/20/3259839

31. The Council also provided a raft of appeal decisions in support of its position. However, although some decisions were made after the Middleton Cheney decision only one relates to a primary service village, albeit some relate to higher order settlements. In that one the Inspector found the appeal site was not in an accessible location in relation to the primary service village and therefore is not comparable to that before me now.
32. Therefore, I do not find any of the referenced appeal decisions to be directly comparable to that before me now. In any case I have, as required, made my decision based on the evidence before me and the specific circumstances of this appeal site.

### **Planning Balance and Conclusion**

33. The appellant argues that the conflict with the development plan is minor, given, in their opinion, the only conflict is that the limited rural housing requirement has been met and the site is outside the settlement boundary, but in an accessible location and therefore harm caused is minor. However, I have found that the proposal would be in conflict with up-to-date policies regarding the spatial strategy in the development plan. To continue to allow further housing in the rural locations, even though the rural requirement figure is not a cap on development, would undermine that strategy in not directing development to the most accessible locations in the Council area and failing to appropriately protect the open countryside. This is particularly the case given that the Council is now able to demonstrate a 6.9-year housing land supply in the rural areas which is significantly different to when I reached decisions regarding housing in Middleton Cheney. I am mindful in this regard that the Framework advocates a genuinely plan led system. Furthermore, the development plan does not preclude the provision of housing within the rural areas that meets a set of criteria including specialist housing and that allocated within a neighbourhood plan to meet local needs and support local services which is not the case here. For that reason, I give only modest weight to the provision of new market housing.
34. There is no dispute that the proposed affordable housing, secured by the S106 agreement, attracts significant weight. I see no reason to disagree. There remains an under provision of affordable housing across the authority and the 26 units here would go some way to meeting that need.
35. There would be economic benefits during the construction phase as well as spending by the proposed occupiers at least some of which would be spent within the local area. The appellant quantifies the number of jobs and spending within the local economy and these figures are not disputed by the Council. Based on the contribution made I give these benefits moderate weight. It was agreed at the Hearing that the New Homes Bonus would not be a benefit that attracted weight in the balance.
36. The scheme would deliver a biodiversity net gain equating to 0.96% habitat units and 17.86% of hedgerow units. This is a small net gain attracting limited weight.
37. The proposal would deliver a footpath along the southern boundary which would link into the village. I walked this route at my site visit and found it would be of benefit for future occupiers of the appeal scheme, providing an attractive walk into the village. However, given the location of the appeal site,

somewhat removed from the village centre, it is unlikely that existing residents would use the footpath on a regular basis. There is very little to attract them to the appeal site. Areas of open space are small and as I have already found there is more than sufficient open space within the village closer to the majority of the population. I therefore give the footpath and the open space limited weight.

38. I have found that the proposal would cause harm to the significance of a heritage asset. This harm equates to less than substantial, but nevertheless attracts great importance and weight. The benefits outlined above are not sufficient to outweigh that harm.
39. The proposal conflicts with the development plan as a whole and particularly an up-to-date spatial strategy. The identified benefits are not sufficient material considerations to outweigh that conflict. To be clear, even if I had found no harm to the setting of the GUCCA as agreed by the main parties, I would have reached the same conclusion on the planning balance.
40. For the reasons above the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR

#### FOR THE LOCAL PLANNING AUTHORITY

|               |                                                                                |
|---------------|--------------------------------------------------------------------------------|
| Andrew Murphy | Director, Stansgate Planning Consultants Ltd                                   |
| Nathan Lowde  | Principal Planning Officer, West Northamptonshire District Council             |
| Alan Munn     | Planning Policy & Conservation Manager, West Northamptonshire District Council |

#### FOR THE APPELLANT

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|----------------|---------------------------|
| Satnam Choongh | Counsel for the appellant |
| Andrew Gore    | Marrons Planning          |
| Eddy Stratford | EDP                       |

#### INTERESTED PARTIES

|                         |                                |
|-------------------------|--------------------------------|
| Edwina Wright           | Local resident                 |
| Councillor Phil Bignell | Chair Bugbrooke Parish Council |
| Councillor Adam Brown   | Local Ward Member              |

#### DOCUMENTS SUBMITTED AT THE HEARING

- 1 Revised plan of services and facilities
- 2 Grand Union Canal Character Area Maps
- 3 Agreed walking route for site visit
- 4 Written statement of Councillor Phil Bignell (read out at Hearing)

#### DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Written statement of Edwina Wright (read out at Hearing)
- 2 Signed and sealed S106 Agreement