



Appeal Decision

Inquiry held on 13-15 and 20 June 2023

Accompanied site visit made on 16 June 2023

by I Jenkins BSC CENG MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 8th August 2023

Appeal Ref: APP/M2840/W/23/3316424

Land off Main Road, Earls Barton, NN6 0TW

- 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 Greystoke Land Ltd against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00730/OUT, dated 11 October 2022, was refused by notice dated 19 December 2022.
 - The proposed development is described as up to 48 affordable dwellings, including means of access, attenuation basin, public open space, landscaping and other associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all detailed matters, except access, reserved for future consideration.
3. In support of the appeal scheme the appellant has submitted a formally completed agreement between the Council and the owners of the appeal site, pursuant to section 106 of the *Town and Country Planning Act 1990* (section 106 agreement). I have taken it into account.

Main Issues

4. The Statement of Common Ground agreed between the Council and the appellant confirms that, following the submission of further information, the Council no longer contests either its second reason for refusal, which related to highway safety, or its fifth reason, which related to archaeological matters.
5. I consider that the main issues in this case are: the effect of the proposal on the spatial development strategy for the area; the effect on the character and appearance of the local area; the effect on the supply of Affordable Housing; whether the proposal makes adequate provision for measures to mitigate the impacts of the development on the local area with particular reference to infrastructure, services, facilities, amenities, biodiversity net gain and measures to address potential impacts on the Upper Nene Valley Gravel Pits Special Protection Area (SPA); and, the planning balance.

Reasons

The effect on the spatial development strategy for the area

6. The Development Plan comprises: the *North Northamptonshire Joint Core Strategy, 2011-2031* (JCS); *The Plan for the Borough of Wellingborough-Adopted Plan-Part 2 of the Local Plan*; and, the *Earls Barton Neighbourhood Plan, 2011-2031* (NP). The emerging *North Northamptonshire Strategic Plan* is at an early stage of preparation and so can be afforded only very limited weight; a view shared by the Council and appellant.
7. The appeal site comprises agricultural land; a single field currently used for keeping horses. The field is situated in the countryside, outside and adjacent to the Earls Barton village boundary as defined by the Development Plan and more specifically the Key Diagram of the NP.
8. The reasoned justification for JCS Policy 11 identifies Earls Barton as one of the four largest villages in the rural area and that those villages are situated close to the Growth Towns of Wellingborough and/or Rushden, which it indicates are the most sustainable locations for residential development in the south of the plan area. The Policy states that development will be distributed to strengthen the network of settlements in accordance with the roles in Table 1, which identifies the role of villages as focal points of development to meet locally identified needs.
9. JCS Policy 29 confirms that new housing will be accommodated in line with the spatial development strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the market towns. Table 5 sets out the housing requirements (2011-31) in named settlements and the JCS indicates that, compared to the existing pattern of housing, the distribution seeks to strengthen the role of the Growth Towns and market towns. Against that background, Table 5 identifies a requirement of only 250 units for Earls Barton.
10. JCS Policy 11 indicates that Local and Neighbourhood Plans will identify sites within or adjoining the villages to meet the rural housing requirements identified in Table 5. Furthermore, other than small scale infilling or 'rural exceptions' schemes (JCS Policy 13) development above these requirements will be resisted unless agreed through the Part 2 Local Plan or Neighbourhood Plans to meet a particular local need or opportunity.
11. That said, JCS Policy 1 indicates that in considering development proposals, the Local Planning Authority will take a positive approach which reflects the presumption in favour of sustainable development contained within the *National Planning Policy Framework* (the Framework). The Framework indicates that that means, in certain circumstances, where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, the policies which are most important for determining an application are considered out-of-date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole (the tilted balance). I consider that, in such circumstances, it is conceivable that schemes which address a shortfall in deliverable housing sites, notwithstanding conflict with the Development Plan spatial development strategy, might be regarded as sustainable under the terms of the Framework

and JCS Policy 1, and the associated conflict with the Development Plan spatial development strategy might be regarded as acceptable.

12. The Council has indicated that whilst it is currently able to demonstrate a five-year supply of deliverable housing sites, when it could not do so in the past the application of the tilted balance contributed to the 250 unit housing requirement for Earls Barton being significantly exceeded. 486 units have been delivered there to date and planning permissions have been granted for a further 34 units. Against that background the Council does not regard exceedance of the housing requirement for Earls Barton as either unsustainable or as amounting to an unacceptable conflict with the Development Plan spatial development strategy. Nonetheless, the circumstances in the case before me are materially different. There is no dispute that the Council is now able to demonstrate a five-year supply of deliverable housing sites, the Policies in the Development Plan are up-to-date and the tilted balance is not engaged.
13. The appeal scheme would add to the exceedance of the JCS Policy 29 housing requirement for Earls Barton, which although a large village is not one of the most sustainable locations for development which the spatial development strategy identifies as a strong focus for new housing. Furthermore, development of the appeal site is not within the village of Earls Barton and has not been tested and supported through a Part 2 Local Plan or a Neighbourhood Plan. Therefore, the appeal scheme would not benefit from the support given by JCS Policy 11 to small scale infilling within a village or the development of sites adjoining villages.
14. The proposal would align with some but not all of the criteria required for the justification of: 'rural exception sites' by JCS Policy 13; and, 'exception sites outside but abutting the village boundary' by NP Policy EB.GD2. Particular conflicts include that it is not clearly justified by evidence to show it meets an identified need within a village or network of villages through a local needs survey, as required by JCS Policy 13. No such local needs survey, which is also a requirement of NP Policy EB.GD2, has been provided in support of the appeal scheme. Furthermore, there is no dispute that the appeal scheme would not meet the expectation set out in the reasoned justification for JCS Policy 13 and the requirement of NP Policy EB.GD2 that proposals be small in scale, which the latter Policy indicates is not more than 10 dwellings.
15. The *North Northamptonshire Strategic Plan-Scope and Issues Consultation, March 2022 (SIC)*, indicates that '*between 2011 and 2021 there has been less housing delivery at the Growth Towns than anticipated and more than anticipated at the Market Towns, 4 names villages and in rural areas.*' However, in my view, it does not follow that the spatial development strategy is not working nor does it weigh in favour of further development at Earls Barton, contrary to the spatial development strategy. The SIC identifies that the pattern of delivery between 2011 and 2021 can be '*explained by the time taken for the Garden Communities to come forward and it is likely that the Growth Towns will continue to see further increases in the coming years as more of the Garden Communities begin to build at a more rapid pace.*' Furthermore, the JCS states that '*strong development management will be required to ensure that development pressures are not diverted to villages if development at the Growth Towns and market towns is slower than anticipated.*'

16. I conclude therefore, that the proposal would conflict with the spatial development strategy for the area, with particular reference to JCS Policies 11, 13 and 29 as well as NP Policy EB.GD2. Furthermore, the proposal would undermine the Council's ability to manage development in accordance with the spatial development strategy and thereby undermine the strategy itself.

The effect of the proposal on the character and appearance of the local area

17. The appeal site, which comprises a single field subdivided by unobtrusive post and wire fencing into paddocks, forms part of the area of countryside immediately to the northeast of the village of Earls Barton and to the southeast of the A4500 Main Road/Wellingborough Road junction. The northern boundary of the site, to Main Road, is enclosed for the most part by hedgerow with some hedgerow trees. To the south of the site, the adjoining parcel of land, which has a row of trees along much of its northern edge, appears to comprise garden to the west and grazing land to the east. The appellant has confirmed that the hedgerow between the eastern edge of the appeal field and neighbouring agricultural land is outside of the red line boundary of the appeal site. A small section of the appeal site's western boundary, at its northern end, adjoins Wellingborough Road and is only partially enclosed by a group of trees. The site shares the remainder of its western boundary with the fenced back gardens of 4 dwellings that front onto Wellingborough Road. Ground levels within the site rise gradually from the northern boundary to the southern boundary.
18. The appellant has suggested that criterion a) of JCS Policy 3-Landscape character, which says *'development should: a) conserve and, where possible enhance the character and qualities of the local landscape through appropriate design and management'*, appears to be a 'nil' detriment Policy. In my view, read in the context of the first paragraph of the Policy, it is not. The first paragraph states *'development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area which it would affect'*. The emphasis, with respect to retention, being on *'the distinctive qualities of the landscape character area'*.
19. Furthermore, in my view, it is consistent with the Framework. I acknowledge that the Framework places particular emphasis on the protection and enhancement of valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan). It seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). The appeal site is not the subject of any statutory or non-statutory landscape designations. Nonetheless, the absence of a designation does not mean that an area of landscape is without value. The Framework states that decisions should recognise the intrinsic character and beauty of the countryside. Furthermore, *Guidelines for Landscape and Visual Impact Assessment, Third Edition* (GLVIA) by the Landscape Institute and Institute of Environmental Management & Assessment indicates that the absence of a designation does not mean that an area of landscape is without

any value and points to landscape character assessments as a means of identifying which aspects of a landscape are particularly valued.¹

20. According to the *Northamptonshire Current Landscape Assessment*, the appeal site falls within the *Rolling Ironstone Valley Slope* landscape character type (LCT-rivs), which includes a 'rolling landform', 'hedgerows and woodlands, which represent key landscape features, are on the whole well managed and maintained' and 'settlements and isolated farms are generally well integrated with their surroundings as a consequence of the well treed character of the surrounding landscape. However, larger settlements and urban areas have seen rapid expansion in recent decades, leading sometimes to insensitive development on their fringes, which can have a negative impact on local landscape character.' At a more local level, the site falls within the sub-area 4c *Ecton and Earls Barton* landscape character area (LCA4c) where it is noted that 'the rolling landscape... is characterised by medium to large fields and areas of pasture, usually with smaller fields adjacent to watercourses and on the edge of settlements', 'the busy A4500' and 'the landscape is relatively well settled, including the large compact post-war settlement of Earls Barton...'.
21. The appeal site is a relatively small field, adjoining larger fields to the east, characteristic of an edge of settlement location within LCA4c. Furthermore, with ground levels within the site rising from north to south, it forms part of the rolling landform, characteristic of the LCT-rivs. Whilst the section of the A4500 abutting the northern boundary of the site is dual carriageway, the single east and west bound lanes are separated by a grassed verge, there is no street lighting and the highway adjoins fields on either side. I consider that it is rural in character, rather than urban as suggested by the appellant's Landscape and Visual Appraisal (LVA). There is a small group of buildings on the northern side of the junction of Main Road/Wellingborough Road, which appears to include a commercial garage and a dwelling. However, it is isolated from other buildings and is flanked by fields. As a result, it does not materially diminish the rural character of the A4500 hereabouts. The appeal site forms part of the green infrastructure corridor 7a Ecton-Wilby, which runs along either side of the A4500.
22. Consistent with the village boundary defined by the NP, it appears to me that the eastern entrance to the village of Earls Barton off the A4500 is a short distance to the south of the Main Road/Wellingborough Road junction, marked by a 'welcome to Earls Barton' sign. To the south of that sign, the row of 4 bungalows/dormer bungalows that backs onto the appeal site, fronts onto the eastern side of Wellingborough Road. The fenced rear boundaries of that ribbon of development form the eastern boundary of the village hereabouts, as defined by the NP. The compact, nucleated settlement pattern of the largest part of Earls Barton only becomes apparent further to the south along Wellingborough Road, where there is a significant increase in the scale and depth of development, particularly to the west. Opposite the row of 4 dwellings I have identified, the other side of Wellingborough Road is characterised by roadside trees and hedging with allotments and a cemetery beyond. The close proximity of the countryside, in the form of the appeal site, has a significant influence on the character of Wellingborough Road, due to the breaks in built development along the eastern side of the highway and the limited scale of

¹ CD 7.3 paras 5.26-5.27

those dwellings. I consider that overall, this eastern entrance to the village has a verdant and semi-rural character.

23. Part way between the eastern (Wellingborough Road) and western (Northampton Road) entrances to the village off Main Road, a relatively new housing development fronts onto the A4500. It differs from the appeal site in a number of respects. That housing development forms part of the 'Grange Site', identified by the NP as an allocated mixed-use infill site within the village boundary. The cemetery and Earls Barton Industrial Estate adjoin the eastern side of that site and, for the most part it adjoins residential development to the south and west. As such, that infill development forms part of the compact, nucleated settlement pattern of the village.
24. Notwithstanding that the appeal site is not identified as such by the NP, in my judgement, it contributes positively to the landscape setting of Earls Barton and the character of the village. Against this background, I consider the site, the immediate contextual landscape to the site and Earls Barton to be landscape receptors with a medium sensitivity to change, rather than medium-low as suggested by the LVA in relation to the first two.
25. Of the visual receptors identified by the LVA, I consider that the views likely to be most affected by the proposal include those from public rights of way along Main Road and Wellingborough Road as well as from neighbouring residential properties on Wellingborough Road. In addition, I saw that the site contributes to views from the nearby cemetery, contrary to the position set out in the LVA. I consider that whilst the views affected by the proposal are likely to be enjoyed at a community level, there is no specific value placed on them by designation or publication and so they would rank as low value under the LVA methodology. However, to my mind, the susceptibility of visual receptors to change would be high in each case. For example, people walking along Wellingborough Road and Main Road are likely to be focussed on the landscape, which includes the appeal site; and, the cemetery's surroundings are likely to be important to the experience there. In addition, a number of neighbouring residents have views over the site from rooms likely to be occupied during the daytime. Whilst some may be limited to views over close boarded fencing, a number have more direct views. Combining those judgements, I regard the sensitivity of those visual receptors overall to be medium-high.
26. As the planning application subject of this appeal is in outline, a full assessment of the landscape and visual impacts of the proposed development cannot be carried out at this stage. Nonetheless, the description of development indicates that it would include up to 48 dwellings. In my view, it would not be reasonable to seek to use a condition to modify the development to make it substantially smaller in terms of scale or unit numbers from that which was applied for. That would amount to a change upon which interested parties could reasonably expect to be consulted and would require a new application. The illustrative layout plan indicates that the proposed dwellings would be likely to be set back from the lower northern end of the site beyond an area of landscaping which would include, amongst other things, an attenuation basin. To my mind, the scope for landscaping would be unlikely to be significantly greater than shown, due to the number of dwellings proposed. Furthermore, given the site constraints, such as the location of the site entrance at the northern boundary and the likely need to accommodate a drainage basin at the lower end of the site, I cannot envisage an alternative

arrangement to that shown on the illustrative layout plan which would accommodate the approximate numbers proposed.

27. The proposal would not impact directly on existing planting adjacent to the southern and eastern boundaries of the site. Whilst some existing hedgerow along the northern boundary of the site would be removed to form the main site access, the scheme would include planting within the proposed open space as mitigation. This together with the set back of built development from the highway would ensure that the integrity of the green infrastructure corridor 7a Ecton-Wilby would not be compromised. In these respects the scheme would accord with JCS Policy 3b), which seeks to ensure that development makes provision for the retention and, where possible, enhancement of features of landscape importance, as well as JCS Policy 19 which seeks to safeguard identified sub-regional green infrastructure corridors.
28. However, there is no dispute that the proposed residential development, which would replace a characteristic small field at an edge of settlement location within LCA4c, would have a high landscape magnitude of effect at the appeal site. Backing onto the existing ribbon development along Wellingborough Road, the proposal would introduce an uncharacteristic, substantial cluster of buildings outside of the eastern entrance to the village off Main Road and remote from the nucleated main area of the settlement. It would greatly harden the settlement edge at the eastern gateway to the village. Furthermore, it would have no direct access from the village, as it would be linked to both Main Road and Wellingborough Road outside of the settlement. As such, and notwithstanding that it would be adjacent to land in residential use, in part, on two sides, I consider that it would be poorly integrated with Earls Barton, it would harm the rural character of the immediate contextual landscape to the site, including the setting of the village, and the semi-rural character of Wellingborough Road and thereby the character of Earls Barton. In my view, the landscape magnitude of effect in relation to these receptors would be medium. I acknowledge that due to its limited size, the scheme would be unlikely to have a significant impact on the character of the wider landscape. Nonetheless, overall, the significance of the landscape impact of the appeal scheme would be moderate adverse, rather than slight adverse as the LVA indicates.
29. The proposal would result in a substantial alteration to the easterly views from a limited number of neighbouring dwellings, changing the outlook from rural to urban, due to the size of the development. However, the number of people affected would be limited and so the magnitude of effect would be medium, as set out in the LVA.
30. From a number of public vantage points along Wellingborough Road and within the adjacent cemetery, the proposed buildings would be likely to be visible to pedestrians through gaps between existing dwellings along the western side of the site as well as above the roofline of some of them. As a result, views towards the site from those vantage points would change from semi-rural to urban. Furthermore, pedestrians passing the northwestern corner of the site and passed its main entrance off Main Road, would be likely to have clear views of the proposed built development, which would change the outlook from rural to urban. This would be the case even if the proposed buildings were to be set back from the front of the site beyond open space that included the required drainage and play facilities, as shown on the illustrative layout plan. As shown

on the appellant's landscape strategy plan, the potential for screen planting would be likely to be limited. I consider that the visual magnitude of effect in relation to these receptors would also be medium. It follows that, overall, the significance of the adverse visual impact of the appeal scheme would be moderate-substantial, rather than slight-moderate adverse as the LVA indicates.

31. The closest settlement to the east of the appeal site is Wilby. I acknowledge that the proposal development would not reduce the gap between Wilby and Earls Barton to any significant extent and would not give rise to any sense of coalescence between the two. In this respect it would accord with JCS Policy 3d).
32. The scheme would not conflict with JCS Policies 19, 3b) or 3d). Nonetheless, I conclude that the proposal would be likely to have a moderate-substantial adverse effect on the character and appearance of the local area. It would conflict with JCS Policy 3a) and, on balance, JCS Policy 3 taken as a whole, which more generally seeks to ensure that development is located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character. It would also conflict with JCS Policy 8 insofar as it seeks to ensure that development responds to the overall form, character and landscape setting of the settlement. The appeal scheme has insufficient regard to the intrinsic character and beauty of the countryside.

The effect on the supply of Affordable Housing

33. The reasoned justification for JCS Policy 30 identifies that the Council's 2015 Strategic Housing Market Assessment Update (SHMA) indicated that based on average house prices and household incomes, only 55.7% of new households in North Northamptonshire will be able to afford market housing. The remaining 44.3%, equivalent to 15,500 units, were forecast to require affordable housing, including social and affordable rent and intermediate forms of tenure such as shared ownership.
34. The appellant indicates that in order to meet a need for 15,500 units in North Northamptonshire over the plan period, an average of 775 new affordable homes per annum would have to be delivered, which would equate to 8,525 units in the first 11 years of the plan period. By comparison, it estimates that around 2,726 net new affordable houses have been delivered in that time, around 32% of the 8,525 units. Furthermore, for the former Wellingborough Council area the SHMA indicated that around 45.5% of new households would need Affordable Housing, equivalent to around 3,187 units over the plan period, 159 units per annum and 1,749 units in the first 11 years. By comparison, the appellant estimates that 478 net new affordable houses have been delivered in the first 11 years, around 27% of the 1,749 units. The Council does not dispute those figures or that, based on them, some households in the district and the former Wellingborough Council area are likely to have fallen into need for Affordable Housing in the last 11 years which has not been met. Furthermore, there is no dispute that there is a significant need for Affordable Housing in North Northamptonshire and the former Wellingborough Council area, a position consistent with the numbers of people waiting for Affordable Housing in those areas according to the Council's Housing Register.

35. However, the reasoned justification for JCS Policy 30, having taken account of the findings of the SHMA, noted that *'the NPPF is clear that the scale of policy burdens, including affordable housing requirements, should not put the plan at serious risk'*, a position consistent with the current Framework. It also recognised that *'Public funding is constrained and a significant element of new affordable housing will need to be provided as part of private sector developments and through the 'exceptions' approach set out in Policy 13.'*
36. Against that background, the JCS indicates that *'Policy 30 seeks the maximum reasonable amount of affordable housing in developments having regard to the viability of the development scheme and the objective of creating inclusive and mixed communities. Where a robust viability assessment indicates that a development cannot meet the Policy 30 targets in full, the local planning authority will negotiate with the developer to agree an appropriate scale of provision.'* JCS Policy 30 identifies percentage targets for the provision of Affordable Housing on private sector developments which range from 20% of total dwellings in phases of Sustainable Urban Extensions of 15 or more dwellings (net) developed by March 2026 to 40% of total dwellings in rural areas where the development includes 11 or more dwellings (net) or where the combined ground floor area would exceed 1,000 m².
37. In short, the JCS did not set out to deliver that level of Affordable Housing identified by the SHMA, more generally nor are local planning authorities required to do so by the Framework, a position recognised in the *Kings Lynn & West Norfolk vs DCLG CO/914/2015, 9 July 2015* judgement. I give little weight therefore, to the level of shortfall identified by the appellant relative to the levels of need identified by the SHMA. The circumstances differ from those associated with an appeal against a decision of Cheshire West & Chester Council, Ref. APP/A0665/W/15/3005148, where there appears to have been an expectation that the need identified by that Council's Strategic Housing Market Assessment 2013 would be met.
38. In order to justify the development of a rural exception site, JCS Policy 13 requires evidence that it meets an identified need arising within a village or network of villages through a local needs survey (LNS). The last such survey recorded by the Council for the parish of Earls Barton was undertaken in 2012, the *Earls Barton Rural Housing Survey 2012* (EBRHS), and it identified a need for 52 affordable dwellings. The Council's record of housing delivery identifies that 117 affordable dwellings have been delivered at Earls Barton in the period 2013/14 to 2021/22, indicating that the need identified in 2012 has been met.
39. The appellant has drawn attention to the change in social rented/ shared ownership properties recorded by the 2011 and 2021 Censuses, which indicates a net delivery of only 57 properties in Earls Barton. Nonetheless, I understand that the Census does not record all forms of Affordable Housing recognised in the Framework and so the data does not provide a means to establish the net increase in Affordable Housing over the period; a position accepted by the appellant at the Inquiry. Furthermore, the Council and the appellant agreed that any losses, due to demolitions and tenants enacting the 'right to buy' are likely to have been small in number. Therefore, I consider that even if some allowance is made for losses during that period 2013/14 to 2021/22, the 117 figure is likely to be a reasonable guide to net delivery of Affordable Housing, which far exceeds the need identified by the EBRHS.

40. The circumstances here differ from those associated with an appeal against a decision of South Oxfordshire District Council, Ref. APP/Q3115/W/19/3230827, where there appears to have been a shortfall in delivery against identified needs and targets for the parish associated with the scheme.
41. Nevertheless, there is no dispute that the EBRHS should now be considered out of date, given the passage of time during which some new Affordable Housing need is likely to have arisen. Absent of an up-to-date survey undertaken by the Council, its *Rural Exception Sites-Supplementary Planning Document, 2020*, states that housing needs surveys could be undertaken by a rural housing specialist or a Housing Association to support planning applications. However, no such primary research, to show either the current level of Affordable Housing need at Earls Barton or that the need there has not been satisfied by the affordable dwellings delivered to date, has been provided by the appellant in support of the appeal scheme. In this respect the proposal conflicts with JCS Policy 13.
42. The appellant has drawn attention to the introduction to the EBRHS. The introduction, having confirmed that a local parish housing needs survey was carried out to provide an accurate picture of housing needs, indicates that other sources, such as the Council's Housing Register, can be utilised to help build up a picture of affordability and needs within a village that can be used to supplement any primary research which is carried out. The appellant seeks to rely on a number of other sources, although acknowledging that they would only provide material that could supplement an up-to-date LNS. In this context, the appellant places some reliance on information from the Council's Housing Register and Office of National Statistics (ONS) data relating to the affordability of housing in the area and the proportion of the housing stock there which is affordable.
43. The Council's Housing Register indicates that as of 6 February 2023, 646 households had registered Earls Barton ward as a preferred choice of location. The Council explained that this merely indicates that it was among their preferred choices and it could be one of a number of locations that they have registered an interest in. Therefore, I consider that this does not give a reliable indication of need arising within Earls Barton. The same can be said regarding the 863 bids recorded as lodged in relation to the 14 properties which have been let in the village over the 12 months preceding 14 April 2023, as under the Council's Choice Based Letting Scheme applicants from across North Northamptonshire are able to bid.
44. The appellant has drawn attention to ONS data from 2018 relating to the ratio between median house prices and earnings at Middle Super Output Area (MSOA) level of geography. The ratio for housing in the MSOA that includes Earls Barton was the highest in the former borough of Wellingborough and amongst the highest in North Northamptonshire. This indicates that housing in Earls Barton is less affordable than in many other parts of the district. Furthermore, ONS 2021 Census data indicates that as a proportion of its overall housing stock, Earls Barton has a lower proportion of social rented/shared ownership housing than Wellingborough and North Northamptonshire. However, to my mind, these factors do not assist in identifying the actual level of Affordable Housing need arising within the village.

45. The housing requirement figure for Earls Barton identified in Appendix 3 of the NP and reflected in the JCS is 250 units over the plan period, 2011-2031. The *Earls Barton Neighbourhood Plan Determining a Housing Target* (DHT) report, which was produced to support the NP indicates that this figure was set having regard to a number of factors. They included, firstly, an extrapolation of the EBRHS overall housing needs figure of 64 over the 20-year plan period to give an overall figure of 256 units. That this was not the only factor taken into account is unsurprising, given the DHT acknowledged that the EBRHS was assumed to be valid for 5 years. The second factor was that the village should continue to accommodate a similar rate of growth to past trends, which gave a figure of 220 units, and the third, consultation on the Neighbourhood Plan supported development in the range 150-250 dwellings.
46. The appellant argues that if the EBRHS identified need for Affordable Housing, 52 of 64 units, were to be extrapolated over the 20-year NP period it would indicate a need for 208 Affordable Housing units, suggesting an on-going need having regard to the 117 units delivered by 2021/22. However, there are a number of problems with that 'extrapolation approach'. Firstly, the housing requirement figure was not based solely on extrapolation of the EBRHS, as I have indicated. Secondly, as acknowledged by the appellant, the NP did not establish an affordable housing requirement in that way through extrapolation. The DHT identifies that, in order to achieve wider policy objectives, the NP allocated land for around 280 dwellings and NP Policy EB.G1 indicates that the Affordable Housing contribution would be in line with policies elsewhere within the Development Plan. JCS Policy 30 sets out the requirements, which in rural areas, including villages, is 40% of total dwellings where the development includes 11 or more dwellings (net) or where the combined ground floor area would exceed 1,000 m². For example, if that were applied to: the housing requirement over the Development Plan period of 250 units, it would equate to 100 dwellings; and, the 280 unit allocation, it would equate to 112 dwellings. Thirdly, for reasons including its age, the appellant acknowledges that no more than limited weight should be attributed to the EBRHS. Against this background, I consider that the appellants 'extrapolation approach', which suggests a 208 unit requirement, is without merit.
47. I consider overall that there is no compelling evidence before me to show that the proposed development of up to 48 Affordable dwellings would meet an identified need arising within Earls Barton or an associated network of villages.
48. The appellant argues that the appeal scheme could assist in meeting the need for Affordable Housing in the wider area, such as that associated with the former borough of Wellingborough and the North Northamptonshire district, where the need is significant and pressing.
49. The SIC states that '*North Northamptonshire is not delivering the amount of affordable housing sought in the JCS, and the economic viability of delivering affordable housing has been identified as a key issue in the Garden Communities and other sites.*' However, it does not provide further details.
50. The appellant has estimated that net affordable housing as a percentage of overall completions in the period 2011/12-2021/22 for North Northamptonshire is around 16% and for the former Wellingborough Council area is 15%. However, these figures are of little assistance as a means of assessing whether JCS Policy 30 is working as intended, as they are not directly comparable to the

JCS Policy 30 targets, which refer separately to Sustainable Urban Extensions (SUEs), Growth Towns and Market Towns, and rural areas. Furthermore, under the terms of JCS Policy 30 not all sites are required to provide Affordable Housing, for example, smaller sites are not required to. This is not accounted for in the appellant's figures. I consider that little weight is attributable to the appellant's figures in this context. The extent to which the delivery of Affordable Housing is falling short of the amount sought in the JCS is unclear.

51. I consider that even if delivery of Affordable Housing is currently falling short of the amount sought in the JCS, it does not follow that JCS Policy 30 is not working as planned or that delivery will continue to fall short of the percentage targets. The Policy allows for levels of provision lower than the targets in circumstances where a robust viability assessment indicates that a development cannot meet the JCS Policy 30 targets in full. The circumstances differ from those in appeal decision Ref. APP/B3410/W/20/3245077, which involved a shortfall against a numerical annual Affordable Housing requirement set out in a different Development Plan, and that decision is of little assistance. Furthermore, the JCS indicates that its Affordable Housing target for Garden Communities (also known as Sustainable Urban Extensions) of 20% is an aspirational figure over the plan period and that *'up front infrastructure costs of the SUEs may affect Affordable Housing delivery in the early phases, but this is likely to improve over the lifetime of the plan'*. In addition, there is no dispute that, as set out in the *North Northamptonshire Authorities' Monitoring Report (AMR) 2021/22*, the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide more than 7 years' worth of housing against its housing requirement. I have no reason to doubt that the development of some, if not all, of these would be likely to include the provision of Affordable Housing.
52. The circumstances here differ from those associated with a number of appeal decisions related to other local planning authorities drawn to my attention, where the Affordable Housing contribution of the schemes were considered in a context which included the particular Council being unable to demonstrate a five-year supply of deliverable housing sites. They are of little assistance.
53. The Public Sector Equality Duty (PSED), contained in section 149 of the *Equality Act 2010*, sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include, amongst other things, age. The appellant has drawn my attention to research which indicates that the social housing sector has been in decline for many years and this has forced many households, including families, into the private rented sector. Furthermore, rising rents in that sector can lead to homelessness or poor quality temporary accommodation, which can present a serious risk in particular to children's health, safety and education. In the period 1 February 2022-31 January 2023, 912 households were registered under the Council's 'Relief Duty', indicating that the applicant is homeless and eligible for assistance. A further 542 households were registered under the Council's 'Homelessness Prevention' duty, indicating that the applicant is threatened with homelessness and eligible for assistance.
54. However, to my mind it does not automatically follow that a solution would be to provide Affordable Housing anywhere. I am concerned that seeking to

address an Affordable Housing need arising elsewhere in the District through the provision of a cluster of such dwellings at the edge of a rural village, as is proposed, would have adverse consequences which may have to be borne by future residents. Shelter's report *Unlocking Social Housing: How to fix the rules that are holding back house building, 2022*, indicates, amongst other things, that '*The answer is clear: build many more, good quality social homes for the communities that so desperately need them.*' This aligns with the evidence given on behalf of the Council that '*it is generally preferable to meet housing need close to where it derives*', an approach which is reflected in the aim of JCS Policy 13 to address an identified need arising within a village or network of villages evidenced through a local needs survey.

55. Shelter's report *Bleak houses: Tackling the crisis of family homelessness in England, 2019*, indicates that '*Many families face the double problem of poor temporary accommodation and no choice but to move out of their local area. Moving away from an area can have a deeply disruptive impact on family life. For children, moving area might mean a new school, no longer being able to see their friends or go to the places they are used to... Grandparents or others who might have been able to help with childcare might no longer be able to due to the distances involved. In addition to increasing loneliness and isolation, parents might be forced to pay for childcare... Travel costs might increase as children have to travel further if they stay at the same school.*'
56. I acknowledge that Earls Barton contains a range of local facilities, services, employment units and public transport links, which can be accessed on foot from the appeal site. In that respect, the site may be regarded as a more sustainable location for development than villages with a smaller range as well as more isolated sites in the open countryside. However, to my mind, Growth Towns, followed by market towns, which are identified by the Development Plan as the most sustainable locations, are likely to have a greater range of local facilities, services and employment units upon which some future residents of the appeal site would be likely to need to rely to some extent. For example, Earls Barton does not have a Secondary School, the needs of residents being served, at least in part, I understand by Weavers Academy in Wellingborough. In this case, I consider it likely that directing Affordable Housing to the rural area contrary to JCS Policy 13, as proposed, would result in a less sustainable outcome than sought by the spatial development strategy. The practical consequences of this would be likely to include, as identified by the JCS examining Inspector, increasing, rather than reducing the overall need to travel, which, as referred to in the shelter reports above, would add to the costs of those least able to afford it and has the potential, if unaffordable, to result in isolation. Whilst future residents may accept such burdens in order to secure a home, in my view, such circumstances would not amount to addressing the need for Affordable Housing in the former borough of Wellingborough in a wholly sustainable way, as characterised by the appellant.
57. Whilst, at the Inquiry, the Council drew attention to 3 schemes for 100% Affordable Housing, I understand that they were each located within the urban area of Wellingborough and so are not directly comparable to the appeal scheme.
58. The proposed dwellings would all fall within the Framework definition of Affordable Housing, exceeding the 40% target in rural areas set out in JCS Policy 30. Nonetheless, I consider on balance, given the potential adverse

consequences of seeking to address an Affordable Housing need arising elsewhere in the District through the provision of a cluster of such dwellings at the edge of a rural village, the aims of the Equality Act 2010 do not indicate a decision in favour of the scheme. Furthermore, more generally, these concerns reduce the weight attributable to the proposed increase in the supply of Affordable Housing available in the wider area.

59. I conclude that the proposal would accord with JCS Policy 30 insofar as it seeks to secure 40% Affordable Housing in rural areas. However, there is no compelling evidence before me to show that the appeal scheme would meet an identified need for Affordable Housing arising within Earls Barton or any associated network of villages. There is no dispute that the proposal would increase the supply of Affordable Housing available in the wider former borough of Wellingborough and North Northamptonshire; areas where there is a significant unmet need. However, in my view, the potential adverse consequences of seeking to address an Affordable Housing need arising elsewhere in the district through the provision of a cluster of such dwellings at the edge of a rural village reduce the weight attributable to the proposed increase in the supply of Affordable Housing available in the wider area. I conclude overall, that the provision of Affordable Housing in this case attracts only limited positive weight.

Whether the proposal makes adequate provision for measures to mitigate the impacts of the development on the local area with particular reference to infrastructure, services, facilities, amenities, biodiversity net gain and the SPA

Upper Nene Valley Gravel Pits Special Protection Area (SPA)

60. The appeal site is located within the 3 Km zone of influence of the SPA, a European designated site. Regulation 63 of *The Conservation of Habitats and Species Regulations, 2017* (Habitats Regulations) indicates that a competent authority, before deciding to give permission for a project which: a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and b) is not directly connected with or necessary to the management of that site, must make an Appropriate Assessment of the implications of the project for that site in view of that site's conservation objectives.
61. The Council's *Upper Nene Valley Gravel Pits Special Protection Area SPD, 2015* (SPD) indicates that the SPA comprises a chain of exhausted sand and gravel pits, which was designated under the *EC Birds Directive* (Council Directive 79/409/EEC) for its wintering habitat for wildfowl and wading birds (particularly Bittern, Gadwall and Golden Plover)
62. JCS Policies 4 and 20 seek to ensure that the integrity of European designated sites, such as the SPA, are protected. The proposed housing scheme is not directly connected with or necessary for the management of the SPA. Furthermore, the Council has confirmed that the Habitats Regulations Assessment for the JCS (JCS HRA) identified that the in-combination impact of proposals involving a net increase of one or more dwellings would have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place. The HRA identified that the adverse effect on the integrity of the SPA would be through an increase in visitors which, in turn, would increase the level of disturbance to the wintering waterbirds, particularly

through dog walking. There is no dispute in this case that, without appropriate and proportionate mitigation measures, the appeal scheme would be likely to have a significant effect on the SPA (either alone or in combination with other plans and projects). An Appropriate Assessment is required.

63. The SPD confirms the conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive. The JCS HRA confirms that the Council adopted a mitigation strategy in 2016 the application of which would avoid and mitigate likely significant effects on the SPA. It involves the provision of a financial contribution towards Strategic Access Management and Monitoring (SAMM) and/or other suitable measures. This would be used to reduce the adverse impact of people visiting the SPA through specific measures and monitoring. This could include fencing and screening, footpath diversions, wardening and monitoring.
64. The Council's CIL Compliance Statement (CCS) sets out what would be necessary in order to ensure that the proposal would make adequate provision for SAMM measures. The sum of £363.62 per dwelling reflects that identified by the Councils *Addendum to the SPA SPD: Mitigation Strategy, adopted in 2016*, with inflation accounted for. The contribution and terms of payment required to provide the required SAMM have been secured by the section 106 agreement. These arrangements would ensure the provision of adequate SAMM to satisfactorily mitigate the potential impact of the appeal scheme.
65. With reference to Regulation 63(5) of the Habitats Regulations, I am satisfied that the above measures would ensure that the appeal scheme would not have an adverse effect on the integrity of the SPA. Furthermore, the requirements of JCS Policies 4 and 20 would be met.

Biodiversity net gain

66. The *Statement of Common Ground* and *Addendum*, agreed between the Council and the appellant, indicate that whilst the appeal site illustrative landscape strategy would be likely to result in a small biodiversity net gain in respect of hedgerow, there would be a loss in terms of biodiversity habitat units. However, this could be offset through investment in habitat creation offsite, resulting in a small net gain, in keeping with the aims of JCS Policy 4 and the Framework. Having had regard to the supporting evidence, which includes confirmation of an off-site provider, I am content that the suggested biodiversity net gains could be secured through the imposition of a suitable condition.

Other planning obligations

67. The CCS also sets out the other contributions and planning obligations which the Council considers would be necessary in order to ensure that the proposal would make adequate provision for infrastructure, services, facilities and amenities. They include contributions associated with: early years education; secondary education; healthcare; libraries; and, off-site indoor and outdoor sports facilities, as well as obligations related to the provision of bus passes and future maintenance and management of the proposed on-site open space and local equipped area for play (LEAP). The justification for each is set out in the CCS and is not disputed by the appellant. Payment of the agreed contributions would be secured by the section 106 agreement. With reference

to the tests set out in paragraph 57 of the Framework and having regard to the CCS, I share the view of the Council and appellant that the planning obligations included in the section 106 agreement are: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development.

68. I conclude that the appeal scheme would make adequate provision for measures to mitigate the impacts of the development on the local area, with particular reference to infrastructure, services, facilities, amenities, biodiversity net gain and the SPA. In this regard the proposal would accord with JCS Policies 7 and 10 as well as NP Policy DB.DC1 and the Framework, insofar as they seek to ensure that development is supported by the timely delivery of infrastructure, services and facilities necessary to meet the needs arising from the development. It would also accord with the aims of JCS Policies 4 and 20 as well as the Framework insofar as they seek to safeguard sites of biodiversity value and to promote biodiversity.

Other matters

Highway safety

69. Based on evidence submitted in support of the appeal, the proposed development would be likely to give rise to only a small increase in traffic flows on Main Road, A4500. The Council (the Local Highway Authority) is satisfied that it would be unlikely to have a severe or significant impact on the highway network and I have not been provided with any compelling evidence to the contrary. As to highway safety, it would be possible, through the imposition of a suitable condition, to secure the proposed vehicular and pedestrian site accesses as well as proposed highway modifications. The highway modifications would include, amongst other things, works to ensure the provision of adequate visibility splays and to restrict overtaking manoeuvres on Main Road close to the proposed site access off that highway. This would limit the potential for vehicles turning into or out of the site coming into conflict with others travelling along the A4500. A *Road Safety Audit* has been undertaken and a *Response Report* completed, which confirms that there are no constraints to achieving safe and suitable access to the site by all modes. Against this background, I consider that the appeal scheme would be unlikely to have an unacceptable effect on highway safety, a view shared by the Local Highway Authority. I conclude that the effect of the proposal on the safety and convenience of highway users would be acceptable and in this respect it would accord with JCS Policy 8b(i), which, consistent with the aims of the Framework, seeks to ensure that development would benefit from satisfactory means of access and would not prejudice highway safety.

Other social benefits

70. I consider that the proposed provision of on-site open space and a LEAP would be necessary to meet the needs of future residents of the appeal site and, as such, it does not weigh for or against the scheme. It is unlikely that others would use those facilities, due to the location at the edge of the village and adjacent to a busy road. Furthermore, there is already a footway route between Earls Barton and Wilby, a short section of which runs along the highway in front of the site. The benefit of a wider footpath within the site over that short section of the route would be small. In so far as these aspects of the

scheme amount to social benefits, I consider that little weight is attributable to them.

Economic benefits

71. The Framework indicates that significant weight should be placed on the need to support economic growth and productivity. The proposal would benefit the local economy in a number of ways, such as through job creation during the construction phase, a New Homes Bonus and expenditure associated with future residents of the scheme. However, I consider that the benefits associated with construction of up to 48 dwellings would be largely short-term and the disposable income of those in need of Affordable Housing would be likely to be relatively limited. Whilst significant, the weight attributable to those benefits is moderate.

Environmental benefits

72. Biodiversity net gain is a common requirement of development under the terms of the JCS and the Framework and in this case the benefit would be small. Therefore, it attracts limited weight.

The planning balance

73. With certain exceptions, the Development Plan spatial development strategy seeks to focus new housing development at locations it has identified as the most sustainable; Growth Towns and market towns. The appeal site does not fall within the supported exceptions. The proposal would conflict with the spatial development strategy for the area, with particular reference to JCS Policies 11, 13 and 29 as well as NP Policy EB.GD2. In these circumstances, a grant of outline planning permission would be likely to harm the Council's ability to manage development in accordance with the spatial development strategy and thereby undermine the strategy itself, the aim of which is to promote a sustainable pattern of development. Furthermore, the proposal would be likely to have a moderate-substantial adverse effect on the character and appearance of the local area and in that regard it would conflict with JCS Policies 3 and 8. Whilst the appeal scheme would meet the requirements of the Development Plan in some respects, such as in relation to: the proportion of Affordable Housing required on sites in rural areas, JCS Policy 30; safe access, JCS Policy 8; and, making adequate provision for infrastructure, services, facilities and amenities to meet the needs arising from the scheme, I conclude on balance that it would conflict with the Development Plan taken as a whole and the identified harm attracts substantial weight.
74. Turning to the benefits of the scheme. The proposed Affordable Housing would increase the supply of Affordable Housing available in the wider former borough of Wellingborough and North Northamptonshire; areas where there is a significant unmet need. However, in my view, the potential adverse consequences of seeking to address an Affordable Housing need arising elsewhere in the district through the provision of a cluster of such dwellings at the edge of a rural village weighs against it. I consider overall that the provision of Affordable Housing in this case attracts only limited positive weight.
75. The provision of safe access could be ensured through the imposition of a suitable condition. Furthermore, the proposal would make adequate provision

for measures to mitigate the impacts of the development on the local area, with particular reference to infrastructure, services, facilities, amenities and the SPA. However, these are necessary to support and mitigate the potential effects of the scheme and so, to my mind, they do not amount to benefits and are neutral in the balance. For those who reside outside the appeal site, the social benefits of the proposed LEAP and on-site footpaths would be likely to be small and they attract limited weight. I consider that limited weight is also attributable to the biodiversity net gain benefits of the scheme, which would be likely to be small. The economic benefits of the scheme attract moderate weight.

76. I conclude on balance that the benefits associated with the appeal scheme would not outweigh the identified conflicts with the Development Plan and the associated harm. Furthermore, dismissal of this appeal would be unlikely to conflict with the aims of the Equality Act 2010. I consider on balance that material considerations do not exist to outweigh the identified conflicts with the Development Plan and the associated harm, and so the proposal would not amount to sustainable development under the terms of JCS Policy 1. The Framework indicates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. A decision other than in accordance with the Development Plan is not justified in this case and so the appeal should be dismissed.

Conclusion

77. For the reasons given above, I conclude on balance that the appeal should be dismissed.

I Jenkins

INSPECTOR

APPENDIX 1-APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr K Garvey Counsel for the Local
Planning Authority

He called

Mr T Lyons

BA(Hons) BPlan Dip LA MRTPI

Mrs C Conway

BA(Hons) CMIH

Mrs S Bateman

BA(Hons) Dip TP MRTPI

Mrs D Kirk

BA(Hons) Dip TP MRTPI

Lyons Town Planning Ltd

North Northamptonshire Council

North Northamptonshire Council

North Northamptonshire Council

FOR THE APPELLANT:

Mr I Ponter Counsel for the appellant
He called

Mr P Harris

BA Dip LA CMLI

Mr D Usher

BA(Hons) MA MRTPI

Mr A Gore

BA(Hons) BSc MRTPI

MHP Design Ltd

Marrons Planning

Marrons Planning

INTERESTED PERSONS:

Mrs R Smart

Mr N Skinner

Mr K Hector

Earls Barton Parish Council

Local resident

Local resident

APPENDIX 2-INQUIRY DOCUMENTS

A	Letters notifying interested parties of the appeal and Inquiry arrangements
B	Consultation responses to the appeal notification letters
1	Draft section 106 agreement
2	Council's CIL Compliance Statement
3	Mrs D Kirk's qualifications
4	Report on the examination into the North Northamptonshire Joint Core Strategy-Local Plan, 22 June 2016
5	Council's Opening Statement
6	Appellant's Opening Statement
7	Natural England- European Site Conservation Objectives for Upper Nene Valley Gravel Pits Special Protection Area Site Code: UK9020296
8	Letter from Anglian Water, dated 27 October 2022
9	Email from Crime Prevention Design Advisor, dated 2 November 2022
10	Letter from the Council's Archaeological Advisor, dated 9 November 2022
11a	Draft section 106 agreement update
11b	Draft section 106 agreement update with tracked changes
12	Earls Barton Parish Council's Statement
13	Council's CIL Compliance Statement update
13a	Planning policy comments
13b	Creating Sustainable Communities: Planning Obligations Framework and Guidance Document
13c	Sports Provision: Developer Contributions Supplementary Planning Document
13d	Planning Obligations Framework and Guidance Document: Creating Sustainable Communities (Jan 2015)- Section 106 Technical Update Note, 1 September 2021
14	Council's draft site access condition
15	Council's CIL Compliance Statement Addendum, dated 16 June 2023- Bus incentive scheme,
16a	Draft schedule of suggested conditions update
16b	Draft schedule of suggested conditions update-tracked changes
17	Email from Marrons, dated 16 June 2023 relating to biodiversity net gain (Wilding Airfield offset)
18	Aerial photo of A4500 footway route
19	Draft section 106 agreement update
20	Screenshot-Council's SPA mitigation contribution rate
21	Council's Closing Submissions
22	Email from the Council, dated 20 June 2023-Calculation of secondary education contribution
23	Appellant's Closing Submissions
24	Formally completed section 106 agreement