



Appeal Decision

Inquiry held on 18, 19 and 20 April 2023

Site visit made on 20 April 2023

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2023

Appeal Ref: APP/W2845/W/22/3311385

Land Off Holly Lodge Drive, Boughton, Northamptonshire, NN2 8QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mulberry Land against the decision of West Northamptonshire Council.
 - The application Ref WND/2021/0717, dated 28 October 2021, was refused by notice dated 7 October 2022.
 - The development proposed is described as "The development is an outline application for construction of up to 65 dwellings, all matters reserved except access, comprising 50% affordable housing, community hub (Class E/F), parking, landscaping and associated works including demolition of existing structures on site."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with only access for consideration. Matters relating to scale, layout, landscaping, and appearance are reserved for future consideration. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.
3. The site has been the subject of a previous appeal¹ (the previous appeal) which I have had regard to insofar as it is relevant to the development before me.
4. A completed legal agreement in the form of a planning obligation (the obligation), pursuant to section 106 of the Town and Country Planning Act 1990 was also provided. I have taken this into account in reaching my decision.
5. Prior to the Inquiry, the Council withdrew its objection to the development with regard to Policy N1 (The Regeneration of Northampton) of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 (JCS).

Main Issues

6. The main issues in this appeal are,
 - the effect of the development on the character and appearance of the area, and,

¹ APP/Y2810/W/17/3178842 dated 22 December 2017

- whether the location of the development is appropriate having regard to the development plan.

Reasons

Character and Appearance

7. The appeal site forms a parcel of land that currently contains a small building used to service the horses kept on the land. The site is bound by mature hedging and trees and is predominantly laid to grass/pasture, with the site rising from its north-eastern boundary towards the existing access. To the rear of the site is a further parcel of land that contains a public right of way, Footpath CC9, crossing diagonally from Boughton Green Road towards the road with no name that connects to Moulton Lane and Boughton Road.
8. The site lies on the northern side of Holly Lodge Drive and is part of a patchwork of fields that adjoins residential development to the west along Reynard Way and Obelisk Rise. To the south of Holly Lodge Drive is the built-up area of Northampton and includes further residential development at Dixon Road, with the commercial/industrial area known as Moulton Park to the east.
9. I visited the site from a number of viewpoints, taking note of those identified within the Landscape and Visual Impact Assessment, October 2021 (LVIA) and the visualisations provided within Ms Gruner's Proof of Evidence. I walked across the site itself and therefore viewed it from within. I also walked along Footpath CC9 in the adjoining field and viewed the site from the south along Holly Lodge Drive, taking note of the proposed access, and from the footpath that runs along the southern edge of the agricultural field to the east of the site. I also viewed it from Boughton Lane, Moulton Park, Scirocco Close, Dixon Road and the unnamed road at the end of Footpath CC9. I also walked along Moulton Lane towards Boughton to view the site across the fields to the south.
10. When looking across the landscape from Footpath CC9 towards the appeal site, one can see the dwellings on Reynard Way in the distance, along with a large telecommunications mast. Within the site, one can also appreciate the development at Dixon Road and Reynard Way. However, although the site is close to the built-up area of Reynard Way to the west, it is separated by the long rear gardens of properties that back onto a triangular parcel of open land. Thus, the site appears as a separate parcel of land and one that forms an integral part of the open countryside, to which it makes a positive contribution.
11. Policy ENV3 of the Settlements and Countryside Local Plan (Part 2) for Daventry District Council 2020 (LPP2) places the appeal site within a Green Wedge, which seeks to protect the identity, character and setting of settlements. Thus, the appellant would be required to demonstrate that the proposal would maintain the physical and visual separation between settlements. In addition, the Council will also support proposals that increase public access to Green Wedges, providing they are compatible with criteria A of Policy ENV3.
12. The Green Wedge is also referred to within the Boughton Village Design Statement 2017, which specifically refers to the expansion of Northampton and the small dividing line of fields that separate the two areas. Whilst I note that the area of the Green Wedge has been revised since 1997, and indeed the area that the Inspector considered in the previous appeal has been altered, much of

the area to the north of the appeal site remains as Green Wedge. Therefore, although a large swathe of land to the north of Moulton Lane and Boughton Road has been removed from its designation, the appeal site remains firmly within the Green Wedge.

13. I consider it essential to understand the function of Green Wedges within the areas identified in LLP2. It acts as a buffer between suburban areas, to ensure that the physical and visual separation between settlements is preserved. Thus, notwithstanding that the area of the Green Wedge has been amended and reduced overall, the planning purpose of the Green Wedge to protect coalescence remains an important consideration.
14. Whilst the site may be close to the suburban fringe of Northampton, it is still read as part of a rather attractive area of open land that is closely associated to and makes a positive contribution towards the rural character of this part of Boughton. The site is part of a wider network of fields that provide a clear and distinct buffer to the surrounding built-up areas, and indeed to Boughton itself to the north.
15. The proposal would create a large mass of built development across the width of the site, allowing for areas of landscaping along Holly Lodge Drive, either side of the proposed access. A public open space and drainage pond would be to the southeast, adjoining Boughton Green Road. Although indicative, whatever its layout, to develop 65 dwellings across the site, along with other infrastructure such as a community building, roads, and pavements will fundamentally alter the appearance of the site from one of rural and open land, to one of a suburban nature.
16. I fully appreciate that any housing development on the site would alter its appearance. However, even considering that the appeal site has no natural or cultural heritage value, it nonetheless forms part of the countryside, and to my mind, is an integral part of the area that provides a natural, open buffer between Northampton and Boughton. Moreover, I am not persuaded that the appeal site is influenced by the presence of the housing at Dixon Road and Reynard Way, to the extent that development of the site would be seen in the same context. These suburban areas are clear elements of the wider suburban pattern of development that they are attached to. From my visit it is evident that the appeal site is detached from the existing development to the west along Reynard Way by the long rear gardens and appears as a separate and quite distinct parcel of land that relates more to its rural surroundings.
17. Whilst Footpath CC9 is relatively short and leads its users to two main roads that are without pavements, it is evidently a well-trodden route, with grass underfoot levelled by its use providing a clear direction across the field. Moreover, although the footpath close to the existing access is not recognised as a public right of way, from my visit it is nonetheless a route that is well-used by pedestrians and dog walkers around the periphery of the agricultural field. The proposal would be discernible from these footpaths and viewed as a separate parcel of housing that is quite removed from the patterns of suburban development that are in the vicinity. Due to this separation, the location and scale of residential development proposed would be visually intrusive and harmful to the character and appearance of the area.
18. Moreover, I am aware that the Inspector considering the previous appeal was satisfied that the development would not unacceptably reduce the separation

between settlements. However, the previous scheme was considered under a different development plan and when a much larger area of Green Wedge existed. Although the appellant argues that the Green Wedge policy sets a higher bar than Green Belt development, with the proposal creeping northwards between Northampton and Boughton, it does nonetheless seek to ensure that there remains a separation between settlements. Moreover, Policy ENV3 of the LPP2 has been examined, found sound, and formally adopted as part of the development plan for the area.

19. In addition, the argument that the scheme before me has 10 fewer dwellings than the previous scheme is moot as it still proposes 65 dwellings and a community building which would cause harm to the character and appearance of the area. Moreover, I find that the reduction in the Green Wedge emphasises the importance on the appeal site to ensure that it remains open and undeveloped. Furthermore, the limited reduction in built development, in comparison to that considered under the previous appeal, does little to allay my findings that the development would be seen as a visual intrusion into the Green Wedge and countryside, that has little relationship with its rural surroundings.
20. There is also a large expanse of hedging and a belt of trees that borders Holly Lodge Drive from Reynard Way towards the appeal site. Thus, whilst I acknowledge the kinetic views of the site from users of Holly Lodge Drive, the proposal would nonetheless appear disconnected from the existing development along Reynard Way. Moreover, although it is asserted that only the tops of the houses would be visible over the existing hedging, the development within the site would be clearly visible through the proposed access.
21. Notwithstanding that views into the site from Boughton Green Road would be interrupted as a result of the intervening landscaping, and that more distant views of the site would be visually less harmful, the development would be clearly visible from Footpath CC9, Holly Lodge Drive, Dixon Road, and the footpath to the south of the adjoining agricultural field. The development would not be seen in the context of the settlement edge to Northampton, but as an isolated development that is quite out of keeping with its rural surroundings.
22. I acknowledge that there are other dwellings in the vicinity. However, given its separation distance, the proposal would nonetheless appear as a sporadic form of development that would encroach into the countryside. It would suburbanise the site, eroding its rural qualities and reducing the openness of the area. It would also be seen as an incursion into the Green Wedge. While I accept that additional planting on the boundaries could shield the development from external views, they would take some time to mature, could not be relied upon to become permanent and would not be sufficient to successfully mitigate the harmful impact of the proposal.
23. I have carefully considered the evidence from the Landscape Architect, the LVIA, and the visualisations submitted in support of the development. I also recognise that the Council's Landscape Officer did not raise an objection to the proposal. However, taking all the information I have before me and from my site visit, I am not persuaded that the site has a low landscape sensitivity. As part of the Green Wedge between Northampton and Boughton, which is viewed as a quite separate parcel of land from the surrounding built-up areas, I find

the site to have a medium sensitivity and one that would not be tempered through additional planting. Moreover, even allowing for the effect at year 15, the development would still be regarded as a quite separate form of development to that along Reynard Way and indeed Dixon Road.

24. With regard to Policy ENV3 B) of the LPP2, I accept that the development would contribute towards increased public access to, and the enjoyment of, the Green Wedge. However, Part B of Policy ENV3 is predicated on the proposal being compatible with Part A of the same Policy. In this instance, for the reasons as set out above, the proposal would not maintain the physical and visual separation between Northampton and Boughton.
25. Consequently, the development would result in harm to the character and appearance of the area, and harm to the Green Wedge. Thus, the development conflicts with Policy R1 and S10 of the JCS and Policies RA6, ENV1 and ENV3 of the LPP2 which seek to ensure that developments, amongst other things, maintain the physical and visual separation between settlements and the distinctive character and quality of the district's landscape.

Location of the Development

26. Policy S1 of the JCS sets out the distribution of development, seeking to direct it so that it is concentrated primarily in and adjoining the principal urban areas of Northampton and Daventry. In the rural areas, development will be limited in accordance with Policy S1 D). Policy S2 of the JCS identifies the hierarchy of settlements, with Northampton identified as a Regional Town Centre and Daventry as a Sub Regional Town Centre. Policy S3 of the JCS sets out the scale and distribution of housing development.
27. Policy S4 of the JCS identifies the Northampton Related Development Area (NRDA). Essentially, the majority of Northampton's needs, both housing and employment, will be met primarily within its urban area and the Sustainable Urban Extensions (SUEs), with additional development being supported only where it meets the vision, objectives, and policies of the JCS.
28. Policy R1 of the JCS sets out the spatial strategy for the rural areas, which will be guided through the rural settlement hierarchy as set out therein. Residential development within the rural areas also needs to comply with the criterion as set out at A-G of Policy R1. Policy SP1 of the LPP2 also states that development that is consistent with the approach relating to the NRDA in Policy S4 of the JCS will be allowed.
29. The site adjoins the NRDA. Policy S1 A) states that development will be concentrated primarily within and adjoining the principal area of Northampton. Policy S1 is an overarching policy that seeks to direct developments to areas of Northampton, Daventry, Brackley and Towcester and for the development to comply with Policy S1 it also hinges on compliance with Policy S4. Therefore, additional development to meet the needs of Northampton, pursuant to Policy S4 and is not within the NRDA, but within a rural area, must accord with Policy S1 D) where it limits new development. Whilst it could be clearer, in my view, this must be the case otherwise Policy S1 A) would refer to rural areas that adjoin the principal urban area of Northampton, which it does not. New development in rural areas, even if it is adjacent to the NRDA, must comply with Policy S1 D).

30. Furthermore, the supporting text to Policy S1 is clear at paragraph 5.12 that development must have regard to the hierarchy of places, concentrating additional development within the existing towns as far as possible, and within the SUEs. Consequently, as the site lies within a rural area, Policy S1 D) states that new development will be limited, with the emphasis on the criteria as set out at 1 – 4 therein. In accordance with Policy S4, additional development to meet Northampton's needs will only be supported if it meets the vision, objectives, and Policies of the JCS.
31. The appellant argues that because of the sustainability credentials of the site, it cannot sensibly be called 'rural'. I disagree and do not find tension between Policy S1 A) and S1 D) of the JCS. Land uses defined within a development plan often leads to suburban and rural areas being positioned close to one another, with one land use designation adjoining land that is within a different land use. Thus, although the site is adjacent to the NRDA, it still lies within a rural area.
32. Moreover, I also acknowledge the appellant's position that not all sites adjacent to the NRDA would be compliant with the plan or indeed suitable for residential development. The argument put forward is that the site proposed has a raft of benefits and a notable lack of harm. However, that argument would apply to all sites that are available for residential development adjoining the NRDA and is one that I find to be contrary to the general thrust of the JCS in seeking to direct developments to within the existing urban areas, such as the NRDA and SUEs.
33. Therefore, notwithstanding that the appeal site lies adjacent to it, I am not persuaded that the proposal would be development for the NRDA. However, as additional development that could realistically contribute towards the needs of Northampton, in accordance with Policy S4 it will be supported only if it meets the vision, objectives, and policies of the JCS.
34. In this instance, many of the objectives set out within the JCS are not relevant to the development before me. However, Objective 11 of the JCS seeks to provide housing in sustainable locations to ensure that all residents have access to a home they can afford. In this instance, the appeal site lies some distance from the centre of both Daventry and Northampton, where a range of services and facilities can be found.
35. There is a bus stop on Reynard Way, just over 400m from the appeal site which allows passengers to travel to Northampton, where one can also use the train station. Also, at Reynard Way there is a small convenience store where one can purchase a wide variety of items, with certainly enough scope to cater for day to day living. One can also cycle to surrounding areas where there is access to a primary school, doctors' surgery, and a pharmacy.
36. However, the shop is some 10 minutes' walk from the proposed access to the site, and although it offers a wide range of goods those laden with shopping will take longer on the return journey and are unlikely to find the walk an attractive alternative to driving. Furthermore, walking to the shop from within the site is likely to take longer than the 10 minutes from the proposed access.
37. Many of the facilities such as the doctors' surgery, sports arena, and the majority of bus stops are within the 25-minute walk zone as recorded in Appendix 2 of the appellant's planning statement. The pharmacy is also on the

culsp of the 25-minute zone, making it and some bus stops the only facility or amenity within a 10-minute walk from the site. Therefore, those with low mobility, or small children would find it difficult to walk or indeed cycle to such amenities. The weather is also likely to play a large part when one is deciding to cycle, walk, or catch the bus. Moreover, whilst the planning witness revealed that it only took 20 minutes to travel from Northampton train station to the site by bus, this was during the afternoon and outside of the peak times when traffic is likely to be more congested and travel times are likely to be longer.

38. Therefore, I find the reality is that most of the future occupiers are likely to use the private car given the distances involved to the majority of services and facilities. Whilst the 20% shift away from private car trips may be an aspirational target as detailed at paragraph 6.13 of the JCS, one would assume a greater figure could be attained had the site been more accessible by means other than the private car. In addition, whilst the appellant states that electric charging points would potentially provide some choice of travel, electric vehicles would not promote the healthy benefits that can be gained from walking and cycling.
39. Therefore, I am not persuaded that the site is adequately served by public transport options nor that occupiers of the dwellings could reasonably walk and cycle to surrounding amenities. Moreover, the development's poor connectivity would also place it in conflict with Objectives 3 and 4 of the JCS which seek to ensure that developments bring forward social cohesion with physical and social links to existing communities, and to shorten travel distances and make sustainable transport a priority. Consequently, the proposal would not meet the objectives of the JCS.
40. Thus, the development would not be within an appropriate location having regard to the development plan. It would be in conflict with Policies S1 and S4 of the JCS and Policy SP1 of the LPP2, the specific requirements of which are specified above.

Other Matters

41. I note that the site was included within the West Northamptonshire Strategic Land Availability Assessment 2021 (SLAA) and assessed as site 200 (Land off Boughton Road). The SLAA identifies the site as accessible but was discounted as a strategic site, although it may be considered suitable as part of a wider allocation. Thus, notwithstanding the SLAA's findings, which was based upon a desk top assessment, I am not persuaded that the site is truly accessible for the reasons previously rehearsed.

Planning Balance

42. The appellant advances several benefits, including the provision of 65 dwellings, 50% of which would be affordable. There would also be economic benefits through the construction of the dwellings and the contribution to the local economy through the likely spending of future residents in the local area. There would be additional benefits through the provision of a community building, which is likely to be used as a nursery school, public access to the site, and biodiversity net gain. The development is also likely to be brought forward relatively quickly given the reduced time agreed by the appellant to submit reserved matters details to the Council for its consideration.

43. Thus, the development would bring a raft of benefits. I would afford significant weight to the provision of affordable housing, and its contribution towards the local economy. Matters relating to the provision of open space, the community building, and biodiversity net gain are also benefits, to which I would afford moderate weight. Balanced against this, I have found harm to the character and appearance of the area and to the Green Wedge in which the site is located. I place significant weight to these matters.
44. The contributions for infrastructure provision secured through the planning obligation would only be necessary to make the development acceptable in planning terms and thus, this aspect is a neutral factor in the case rather than a benefit.
45. During the inquiry, a round table discussion took place to consider the Council's housing land supply (HLS) position and the need for the development. The appellant argued that the Council's HLS figure was 3.13 years, whilst the Council argued a figure of 5.02 years. I have taken this evidence into account in reaching my decision. However, even if I were to conclude that there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, and the tilted balance at paragraph 11 of the National Planning Policy Framework (the Framework) is engaged, given the harm identified above, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
46. This would apply equally to the agreed shortfall in the NRDA and even if I was to find that the development was to meet the needs of Northampton, the harm I have found would significantly and demonstrably outweigh the benefits of the scheme. Thus, the presumption in favour of sustainable development does not apply and the other material considerations presented do not justify allowing the appeal.

Conclusion

47. I have had regard to the development plan as a whole and the policies that weigh both in favour of the development, and against it. I have also had regard to all material considerations, including the Framework. In applying my planning judgement to these matters, I find that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

APPEARANCES

For the Appellant

Stephanie Hall ~ Counsel for the Appellant

She Called

Nick Ireland MRTPI

Leona Hannify MRTPI

Silke Gruner BHons (Landscape Architecture) CMLI

Chris May ~ Partner at Howes Percival

For the Council

Simon Bird KC ~ Counsel for the Local Planning Authority

He Called

Andrew Murphy BA (Hons) Msc MRTPI

Jon Goodall MA (Cantab) Msc MRTPI

Nathan Loude ~ Principal Planning Officer at West Northamptonshire Council

Interested Parties

Mr Singh ~ Local Resident

Additional Documents

Opening and Closing Statements ~ Stephanie Hall and Simon Bird KC

Written Statement from Mr. Singh

A3 Drawing ~ Figure 14: Visual Analysis (Dwg. No 2652LO/FIGURE14)

Transport Assessment Addendum, October 2021

Planning obligation dated 27 April 2023