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# Appeal Decision

Site visit made on 1 June 2023

**by K Ford MSc MRTPI**

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

**Decision date: 13<sup>th</sup> November 2023**

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**Appeal Ref: APP/M2840/W/22/3311020**

**Land off Stamford Road, Geddington**

- 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 Allison Homes Ltd against the decision of North Northamptonshire Council.
  - The application Ref KET/2020/0369, dated 4 June 2020, was refused by notice dated 21 July 2022.
  - The development proposed is 20 dwellings and all other associated infrastructure including access, drainage and public open space.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Larkfleet Homes has been rebranded since the planning application was submitted. I have therefore used the company name that appears on the appeal form in the banner above rather than that which appears on the planning application form. Similarly, I have also used the description of development which appears on the Council's Decision Notice and the appeal form as it accurately describes the development proposed following amendments to the scheme between the submission of the planning application and its determination.
3. During the course of the appeal the Lead Local Flood Authority (LLFA) objected to the proposal. The appellant subsequently requested time to prepare a response which included a Surface Water Flood Risk Assessment, dated August 2023 which is an addendum to the Flood Risk Assessment and Drainage Strategy June 2021. A further updated Surface Water Flood Risk Assessment and Hydraulic Modelling Study was published in October 2023 and the Council and LLFA were given the opportunity to respond. I have taken the findings of the reports into account in my decision.

## Main Issues

4. The main issues are:
  - Whether the site is an appropriate location for the development having regard to the provisions of the development plan and the National Planning Policy Framework.
  - The effect of the proposal on biodiversity.

- The effect of the proposal on flooding risk.
- The effect on the living conditions of future occupants of plots 15-20 with regards overshadowing.

## **Reasons**

### *Location of Development*

5. The appeal site is grassed agricultural land on the edge of, but outside the development boundary of Geddington, a category A village within the Kettering Site Specific Part 2 Local Plan (Part 2 Local Plan). The site is consequently located within open countryside for the purposes of planning policy. Access to the site is off Stamford Road, a main A road running through the village and is located between properties that front onto Newton Road and open fields.
6. The proposal would meet an identified need for affordable housing. Whilst the latest Housing Need Survey for Geddington was undertaken in 2011 and so is outdated, it identified a need for 15 new homes. The Council officer's report identifies that there has been a shortfall in the delivery of affordable housing across Kettering since 2011, including in the rural area. The Council's statement identifies that monitoring information indicates that there were 223 dwellings completed or committed in the rural area. On the evidence before me this does not exceed the provision that is made for the rural area within the North Northamptonshire Joint Core Strategy (Joint Core Strategy) and Part 2 Local Plan.
7. The National Planning Policy Framework (NPPF) supports entry level exception sites adjacent to existing settlements where amongst other things they are proportionate in size to them, defined as no larger than one hectare or exceed 5% of the size of the existing settlement. The proposed 20 dwellings would equate to an approximate 3% growth of the village and therefore would be proportionate.
8. In the Council's Rural Settlement Facilities Background Paper 2018 Geddington is identified as having the greatest number of facilities of all rural settlements and is accessible to services and facilities by sustainable means. There is little before me to indicate that the scheme would be of a size that would make the development unsustainable in terms of access to services and facilities, even if there has been some change in provision since the study was undertaken.
9. The site would be an appropriate location for the type of development proposed. As such it would not conflict with the part of Policy 13 of the Joint Core Strategy which supports new development in rural areas where specific criteria are met.

### *Biodiversity*

10. The Biodiversity Net Gain Assessment identified that the development would yield a 62% loss in biodiversity units and a slight gain in hedgerow units. It also identified that the scheme would be unlikely to enable habitats to be sufficiently replaced on site.
11. Whilst the appellant proposed the use of a S106 planning obligation to enable a net gain in biodiversity, the Council does not have a mechanism to enable the funds associated with it to be accepted. No alternative site to accommodate the

biodiversity gain has been identified and so I cannot be satisfied that biodiversity net gains will be secured.

12. Given the significant uncertainty in relation to this matter I am not persuaded that it would be appropriate in this case to defer consideration to planning conditions, as suggested by the appellant. Whilst the appellant has made reference to other appeals in support of their suggestion, on the limited information before me the circumstances are not directly comparable with the case before me which limits the weight I attach to it.
13. There is insufficient information to demonstrate that biodiversity would be conserved or enhanced. The development would therefore conflict with the part of Policy 4 of the Joint Core Strategy which seeks a net gain in biodiversity from development. It would also conflict with the part of Policy 8 of the Joint Core Strategy which requires new development to incorporate ecologically sensitive design and features for biodiversity.

#### *Flooding*

14. Although the site is located within flood zone one it has been identified that the proposed dwellings would be located within a high risk surface water flood flow route and therefore susceptible to significant and frequent flooding in events up to and including the one in 30 year storm event.
15. The evidence submitted by the appellant provides mitigation measures that include proposals to slope an area of the internal access road to the south of the detention basins, to create 2 conveyance channels on either side of dwellings 2 and 3 to a level of 300mm below the proposed ground levels, to lower the ground levels in the rear gardens of dwellings 3-8 and the inclusion of a 300mm high earthen bund adjacent to the southern boundary. The LLFA has not removed their objection in response to the additional information. However, had I been minded to allow the appeal, based on the evidence provided I am satisfied that the final detail of any necessary mitigation measures could be secured through the use of a suitably worded planning condition. This would ensure that there would be no conflict with the NPPF which identifies that new development should not increase flood risk elsewhere.

#### *Living Conditions*

16. The western boundary of the site is marked by large mature trees associated with No 22 Newton Road. Given the proposed short garden length of plots 15-20 I am of the view that it has not been adequately demonstrated that the development would not result in either pressure to remove the trees or would create poor living conditions for the occupants of the dwellings as a result of the overshadowing that the trees would cause. It is not clear how control of boundary treatments by the Council, as referenced by the appellant, would address the matter.
17. The appellant identifies that the development would not harm living conditions in terms of matters such as overlooking and designing out crime and would comply with nationally described space standards. Be that as it may, the development would harm the living conditions of the residents of plots 15-20 as a result of overshadowing. The development would therefore conflict with the part of Policy 8 of the Joint Core Strategy which requires new development to ensure quality of life by protecting amenity by not resulting in an

unacceptable impact on the amenities of future occupiers by amongst other things, loss of light.

### **Planning Obligation**

18. As part of the appeal a signed S106 planning agreement has been submitted covering contributions towards healthcare, primary and secondary education, library facilities, a fire hydrant and affordable housing. Given I am dismissing the appeal it is not necessary for me to consider whether the planning obligation meets the tests set out under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
19. For the purposes of considering the benefits of the proposed development I will assume that it does meet the tests. This represents the best case scenario for the appellant. I have therefore taken into account the affordable housing contribution as a benefit in my consideration of the planning balance. The other contributions contained within the S106 agreement are standard requirements and seek to off-set the impacts of the development. They are not therefore benefits for the purposes of the planning balance.

### **Planning Balance**

20. I have identified that the development would deliver entry level affordable housing in an appropriate location which is a significant benefit of the scheme. I note that the Council has a housing land supply that is in excess of 5 years. Notwithstanding this the proposal would make a contribution to the overall housing supply in the area and given the NPPF's emphasis on the delivery of housing it is appropriate for me to attach significant weight to this. There would be economic and social gains from the development during construction and occupation of the dwellings thereafter. However, the weight I attach to this is limited by the scale of the development proposed.
21. Against this I have identified harms with regards biodiversity and the impact on living conditions of the future occupiers of the development in conflict with the development plan and the NPPF. The benefits I have outlined do not outweigh the harms identified and the conflict with the development plan as a whole.

### **Conclusion**

22. For the reasons identified, and taking into account all other matters, I conclude that the appeal should be dismissed.

*K Ford*

INSPECTOR