



Appeal Decision

Hearing held on 8 May 2024

Site visit made on 15 May 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/W2845/W/23/3326508

Whittlebury Park, NN12 8QH

- The appeal is made under section 78 of the Town Country Planning Act 1990 (as amended) against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Whittlebury Park Enterprises Limited against West Northamptonshire Council.
 - The application Ref is WNS/2022/2060/MAO.
 - The development proposed is Outline Application - with all matters reserved to provide later living accommodation (Class 2) as three integrated types of accommodation on a site off the main entrance to Whittlebury Park.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by West Northamptonshire Council ('WNC') against Whittlebury Park Enterprises Limited. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is in outline form with all matters (appearance, access, landscaping, layout and scale) reserved to be determined at a later date. As such, the drawings submitted with the application, including alternative layouts are for illustrative but informative purposes only.
4. The application was made in the name of Whittlebury Park Enterprises Limited. On the appeal questionnaire the appellant's name is Jeff Sargeant and the Company/Group Name is Whittlebury Park. At the hearing, Jeff Sargeant confirmed that they were a representative of the applicant/appellant 'Whittlebury Park Enterprises Limited' ('Whittlebury Park'). I have proceeded with the appeal on this basis.
5. Location Plan - The Planning Practice Guidance ('PPG') says that as a minimum, applicants will need to submit a 'location plan' that shows the application site in relation to the surrounding area. The PPG also says that the application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around

- any other land owned by the applicant, close to or adjoining the application site.
6. The appellant argues that the proposal relates to the entire extent of Whittlebury Park, some 600 acres, as shown on drawing titled 'Whittlebury Park – Site Plan'. However, this does not identify or give any indication as to where within Whittlebury Park, the development would be sited. In particular, Whittlebury Park covers a sizeable site and a range of uses, buildings and landscaping. Therefore, in the absence of a defined area for development, it would be impossible to consider and determine the effects of such a proposal.
 7. As confirmed at the hearing, WNC based its consultation and assessment of the proposal on another drawing which is clearly marked 'Location Plan' (Drawing 35/D). This drawing is consistent with the description of the proposal on the application form, which refers to 'site off the main entrance to Whittlebury Park.' Moreover, the site area (2.2 hectares) on the application form reflects the site on Drawing 35/D. The front page of the accompanying Planning Statement shows an area edged in blue and red labelled as 'Site' which is broadly consistent with Drawing 35/D. I also note that certain documents in support of the proposal, such as the Ecological Appraisal ('EA') undertaken by Cherryfield Ecology identifies a similar area to that shown on Drawing 35/D. For these reasons, I have determined this appeal on the basis of Drawing 35/D ('the appeal site') and have taken it to show the intended location of the proposed development within Whittlebury Park. Nevertheless, Drawing 35/D does not include a blue line around any other land owned by the appellant.
 8. Also, the PPG says that information about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission. Accordingly, in determining this appeal, I have had regard to the submitted Schedule relating to the amount of proposed development ('schedule of accommodation').
 9. Emerging Plan - During the course of the appeal WNC commenced consultations on the Regulation 18 draft of the West Northamptonshire Local Plan ('the Draft Plan'). Unlike Policy EMP5 of the South Northamptonshire Local Plan (Part 2) ('LPP2') which was adopted in July 2020, the Draft Plan does not contain a specific policy relating to Whittlebury Park. Irrespective, because the Draft Plan is at an early stage and its final version is unknown, this is of limited consequence to my Decision. Similarly, the appellant's engagement with the Draft Plan process and submissions associated with this, including the promotion of the proposed development under the Council's 'Call for Sites in 2021' are also afforded limited weight as I have no knowledge as to whether or not such representations will find their way into the plan as adopted.
 10. Masterplan - The appellant's submissions include considerable information relating to communication with South Northamptonshire Council ('SNC') the local planning authority previously responsible for the administrative area in which Whittlebury Park is located and subsequently WNC, over its redevelopment. In particular, the appellant asserts that the culmination of these discussions resulted in an agreed masterplan for Whittlebury Park ('MasterPlan 2019').
 11. Irrespective, the above mentioned communications and MasterPlan 2019, largely predate the adoption of LPP2 and Policy EMP5. This Policy clearly says that an indicative masterplan will need to be prepared and agreed with the

Local Planning Authority. Amongst other things, this Policy sets out a number of specific requirements for the masterplan under parts 3 and 4 of this Policy.

12. WNC confirmed at the hearing that following the adoption of LPP2, it had not agreed a Masterplan reflecting the requirements of LPP2 Policy EMP5. Moreover, the only form of residential development supported under this Policy is for use Class C1 (Use as a hotel, boarding or guest house or as a hostel where, in each case, no significant element of care is provided.)
13. Even if Policy EMP5 of LPP2 does not reflect the previous discussions between the appellant and officers at SNC and WNC, this Policy has been adopted following a robust plan making process. Indeed, there is a statutory obligation to determine all planning applications and appeals in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises LLP2 and the West Northamptonshire Joint Core Strategy (Part 1) ('JCS').

Background and Main Issues

14. Although there is no formal decision from WNC, it has offered putative reasons for refusal. One of these reasons is in respect of highway safety. This relates to the details and provision of a Ghost Right-Hand Turn on Buckingham Road ('A413') near Whittlebury Park's existing access.
15. Road markings for a Ghost Right-Hand Turn on the A413 were provided near the access to The Park as a requirement of a previous planning consent. Subsequently, the Highway Authority undertook resurfacing works of the highway, which resulted in the Ghost Right Hand Turn markings being covered over. The appellant's representative advised that the Highway Authority would be reinstating the Ghost Right-Hand Turn. The Council are no longer pursuing this reason for refusal subject to a condition requiring the reinstatement of the Ghost Right-Hand Turn. I have also considered this, and I concur with the appellant that this is a matter that should be dealt with by the Highway Authority as this is an existing requirement. As such, the proposal does not raise any unacceptable highway safety concerns.
16. Accordingly, the main issues are: i) Whether the proposal is in an acceptable location for specialist housing having regard to the development plan and the site's accessibility to shops, services and facilities; ii) The effect of the proposal on the character and appearance of the area; iii) The effect of the proposal on trees; iv) The effect of the proposal on archaeology; v) The effect of the proposal on ecology; vi) The effect of the proposal on the site's drainage and flood risk, and vii) Whether the proposal makes adequate provision for health infrastructure to make the proposal acceptable in planning terms.

Reasons

Proposed location for specialist housing

17. The appeal site forms part of Whittlebury Park. This has been developed since the 1990s to become a principal golfing, conference, wedding and banqueting venue incorporating hotel accommodation and other facilities, as set out in the appellant's submissions.
18. The proposal seeks to provide specialist housing and accommodation for people over the age of 55. This would comprise: Monitored Independent Living

- dwellings, Assisted Living apartments and a Care Home. Based on the submitted illustrative drawings and information, the proposed specialist housing and accommodation would be split across several buildings.
19. In summary, the independent living accommodation for the more active 55+ is to be provided in bungalows, semi-detached cottages and apartments for couples. They could then move into Assisted Living apartments for singles and then to a care home if full nursing is required in the future through to end of life. The appellant advises that this would create a self-contained rural community that would benefit from the economies of scale by integration with the existing facilities at Whittlebury Park.
 20. LPP2 identifies a need for care home places in Northamptonshire, which is higher than the national average. It says that there is a requirement for an additional 1056 care home places by 2030 across Northamptonshire, of which almost 50% are required in South Northamptonshire.
 21. The LPP2 also says that there is a shortfall in provision of housing with support (sheltered/retirement housing) with a total shortfall by 2050 of 1,230 and 344 units respectively, Housing with care (e.g. extra care housing) with a total shortfall of 624 units is estimated by 2050, and residential/nursing care bedspaces, with an additional 1,040 bedspaces needed by 2050.
 22. The appellant also advises that there have been two closures of Council operated care homes within WNC area and a further care home in Towcester is consulting over its future. Furthermore, there is some support for the proposal from local residents who are seeking to down size to such developments, based on their personal requirements.
 23. Along with other publications referred to me, the National Planning Policy Framework ('the Framework') supports the needs of groups with specific housing requirements, such as housing for older people (including those who require retirement housing, housing-with-care and care homes).
 24. JCS Policy S1 provides the starting point for the spatial strategy across WNC. This reflects JCS Objective 11, stating that development will be concentrated primarily in and adjoining the principal urban area of Northampton, with development of a lesser scale located in and adjoining the sub regional centre of Daventry. The policy confirms that the development needs of the rural service centres of Towcester and Brackley will also be provided for and that new development in the rural areas will be limited. JCS Policy R1 confirms that the distribution of the rural housing requirement will be subject to the LPP2 and its rural settlement hierarchy.
 25. LLP2 Policy SS1 states new development should be within settlement boundaries in accordance with the settlement's scale, role and function unless otherwise indicated in the local plan. This Policy identifies Whittlebury as a Small Village. In accordance with this and LPP2 Policy LH1, limited forms of development are allowed outside the settlement confines of Small Villages. This does not include the proposed specialist residential development.
 26. Nevertheless, in recognition of the need to provide specialist accommodation, Policy LH6 of LPP2, supports proposals for older persons/specialist housing, and Policy LH7 of LPP2 supports proposals for residential care homes/nursing care. Although these policies also allow such housing provision in countryside

locations, this only applies on suitable sites that adjoin the settlement confines of Rural Service Centres, Primary Service Villages or Secondary Service Villages. This does not include Small Villages which form lower order settlements.

27. In overall terms, the above policies provide the spatial strategy for a rural settlement hierarchy to enable the provision of new housing needed in rural areas, whilst ensuring that new development is focussed on sustainable settlements and protects the character of the area.
28. These policies are broadly consistent with the Framework, which amongst other things states that to promote sustainable development in the rural areas housing should be located where it will enhance or maintain the vitality of rural communities; seek opportunities to promote walking, cycling and public transport; limit the need to travel, and offer a genuine choice of transport modes.
29. In this case the appeal site is located adjacent to but outside the settlement boundary of a Small Village (Whittlebury). On the information before me, services in Whittlebury are limited to a public house, primary school, Church, bakery and general store. Also, it would appear that the frequency of bus services near the appeal site are very limited.
30. Whittlebury Park incorporates a range of facilities. These include those specifically related to golf, along with others, such as restaurants, bars, a café and a small shop. There are also a number of facilities which are related to wellbeing such as gymnasium, pools, SPA and a range of outdoor walks. Whittlebury Park also hosts a number of classes, events and parties throughout the year. I acknowledge these facilities would be beneficial for residents. However, it is unclear how future occupants would be catered for through the existing on-site facilities, and whether this would be optional or at an additional cost, which may deter some from making use of them.
31. Even if I were to accept that all the facilities would be available to residents, some may choose to use facilities elsewhere. Although the appellant intends to provide a mini-bus service to take residents to various destinations, this does not reduce the need to travel, relative to locations that are better served by public transport, services and facilities.
32. Moreover, the development is likely to generate visits from family and friends of residents, and staff. Residents are also likely to need to access a range of services to meet day to day needs, such as surgeries, hospitals and chiropodists.
33. The appellant has suggested that some medical care facilities would be provided 'in house' and some details in relation to these are provided. Even so, no robust mechanism is provided to secure these in perpetuity. Also, there is no certainty that staff would always be catered for by on-site accommodation, thereby generating additional travel requirements.
34. Furthermore, as already stated, the proposal is not supported by Policy EMP5 of LLP2, which seeks to support appropriate leisure and tourism development, including accommodation which falls within Use Class C1.
35. For the above reasons, and based on my findings in respect of the second main issue, the appeal site is not in an acceptable location for specialist housing

having regard to the requirements of the spatial strategy within the development plan. Furthermore, the proposed development is likely to be largely reliant on private motor vehicles. Therefore, the location of the appeal site would not minimise the demand for travel by private motor vehicles. This, therefore, conflicts with JCS policies S1 and R1, and policies SS1, LH1, LH6, LH7 and EMP5 of the LPP2.

Character and appearance

36. The appeal site falls within the Whittlewood Forest and Hazelborough Forest, special landscape area ('SLA'). The current Landscape Character Assessment of Northamptonshire categorises this area as Low Wooded Clay Ridge and this site being on the Whittlewood Plateau. One of the key characteristics of this area is the strong historic character derived from the landscape's ancient woodlands, Royal Hunting land and Forest villages and reference is made to Whittlebury Park Golf and Country Club, stating that it is "set within a parkland landscape dominated by mature oak trees and contained by metal parkland fencing."
37. The supporting text to Policy EMP5 of LPP2, recognises that the improvement in local wildlife and securing the future of the oak parkland are direct benefits that have resulted from the change of use from agricultural use to leisure use but also acknowledges that the site lies within a defined SLA. It adds that: 'It is therefore important that any new built development is concentrated around the existing built up area of the Estate. Built development elsewhere within the Estate will only be acceptable where this is demonstrably ancillary to existing business uses.' The proposal does not reflect these aims. Also, for the purposes of the development plan, Whittlebury Park is still part of the open countryside and located within a SLA, which includes a wider parkland setting.
38. Moreover, the appeal site faces the A413 and is free of any significant development. Therefore, this is particularly prominent and sensitive to change.
39. When travelling along the A413 towards the open countryside (south) beyond the settlement boundary of Whittlebury, which includes the appeal site, the landscaping is the prevailing feature of the area. Most notably, and notwithstanding the access and road into Whittlebury Park, this area is appreciably rural in character and appearance. Whilst there is some limited development on the other side of the A413, this is setback and located behind mature landscaping and is largely imperceptible.
40. To the rear of the appeal site is the golf course and although this is a manmade landscape, this has been designed around a parkland theme and therefore complements the appeal site and the wider location.
41. Despite the presence of boundary trees and metal parkland fencing, views of the appeal site and beyond are available from parts of the A413, and this area has a distinctly sylvan, open and verdant appearance, which positively contributes to the rural and landscape character of the area. Also, the appeal site along with the golf courses form an attractive buffer to the built-up parts of Whittlebury Park, and positively contribute to the rural setting of the village.
42. I have had regard to the appellant's evidence which shows how Whittlebury Park has been developed and seeks to illustrate how the proposal would be integrated into the area. Notwithstanding this and the retention of existing trees, the proposal would introduce an appreciable amount of built

- development in this countryside location where there is none at present and based on the amount of development proposed, this would introduce an urbanising built form into a prominent and sensitive rural landscape.
43. In coming to this view, I accept that the precise details of the scheme are not now before me but would be forthcoming as reserved matters. However, mindful of the parameters that have been offered by the appellant in the submissions, I am not satisfied that these details would overcome my concerns.
44. Residential development at the appeal site would not positively reflect the prevailing open and natural character of the site and nearby rural landscape. Therefore, and on the level of information before me, I am not persuaded that this would not have a permanent erosive effect on the rural characteristics of the land surrounding Whittlebury. As such, the proposal would be detrimental to the character and appearance of the area and fails to respect the SLA and the parkland setting of Whittlebury Park.
45. In reaching the above conclusion, I am aware that Whittlebury Park is an established leisure and tourism facility. Whilst a considerable part of this is occupied by landscaped golf courses, this includes buildings and large areas of parking. Also adjacent to Whittlebury Park is the Silverstone circuit and its associated development. However, these developments are largely located behind the golf courses and away from the A413. Therefore, and for the reasons given above, these developed parts of Whittlebury Park and nearby developments are different in character and appearance to the appeal site.
46. I have also had regard to previous appeal decisions for development at Whittlebury Park. These also mainly relate to development behind the golf courses and away from the A413. Furthermore, these appeals are for different forms of development and were made under previous development plan policies. As such, I attach limited weight to these. Therefore, the extent of existing development and previous appeal decisions do not alter my findings on this main issue.
47. For the above reasons, the proposal fails to accord with Policy R1(B) of the JCS, which requires proposals not to affect the open land which is of particular significance to the form and character of the village. The proposal would also compromise the aims of Policy SS2 of LLP2, which requires that proposals maintain the individual identity of towns and villages and their distinct parts, does not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement; and Policy NE2 of LPP2, which amongst other things says that within SLAs development related to sites outside of settlement confines should avoid harmful impacts to the character and appearance of the area. These policies are broadly consistent with the Framework, which amongst other things states that the intrinsic beauty and rural character of the countryside is protected.

Impact on trees

48. The appeal site is located close to a number of trees which mainly line its eastern boundary with others scattered nearby. Many of these trees are mature but interspersed with some younger specimens. As already stated, these trees positively contribute to the character and appearance of the area.

49. If allowed, the proposal would introduce new development (structures and access road) in proximity of existing trees. If not appropriately considered and designed, new development could result in harm to existing trees at both construction and post construction stages. This could have a negative impact on the longevity of adjacent trees.
50. However, based on the submissions and my visit, it is apparent that much of the tree planting and management of the these within Whittlebury Park has been undertaken by the appellant. The appellant has also confirmed that no trees are proposed to be removed.
51. Whilst I understand WNCs concerns, in light of the above and given that layout, landscaping and scale are reserved matters, I am satisfied that arboricultural information, including an Arboricultural Impact Assessment could be secured by a condition if the appeal succeeds. As such, I find no conflict with the overarching aims of LPP2 Policy NE4 for safeguarding existing trees.

Archaeology

52. The Framework defines a heritage asset as: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Furthermore, the Framework says that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
53. The supporting text to Policy EMP5 of LPP2 says that several locations near the site have been identified as being of archaeological interest. In particular, the Council advise that the appeal site is within the area of a former Deer Park, which contains a number of poorly characterised features of archaeological interest, adding, that the undeveloped character of this part of the parkland increases the potential for sub-surface archaeological remains to survive should they be present. Therefore, the Council has requested a Geophysical Survey.
54. Based on a mapping extract, areas either side of the A413 including within Whittlebury Park are identified as Archaeological Assets.
55. The appellant advises that the extent of the appeal site which this area covers is limited to where the existing trees are, adding that during construction associated with the golf course, which is located behind the appeal site, the area of the golf course was extensively top soil stripped, drained and landscaped and at the time, an archaeological watching brief was held that revealed nothing of interest. At the hearing, the appellant advised that the area of the appeal site was also the subject of soil removal.
56. In light of the above, I consider the site be of low archaeological risk and because access and layout are reserved matters, the requirements for further archaeological investigations could be dealt with by a pre-commencement planning condition if the appeal succeeds.
57. Therefore, the proposal would accord with the general aims of policies BN5 of the JCS, and HE1 and HE2 of LPP2. Together, these policies seek to appropriately conserve and manage heritage assets.

Ecology

58. The appeal site forms part of a potential non-statutory designated site (potential Local Wildlife Site) and is within close proximity to the Whittlewood Forest Site of Special Scientific Interest ('SSSI') to the east of the A413.
59. Based on the EA the appeal site comprises grazed modified grassland and trees. The EA also advises that the appeal site is subject to other temporary uses during summer months, such as vehicle parking.
60. Development at the appeal site has potential to directly impact the habitat and/or foraging/commuting habitat of a number of protected species of flora/fauna, badgers, bats, nesting birds, reptiles and Great Crested Newts ('GCN').
61. The EA confirms that no evidence of badgers has been identified within the site. For nesting / breeding birds the EA says that no evidence has been identified within the site during surveys. Whilst trees have the potential to provide nesting habitat, these are not intended to be impacted during the development. For reptiles, the EA says that no evidence has been identified within the site, and the likelihood of presence is low.
62. In respect of bats, the EA confirms that no further surveys are necessary but recommends that if trees are felled, these are surveyed in respect of suitability for bat roosts.
63. The EA identifies that areas of grassland are likely to offer suitable foraging habitat for bats. Some of this habitat would be lost as a consequence of the proposal but the EA advises that this would have a minimal impact on foraging bats given the extent of suitable habitat located on the adjacent golf course. I have no clear reasons to refute this.
64. With regard to GCN, using a NatureSpace ('NS') plan, the EA advises that the site is largely located within a Green Zone. This is defined as being of 'moderate habitat suitability – GCN may be present.' In light of the EA, NS have also provided specific advice to the Council in respect of GCN. Based on NSs response, the site falls largely within Amber and Red Zones. The former identifies 'suitable habitat – GCN are likely to be present' and the latter is 'highly suitable – the most important areas for GCN.'
65. Irrespective, the EA recommends that due to the extent of suitable habitat, including ponds in the area with connectivity to the site, two options are recommended, one of which must be followed: a) Join the Council's District Licence Scheme by submitting a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through West Northamptonshire Council's District Licence. This method of licencing often removes the need for survey work and onsite mitigation for GCN as it provides compensation habitats off site. This would provide certainty to the applicant, as their licencing route can be determined within 10 working days at any time of the year; or b) Provide further information (pond surveys) in line with Natural England's Standing Advice, to rule out impacts to GCN, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals.
66. However, NS advise that the above options need to be undertaken pre-determination. Nevertheless, Natural England are content with the findings

and recommendations within the EA, and advise that the further information in relation to bats and GCN could be included by way of suitably worded planning conditions.

67. I am mindful that government guidance Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system, strongly recommends that the extent that protected species may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision, the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. Nevertheless, this also says that in appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence. In this case, given the Council's District Licence scheme for GCN, this would be a case where condition(s) in respect of GCN would be acceptable.
68. With regards to other non-designated areas or features of potential ecological value, the EA identifies that no loss of priority wood pasture and parkland habitat would occur, tree loss would be avoided, and only grazed modified grassland with minimal ecological value is intended to be lost. Furthermore, subject to the recommendations in the EA and suggested conditions, I see no reason why these could not be used to secure biodiversity enhancements.
69. In respect of the adjacent SSSI, the EA provides minimal information. Nevertheless, the proposed development would be located to the fore of an established leisure and recreational development and is also separated from the SSSI by the A413, given this context it is unlikely that the proposal would have any adverse impact on the SSSI. Moreover, in its most recent response, Natural England have not raised any particular concern in respect of any impact of the proposed development on the adjacent SSSI or potential Local Wildlife Site.
70. For the above reasons and subject to conditions, the proposal would accord with the aims of Policy BN2 of the JCS. This says that where development that has the potential to harm sites of ecological importance will be required to demonstrate: the methods used to conserve biodiversity in its design, construction, and operation, how habitat conservation, enhancement and creation can be achieved through linking habitats, how designated sites, protected species, and priority habitats will be safeguarded.

Flood risk and drainage

71. On the available information, the appeal site is within an area of 'very low' flood risk from rivers of the sea.
72. The appellant's drainage strategy largely relies on the topography of the appeal site and existing surface drainage arrangements associated with Whittlebury Park. In summary, the drainage strategy seeks to discharge surface water from the proposed development via existing land drains across the golf course into ponds/lakes within Whittlebury Park, which discharge into a watercourse located to the south of the site. Nevertheless, there are some limitations to the technical information with regard to how surface water discharge at the

suggested rate would not result in increased flooding elsewhere and how the proposed development would connect to the existing drainage.

73. In respect of foul water management, the appellant advises that a formal consultation is to be undertaken with Anglian Water to determine whether a connection to the existing foul sewer network will be granted, if possible. If not, it is proposed that a Sewage Treatment Plant would be constructed at Whittlebury Park. Given the extent of the appeal site, I see no reason why this could not be provided here.
74. Mindful that the proposal is in outline form, it is therefore considered that sufficient information has been submitted to show that satisfactory surface drainage arrangements could be secured, and that the development would incorporate satisfactory foul drainage.
75. Therefore, subject to appropriate conditions, the proposal would not conflict with the aims of Policy BN7 of the LPP2 with regard to considering the potential impact of flooding on new development, ensuring that flood risk is not increased elsewhere and incorporating sustainable drainage systems into major developments where feasible.

Health Infrastructure

76. Notwithstanding that the proposal is in outline form, based on the submitted Schedule of accommodation, there are likely to be about 7 units of independent accommodation, an 87 unit assisted living apartment block and a care home to accommodate about 100 residents.
77. The South Northamptonshire Council Supplementary Planning Document: Developer Contributions (December 2010) ('SPD') says that planning obligations may typically be sought to address among other things Health (residential development only) where the need arises. The proposal is for a form of residential development. The SPD also says that the Council will consult with the NHS Primary Care Trust ('PCT') on appropriate development proposals and as part of this consultation will seek a view from the PCT on those development proposals that are likely to have an impact on the capacity of local health services and where the PCT might seek contributions for new or improved health provision to meet the additional needs arising from new development.
78. The Integrated Care Board ('ICB') have confirmed that there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the development. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new patients. If this were to be the case, it could result in the population brought to the area by the new housing development experiencing difficulties accessing primary care health services.
79. Therefore, the ICB are seeking a financial contribution towards infrastructure support to ensure the new population has access to good quality primary health care services.
80. The appellant advises that the occupants of the proposed development would be residents of the area and therefore already registered with nearby GP practices. Adding that the NHS makes savings by keeping residents healthier

for longer in their own communities that can also provide neighbourly support for their wellbeing as they grow older.

81. However, and although there is some local interest for the proposed specialist housing, there is no certainty that this would be occupied by local residents only. Even if residents are from the local area, this could free up existing local accommodation for new residents who may not be from the local area.
82. The appellant also asserts that the development would be self-sufficient in terms of health care provision. Whilst some information in this respect has been provided, I need to be certain of the extent of this and that it is provided in perpetuity through a reliable mechanism, such as a legal agreement.
83. For the above reasons, the proposal would result in an increase in the local population, with subsequent impacts on health infrastructure and facilities, to the detriment of the quality of primary care services available to residents in the area.
84. Therefore, I am satisfied that a financial contribution towards primary care health services is necessary to make the development acceptable in planning terms and directly related to the development.
85. However, the financial contribution requested from the ICB is for a proposed population of 471, whereas under the submitted schedule of accommodation, the number of residents occupying the proposed scheme would be about 251 residents. Therefore, I am not persuaded that the financial contribution requested by the ICB is fairly and reasonably related in scale and kind to the development.
86. At the hearing, the appellant indicated a willingness to provide the correct financial contribution towards primary care health services. Whilst this issue may be resolved between the main parties, at this point in determining the appeal, there is no completed legal agreement for such a financial contribution. As such, the proposal fails to make adequate provision for primary healthcare infrastructure to make the proposal acceptable in planning terms.
87. Amongst other things, Policy SS2 of LPP2 requires that proposals contribute towards the creation of a healthy community and, in the case of major development, demonstrates the health and wellbeing implications of the proposed development through a suitable health impact assessment ('HIA').
88. Although the appellant has provided some information about how the proposal would benefit the wellbeing of future occupiers of the development, I am uncertain if this satisfies the Council's requirements. Even so, this in itself would not be sufficient reason to refuse the proposal.
89. Nevertheless, for the above reasons and because the proposal fails to provide appropriate health infrastructure, this conflicts with policies INF1 and INF2 of the JCS. Together, these policies seek to ensure that development is delivered in a sustainable manner and supports the area's future need, and any impact arising from new development is mitigated through the provision of planning obligations and Policy. That new development will only be permitted if the necessary on and off-site infrastructure that is required to support it, and mitigate its impact, is either already in place, or there is a reliable mechanism to ensure that it will be delivered.

Other considerations

90. The proposal would provide new specialist housing for which there is need in the wider area. This would include health and well-being benefits for elderly people. These would be social benefits arising from the proposal. The proposal would also result in medium and long term economic benefits, which include the construction of the development. Once the development is completed, this would generate additional employment opportunities and increased spending within the local area.
91. The appellant says that world events including the Covid pandemic have impacted on Whittlebury Park as a business. Nevertheless, there is no substantive evidence to show that without the proposed development, the extant business would not be viable. However, I acknowledge that the proposal would bring some economies of scale to the existing business and that new residents would use and support this. There is also support for the proposal from the Council's Economic Growth Team and local residents.
92. Overall, the above are important considerations and benefits. I am also aware that there is some local and national policy support for these. Therefore, overall, I attach significant weight to the need and benefits associated with the proposal.
93. The appellant has referred me to a proposal for a retirement community care village in Sonning Common, which was allowed on appeal. I note that there are some similarities with this and the scheme before me and that the Inspector acknowledged that the quantification of the need for open market extra care housing is not straightforward. Even so, I do not have the full details or the benefit of all the evidence the Inspector would have considered in respect of this appeal. Moreover, on the information before me, the allowed appeal was in an area which had a shortfall in its five year housing land supply and there was considerable expert evidence relating to the need and supply of specialist care facilities in the area and landscape impact evidence.
94. The appellant has also sought to draw similarities between Whittlebury Park and the Silverstone circuit and associated leisure and recreational facilities. In particular, the appellant has referred me to '60 Dwelling Village' development at Silverstone. However, on the information before me, this does not relate to specialist housing but appears to be short stay accommodation ancillary to existing facilities at Silverstone. I see nothing in the information concerning that case that leads me to find differently on the planning merits of the scheme before me.
95. Therefore, the above examples are not directly comparable to the scheme before me. In any event, each application is determined on its merits. Accordingly, these examples do not alter my findings on the scheme before me.
96. In undertaking my assessment I have also had regard to the extensive submissions made by the appellant, including references to the Framework and development plan. However, the considerations of these do not alter my findings on the main issues.

Other Matters

97. I am familiar with the advice in relation to the use of planning conditions. However, I am not persuaded that the use of conditions or the future reserved matters would address my concerns about the principle of the suitability of the appeal site for specialist housing, its effect on the character and appearance of the area and lack of health infrastructure provision.
98. Matters relating to how the appellant's application was processed and how those associated with the Silverstone circuit are determined by the Council are for the main parties and do not alter my findings in respect of the main issues.

Conclusion and planning balance

99. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
100. I have found that the technical matters relating to the proposal in respect of drainage and flood risk, trees, archaeology and ecology could be dealt with by planning conditions if the appeal is allowed.
101. On the other hand, the proposal would be contrary to the spatial strategy of the development plan for the location of new development and would also result in harm to the countryside. The proposal also fails to make appropriate provision for primary healthcare infrastructure.
102. The harm associated with the above matters and conflict with the development plan and similar aims of the Framework, attract substantial weight.
103. Having taken account of the other considerations in support of the proposal to which I attach significant weight, I do not consider these to be sufficiently forceful, even if taken together, to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan taken as a whole. Indeed, none of my three areas of development plan conflict, were they to be assessed in isolation, would be outweighed by the other considerations identified.
104. For the above reasons, I conclude that the appeal should be dismissed and planning permission refused.

M Aqbal

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Jeff Sargeant	Representative for Whittlebury Park
Andrew Chester	Tuckley Chester Design
Charles Sargeant	Managing Director at Whittlebury Park and local resident

FOR THE LOCAL PLANNING AUTHORITY

Nathan Lowde	West Northamptonshire Council
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THIRD PARTIES

Andrew Gray	Aitchinson Rafferty
Marianne Neuhoff	Whittlebury Parish Council
Alison Slade	Local Resident
Andrew Bailey and partner	Local Residents

Richborough



Costs Decision

Hearing Held on 8 May 2024

Site visit made on 15 May 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Costs application in relation to Appeal Ref: APP/W2845/W/23/3326508
Whittlebury Park, NN12 8QH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by West Northamptonshire Council for a full award of costs against Whittlebury Park.
 - The appeal was against the non-determination of Outline Application - with all matters reserved to provide later living accommodation (Class 2) as three integrated types of accommodation on a site off the main entrance to Whittlebury Park.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance ('PPG') advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council's application for costs is based on the alleged unreasonable behaviour of the applicant and wasted expense, for the reasons considered below.
4. A number of the Council's putative reasons for refusal relate to technical matters where the Council had requested further specific technical information or reports. Whilst some information was provided by the applicant, it is a matter of judgement for the decision maker as to whether this is considered sufficient to address its concerns and other requirements. The Council did not consider the submitted information to be acceptable.
5. However, and whilst I acknowledge that some further technical evidence was submitted at the Hearing, in determining the appeal, based on the information before me, and given the outline nature of the proposal, I have found that the Council's concerns about technical matters could be addressed through the use of planning conditions.
6. Therefore, I am not persuaded that the level of information provided by the applicant to address some of the technical matters associated with the proposal is in itself unreasonable behaviour.

7. I have addressed the issue regarding a 'MasterPlan' for Whittlebury Park as part of my Decision. Policy EMP5 of the South Northamptonshire Local Plan Part 2 specifically relates to Whittlebury Park. However, and even though the type of specialist housing proposed is not supported by this Policy, this does not preclude the applicant from making a planning application for such development at Whittlebury Park.
8. As such, even though I have dismissed the appeal, I do not consider the applicant's decision to submit a planning application for specialist housing at Whittlebury Park is in itself an example of unreasonable behaviour.
9. Given all of the foregoing, I find that the applicant did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal

INSPECTOR

Richborough