South Northamptonshire Council Local Plan Part 2 Examination

Position Statement of South Northamptonshire Council

Matter 1: Legal Compliance, Procedural Requirements and the Duty to Co-operate and general consistency with the West Northamptonshire Joint Core Strategy (adopted December 2014) (the JCS)

May 2019
This statement sets out the response of South Northamptonshire Council (SNC) to the following issues and questions raised by the Inspector relating to Matter 8 of the examination into the Part 2 Local Plan for South Northamptonshire District.

References used in this statement (e.g. LP2SDO0) relate to documents held in the Examination Library available on the Council’s website on the Local Plan Examination webpage and can be viewed at [https://www.southnorthants.gov.uk/info/65/local-plan-part-2-and-evidence/362/south-northamptonshire-local-plan---examination](https://www.southnorthants.gov.uk/info/65/local-plan-part-2-and-evidence/362/south-northamptonshire-local-plan---examination).

Also to Statements of Common Ground that have been agreed between the Council and various third parties, including statutory consultees. These are available for viewing on the Local Plan Examination webpages of the Council’s website and can be viewed at [https://www.southnorthants.gov.uk/info/65/local-plan-part-2-and-evidence/362/south-northamptonshire-local-plan---examination/7](https://www.southnorthants.gov.uk/info/65/local-plan-part-2-and-evidence/362/south-northamptonshire-local-plan---examination/7).


Issue (i): Has the preparation of the Local Plan been carried out in accordance with the relevant statutory procedures and legal requirements, including the Duty to Co-operate?

Questions:

Duty to Co-operate

1. Has the Council engaged constructively and on an ongoing basis with all relevant organisations on any strategic matters in accordance with the Duty to Co-Operate?

The Council has prepared a Duty to Cooperate Statement (LP2SD06-2) which sets out how it has engaged constructively, actively and on an ongoing basis with the relevant organisations throughout the preparation of the Part 2 Plan.

An attempt to bring forward a more locally specific policy approach to the Northampton Related Development Area (NRDA) was removed from the plan as a result of Duty to Cooperate discussions as it was apparent that it was unduly restrictive and did not have the support of our partners. It was therefore concluded that Policy S4 of the WNJCS continues to provide an appropriate means to consider development proposals within the NRDA and that strategic matters moving forward will be considered through a review of the WNJCS.

2. How does the Local Plan address any cross-boundary issues that have emerged as a result of engagement with Duty to Cooperate organisations?

Paragraph 3.5 of the Duty to Cooperate Statement (LP2SD06-2) identifies that the Part 2 Plan only includes limited cross boundary or strategic matters to which the duty must be applied where they have cross-boundary implications. There are, therefore, no strategic matters with cross boundary implications arising from any other aspects of the Plan and none have been raised by the prescribed duty to cooperate bodies or neighbouring authorities. However the Council has continued to undertaken this duty to requirement at a level considered appropriate to the non-strategic nature of the content of the Plan.

This position was agreed in November 2018 through the signing of a Statement of Common Ground (SoCG) between South Northamptonshire Council (SNC), Daventry District Council (DDC), Northamptonshire County Council (NCC) and Northampton Borough Council (NBC).

Through that SoCG it was agreed that the Submission Draft South Northamptonshire Local Plan sets out a series of locally derived policies and proposals that do not conflict with the spatial strategy set out in the WNJCS nor raise any significant cross border planning issues or other strategic matters with Daventry District, Northampton Borough or Northamptonshire County Council which need to be addressed through the Duty to Cooperate;

In signing the SoCG the Council’s further agreed that they will continue to work cooperatively in relation to any strategic cross border planning issues which may arise
from the review of the WNJCS and in relation to the determination and implementation of sites relating to the NRDA allocated in the current adopted WNJCS.

A review of the district Special Landscape Areas (SLA) was undertaken in the preparation of the plan. It is also worth noting that the submission Daventry District Part 2 Local Plan contains an SLA designation at policy ENV2. That area of SLA is contiguous with the proposed SLA in the northern part of South Northamptonshire district and represent as cross border matter. Further details of this can be found under question four of the Council’s response to the Inspectors MIQs in relation to Matter 8.

**Local Development Scheme (LDS):**

3. **The Council has published a LDS**

a. **Has the scope and timescale for the Local Plan followed the LDS?**

The plan has closely followed the Local Development Scheme. The most recently adopted Local Development Scheme (September 2018) sets out that draft consultation would take place in August 2017 and that proposed submission (Regulation 19) consultation would take place in September 2018. As set out in the Consultation Statement (LP2SD09-1) consultation has taken place at the same time as anticipated in the LDS. This has been followed by Submission of the plan in January 2019 which is as timetabled in the LDS. The table below sets out the timetables milestones for the preparation of the Part 2 Plan in relation to the actual dates of its preparation.

<table>
<thead>
<tr>
<th>Local Plan preparation stage</th>
<th>Dates in LDS</th>
<th>Actual date of stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement of preparation and issues consultation</td>
<td>October 2013</td>
<td>October 2013- January 2014</td>
</tr>
<tr>
<td>Options consultation (Regulation 18)</td>
<td>April 2016</td>
<td>04 April 2016 – 10 June 2016</td>
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<tr>
<td>Consultation on Draft Document (Regulation 18)</td>
<td>August 2017</td>
<td>September – October 2017</td>
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<tr>
<td>Proposed Submission Publication (Regulation 19)</td>
<td>September 2018</td>
<td>04 September 2019 - 10 November 2019</td>
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<tr>
<td>Submission to the Secretary of State (Regulation 22)</td>
<td>January 2019</td>
<td>January 2019</td>
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<tr>
<td>Commencement of Examination (Regulation 24)</td>
<td>May 2019</td>
<td>June 2019</td>
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b. **Should the LDS be updated to reflect any changes?**

There is no need to update the LDS to reflect any changes to the production of the Part 2 Local Plan. Changes may be required to identify the timetable for the production of the various Supplementary Planning Documents identified in the Part 2 Plan.

c. **At what stage of preparation is the update to the developer obligations supplementary planning document referred to in paragraph 8.2.3? What measures are in place to ensure the timeliness of its production and adoption?**
The LDS will be amended to ensure that the timetable for the production of this SPD is transparent and understood. A draft of the Developers Obligation Supplementary Planning Document is due to be considered at the July meeting of the Council’s Planning Policy and Regeneration Strategy Committee.

d. What is the timetable for the preparation of the Housing Supplementary Planning Document (referred to in paragraph 4.3.3 and elsewhere)? What measures are in place to ensure the timeliness of its production and adoption?

The LDS will be amended to ensure that the timetable for the production of this SPD is transparent and understood. The Council envisages the adoption of the SPD within 12 months of the adoption of the Part 2 Plan and as timetabled in forward plan for the Planning Policy and Regeneration Strategy Committee.

e. At what stage of preparation is the mitigation strategy Supplementary Planning Document referred to in paragraph 11.2.3, and point 4 of Policy NE1? What measures are in place to ensure the timeliness of its production and adoption?

The LDS will be amended to ensure that the timetable for the production of this SPD is transparent and understood. The Council envisages the adoption of the SPD within 12 months of the adoption of the Part 2 Plan and as timetabled in forward plan for the Planning Policy and Regeneration Strategy Committee.

Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

4. Is the methodology used for the SA appropriate?

Part 1 of the SA report sets out the methodology used to undertake the sustainability appraisal of the Part 2 Local Plan. This is an integrated SA and Strategic Environmental Assessment (SEA) in line with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and the Planning and Compulsory Purchase Act 2004. The purpose of the SA is to advise of the sustainability effects of the local plan. The SA has a number of stages which have been undertaken and these are defined in Table 3.1 of Part 1 of the SA report. They are Stage A: Scoping; Stage B: Assessing the elements of the Local Plan, Alternative options and Assessment of preferred options; Stage C: Preparation of the SA report; and Stage D Consulting on the SA report. Further detail is provided for each stage of the methodology in Para 3.2 – 3.8 of the same report.

The SA was prepared by Ramboll, consultants specialising in SA. A review was undertaken of the baseline environmental, social and economic conditions of the plan areas and the important objectives the plan should be helping to achieve. This information was used to inform the SA framework which was set out in the SA Scoping Report. To carry out the assessment the Local Plan (and its reasonable alternatives) was then compared against different elements of the SA framework and effects identified. A combination of expert judgement and analysis of baseline data has been used to judge potential effects of the plan, which were then scored according to the significance of the effect. This approach is standard practice for SA.
The approach to the SA was appropriate and was guided by good practice. The SA began early in the planning process, it helped to inform the content of the plan (see below), it included consultation at the appropriate stages and it undertook to define and assess reasonable alternatives (see below) in order to guide plan development. The SA team in charge of the SA have decades of experience between them and the process was led by a specialist with over 20 years’ experience in strategic level environmental and sustainability assessment. The SA was quality assured at every stage which included a check to ensure that the process adhered to the 2004 Regulations. This was reported in Table 1.1 of Part 1 of the SA report.

5. Has the SA process been genuinely iterative and carried out in step with the stages of plan production?
From the outset of the Local Plan preparation, and throughout the subsequent processes, a series of iterative appraisals has been published and consulted upon. At each stage, comments were considered and, where appropriate, resulted in changes to the Plan. At each appraisal stage, the likely effects of the reasonable alternatives were identified, described and evaluated and possible mitigation measures to minimise adverse effects identified were proposed. The SA findings informed the choice of preferred options and helped to refine policies taken forward to the Plan.

6. Does the SA consider the Local Plan against all reasonable alternatives?
Part 3A of the Sustainability Appraisal report tests the reasonable alternative options for the Local Plan and in doing so identifies and evaluates their sustainability effects. The Local Plan alternatives have been considered in two ways, the overall strategy and policy options and the site options. Section 2 of Part 3A sets out the strategy and policy alternatives. Table 2.1 details the reasonable alternatives identified, the reason for approach to selection of alternatives and the reason for selecting the preferred approach. Annex A assesses the reasonable alternative against the SA objectives. Section 3 of Part 3A assess the reasonable site options. This is divided into assessment of
- New employment sites Towcester;
- New employment sites Brackley; and
- New employment sites rural areas.

Table 3.1 details the reasons for selecting alternatives. This includes the reasonable alternatives identified, the reason for approach to selection of alternatives and the reason for selecting the preferred approach.

7. Does the SA give appropriate weight to leisure and recreation in its assessment of health and wellbeing issues?
Assumption is made that this question is referring to ensuring people have access to leisure and recreation opportunities. We feel that this has been given appropriate weight in the SA objectives through the following appraisal questions:

- Development which incorporates green infrastructure into the design e.g. green corridors, linking open space etc? (section 3 Page 10, Options 2016 LP2SD03-1) (Section 3 page 12 2017 LP2SD03-2)
- Leisure facilities for young people at the neighbourhood level including consideration of provision as part of large new residential developments? (Section 4 page 10 Options 2016 LP2SD03-1 ) (Section 4 page 12 2017 LP2SD03-2)
- Provision of appropriate community and social infrastructure? (Section 11 page 11 Options2016 LP2SD03-1) (section 11 page 13 2017 Options2016 LP2SD03-1)
In addition, the effect of the Local Plan policies and site allocations on leisure and recreation is repeatedly referenced in the SA such as page 19 2016 version (LP2SD03-1). One of the main SA objectives is also ‘7. Health and well being SO7a: To improve health and reduce health inequalities’ page 13 2017 part 1 (LP2SD03-2). Page 28 Part 3A 2017(LP2SD03-4) also shows an example of a site allocation Pury Hill being assessed for health and wellbeing, including leisure footpaths. The assessment of Towcester racecourse in 3A (2017) page 2 (LP2SD03-4) also shows the consideration of leisure in the SA. In addition, the following policy was assessed in July 2018 as part of the SA report addendum: SDP3 (Sustainable Development Principle): Open Space, Sport and Recreation.

8. Is the HRA adequate and how has the Local Plan taken account of its findings? Is the Council’s approach to HRA legally compliant having regard to the Court of Justice of the European Union’s judgement on People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)?

Habitats Regulation Assessment screening and appropriate assessment was undertaken in September 2018. The HRA states that it is considered that, as a result of the controls set out by policies BN4 S10, BN7a and Policy BN9 of the WNJCS and the SPA Policy NE1 in the Part 2 Local Plan, there will be no adverse effects of the Local Plan on the integrity of The Upper Nene Gravel Pits SPA and Ramsar Site. The HRA is adequate and legally compliant.

People over Wind, Peter Sweetman v Coillte Teoranta (C-323/17) is a judgement by the Court of Justice of the European Union (CJEU). The Court held that that Article 6(3) of the Habitats Directive requires that measures which are intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site should not be taken into consideration at the screening stage. As such, the Conservation of Habitats and Species Regulations 2017 should be construed and applied accordingly. The HRA report follows the findings of the above judgement in that it does not take into account measures which are intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site at the screening stage. The dual report provided by Ramboll also provides an appropriate assessment. It is at this stage in the process / report that such measures are discussed.

Changes were not needed to the plan in the light of the HRA.
9. Has consultation on the Local Plan been carried out in accordance with the SCI?

10. Have the publication, advertisement and accessibility of the Local Plan followed the statutory procedures set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) England Regulations 2012?

The Regulation 22 Consultation Statement (LP2SD09-1) sets out how the Council has involved the community and other interested parties in the preparation of the local plan. It explains how the Council has complied with Regulations 18, 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and undertaken engagement in accordance with the Regulations.

Chapters 4, 5, and 7 set out details of consultation on the Issues and Options, Emerging Draft and Proposed Submission versions of the Local Plan respectively. Within each of these chapters, the Statement sets out who was invited to make representations (consultees) and how they were invited to make representations and how the consultation was publicised.

The Statement of Community Involvement (SCI; LP2SD06-1) was reviewed and adopted in March 2016. Chapter 3 and Chapter 4 of the SCI set out details of the council’s approach to consultation and in particular the Plan Making Process whilst Chapter 7 details who we consult with.

LP2SD09-1 sets out the details of consultation undertaken throughout the preparation of the local plan which demonstrates that this was done in accordance with the SCI, thus complying with Section 19(3) of the PCPA 2001.

A further review of the SCI has been undertaken in accordance with Regulation 10A(b) of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 in January 2019 to address the Council’s policies in relation to providing advice or assistance on proposals for making of neighbourhood development orders and in the modification of neighbourhood development plans.

Consultation on that SCI concluded on 19 May with the updated SCI due to be presented at the Council’s Planning Policy and Growth Strategy Committee on 26 June 2019 with a recommendation for adoption.

Climate Change

11. To what extent does the Local Plan contain policies designed to secure that the development and use of land in the District contribute to the mitigation of, and adaptation to, climate change?

The plan includes a number of policies which will help towards reducing climate change as set out in national policy and already in Policy BN9 of the adopted West Northamptonshire Joint Core Strategy.
Para 3.3.9 states ‘Air Quality is a particular issue in some areas of the district. Whilst on the whole the district has low levels of air pollution, there are some areas such as the centre of Towcester (Watling Street) and along the M1 (J15-15A) where levels of pollution exceed recommended limits. These areas are also ‘Air Quality Management Areas’. The Council, working with other partners, is developing a Supplementary Planning Document on Air Quality, which will expand on the principles set out within Policy BN9 of the West Northamptonshire Joint Core Strategy which already covers a number of aspects of climate change as well as Policy SS2 of this plan’.

The Part 2 Local Plan includes a settlement hierarchy (Policy SS1), which feeds into a number of housing policies, as well as a focus within or with exceptions adjoining existing settlements. These policies will ensure that development helps contribute towards a model shift and ensures that development is focused towards sustainable locations where residents aren’t as reliant on the car and can access public transport, cycle or walk.

In terms of employment use Policy EMP3 ensures that new employment and commercial development will be directed to the most sustainable locations in accordance with Policy SS1: The Settlement Hierarchy. The policy only allows employment generating development outside of the settlement confines in exceptional circumstances. This again will reduce reliance in the car and therefore car emissions and encourage employees to use public transport or foot to access employment. Policy RET1 : Brackley and Towcester town centres also focuses retail growth to within existing centers served by public transport.

Policy SS2: General development principles also encourages the creation, restoration and enhancement of wildlife corridors as well as cycle routes and footpaths, stating: j. possesses a safe and satisfactory means of access for pedestrians, cyclists and vehicles; and
k. takes into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys; and
r. shows a detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity.

Policy SDP3: health facilities and wellbeing sets out a number of detailed requirement to improve cycle routes and pathways, adequate space for bicycle storage and promoting allotments or similar opportunities for local food production (to help reduce food miles).

Policy GS1: Open space, sport and recreation encourages the protection and creation of new open space. Policy GS2: Local green spaces protects a number of important green spaces as does Policy NE2: Special landscape areas.

The plan also includes INF4: Electric Vehicle Charging Points which states that 'On all sites where an additional dwelling is created (including conversions) with a garage or driveway, ac level 2 equipment or equivalent for charging electric vehicles will be required'.
**Issue (ii): Are the policies consistent with, and do they positively promote, the visions, objectives and spatial policies contained in the JCS?**

**Questions:**

4. **Does the Local Plan make appropriate reference to the scope and timetable for the review of the JCS?**

Since the plan was submitted, work has begun to review the JCS. Issues consultation is due to commence during late summer 2019, and it is accepted that it would be appropriate for the plan to refer to the JCS review. This could be achieved by adding “Issues consultation is due to be underway during summer 2019, to review the JCS” to the end of paragraph 3.1.12.

5. **Does the Local Plan need to give further guidance to development within the District’s Strategic Urban Extensions (SUEs) as identified in the JCS?**

It is considered that the JCS policies provide sufficient detail. Site N9A benefits from a resolution to grant permission, in line with this policy. N6 benefits from planning permission, and N4 is a current planning application. All of these applications are or were accompanied by masterplans, and in our view this shows that the JCS policy is sufficient to ensure we have adequate control over new developments, while also offering sufficient flexibility to manage the finer details through the use of masterplans.

6. **Does the Local Plan make appropriate references to the status of the Northamptonshire Minerals and Waste Local Plan?**

The Minerals and Waste Local Plan is referred to as part of the development plan on the diagram at the bottom of page 8 of the plan. It is worth pointing out that none of the site allocations in the plan would sterilise mineral reserves, and that paragraph 13.3.4 identifies the only site with minerals and waste implications as the Shacks Barn, Whittlebury allocation.

7. **What is the justification for Policy LH8 to supersede Policy H2 of the JCS?**

There are three main differences between the two policies:

1. The threshold in the JCS is set at 5 or more for dwellings in South Northamptonshire, and 15 or more in the NRDA. The threshold in policy LH8 is set at 10 or more dwellings across the board. This better reflects the Minister of State for Housing and Planning’s Written Ministerial Statement (WMS) of 28th November 2014, which set a minimum affordable housing threshold of 10 or more dwellings;

2. The JCS policy says that “the tenure mix of affordable housing should reflect local housing need and viability on individual sites”. This offers flexibility, in the (then) absence of local evidence of need. Policy LH8 is able to update this aspect of the policy, using the March 2017 housing needs assessment, and sets out the Council’s preferred tenure split expressed as a percentage; and

3. Policy LH8 adds “proposals for redevelopment that result in the net loss of social/affordable rented housing will not be supported”. This reflects, once again, the
up to date local evidence of need, and a policy choice that rented affordable housing should be prioritised. It is considered that this is a reasonable policy approach, supported by up to date and robust evidence, to securing the right affordable housing to meet identified needs. The Montague Evans viability appraisal demonstrates that policy LH8 is viable, and it is therefore considered to be an appropriate and desirable policy approach to take.

8. What is the justification for Policy LH11 of Local Plan to supersede Policy H6 of the JCS?

The Planning Policy for Traveller Sites of August 2015 introduced a revised definition of Travellers. The West Northamptonshire authorities (South Northamptonshire, Daventry District and Northampton Borough Councils) subsequently commissioned new evidence of need. This study is document LP2EVHOU-2 West Northamptonshire GTAA Final Report 2017. The outcome of this revised assessment was that there was no robustly evidenced need for new sites, and in accordance with numerous other local plans, a criteria-based policy is used. This provides flexibility to be able to respond to individual proposals which may come forward, or other change in circumstance. It is therefore considered that the up to date evidence and criteria-based policy accords with the Government’s policy.

**Issue (ii): Are the policies consistent with, and do they positively promote, the visions, objectives and spatial policies contained in the JCS?**

**Questions:**

1. **Would the Local Plan complement the strategic context set out in the JCS?**

It is considered that the strategy, as set out in the JCS, can be broadly summarised as an urban focus, which creates the concept of the NRDA and directs growth to the NRDA along with existing settlements within a settlement hierarchy. It is a carefully planned solution to the complex problem of meeting the needs of the HMA as a whole, particularly in light of the fact that the principal town of Northampton is constrained by its borough boundary. Protecting the best of West Northamptonshire while providing for its housing, employment and supporting development and infrastructure needs has served the area well.

The Part 2 Local Plan for South Northamptonshire complements this strategy by allocating land for employment in the most sustainable locations to meet the needs of existing population centres, and by defining a settlement hierarchy and village envelopes. The key principles of the two plans are consistent. Part 2 Policy SS1 offers a more locally specific approach to the settlement hierarchy, by separating secondary villages into two sub-categories. This reflects the relative sustainability of those villages, and it is considered that this extra detail offers the benefits of a more robust assessment of the desirability of those villages experiencing limited growth, while remaining consistent with the concept and broad hierarchy of settlements that is set out in policy R1 of the JCS.

Similarly, Part 2 Policy EMP3 has been prepared to be consistent with JCS Policy R1. The policy also refers to employment generating uses, which offers flexibility and is an
implicit recognition that not all employment land will come forward for B1, B2 and/or B8 developments.

Consideration was given to whether to include a locally specific policy approach to the Northampton Related Development Area (NRDA), but it was not in the end adopted because it was apparent that it was not sufficiently effective or deliverable. It was concluded that Policy S4 of the JCS continues to provide an appropriate means to consider development proposals within the NRDA.

2. Would the Development Plan help to meet needs identified within the JCS, and if so, how?

The Part 2 Plan is clear that the scale and distribution of new housing is set out within the JCS, and that the district level requirement will be updated by the JCS review. It goes on to confirm that:

- The delivery target figure that is set out in JCS policy S3 is higher than the FOAN figure (paragraph 5.42 of the adopted JCS explains this).
- The NRDA delivery target is disaggregated from the rest of the South Northants district’s delivery target.

A recent appeal decision considered that the NRDA delivery target should be added to the district delivery target figure. That approach conflicts with both the adopted JCS and other appeal decisions1. As set out above, the JCS separates the NRDA target from the target for the rest of South Northants district (and the rest of Daventry district). ‘Plan areas’ are created, which are different to the administrative areas. This approach is fundamental to the spatial strategy in the JCS, which seeks to meet Northampton’s need in the NRDA, not have it spill out into the Rural Areas.

The the JCS and Part 2 Plan are consistent in how they approach meeting the identified housing delivery targets, and doing so on a disaggregated basis – i.e. the NRDA target is separate from the target for the rest of South Northants district (and the rest of Daventry district). As previously noted, the delivery target figure is higher than the OAN, such that meeting the higher delivery target also means that the lower OAN is met. Tables 2 and 3 of the Part 2 Plan do show strong delivery rates against the OAN figures.

The Part 2 Plan does not seek to remedy the NRDA shortfall. It does not do so for the reasons explained above about the deliverability and effectiveness issues for any Part 2 Plan policy which sought to meet NRDA need. Any NRDA shortfall is properly considered through the JCS review process. This allows for the most sustainable approach to be adopted to remedy any shortfall and for sites (if necessary) to be identified in the JCS plan area. A Part 2 Plan which only deals with the South Northants part of the JCS plan area does not allow for that proper consideration to take place.

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1 APP/Z2830/W/18/3206346: Land south of Kislingbury Road, NN7 3HZ; APP/Z2830/A/14/2224285 Land east of Poundfield Road, Potterspury; APP/Y2810/W/17/3178842 Land off Holly Lodge Drive, Northampton; APP/Y2810/W/15/3011449 Land off Welford Road, Northampton, NN6 6DF
Case law has confirmed that it can be entirely consistent with the legal framework and sound for a Part 2 Plan to operate so as to give effect to a Part 1 Plan, without having to re-consider the spatial strategy or housing need in the Part 1 Plan: *Gladman Development Ltd v Wokingham BC* [2014] EWHC 2320; *Oxted Residential Ltd v Tandridge DC* [2016] EWCA Civ 414. That applies to the Part 2 Plan in the present case. It is subordinate to the JCS. It does not have the role or status of a JCS review.

3. **Is the Local Plan sufficiently flexible to react to potential changes emerging as a result of the review of the JCS and other related changes over the plan period?**

The plan was prepared to accord with NPPF1 and it benefits from the transitional arrangements, however in order that it is as up to date as possible, it also takes account of NPPF2. The JCS review will be at a relatively “high level”, and is not currently expected to require a full scale review. In any event, local plans are required to be reviewed every five years, and it is therefore considered that all of this, together with the robust monitoring arrangements that are in place, ensures the Part 2 Plan will be kept up to date.

4. **Does the Local Plan make appropriate reference to the scope and timetable for the review of the JCS?**

Since the plan was submitted, work has begun to review the JCS. Issues consultation is due to commence during late summer 2019, and it is accepted that it would be appropriate for the plan to refer to the JCS review. This could be achieved by adding “Issues consultation is due to be underway during summer 2019, to review the JCS” to the end of paragraph 3.1.12.

5. **Does the Local Plan need to give further guidance to development within the District’s Strategic Urban Extensions (SUEs) as identified in the JCS?**

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7. **What is the justification for Policy LH8 to supersede Policy H2 of the JCS?**

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2. The JCS policy says that “the tenure mix of affordable housing should reflect local housing need and viability on individual sites”. This offers flexibility, in the (then) absence of local evidence of need. Policy LH8 is able to update this aspect of the policy, using the March 2017 housing needs assessment, and sets out the Council’s preferred tenure split expressed as a percentage; and

3. Policy LH8 adds “proposals for redevelopment that result in the net loss of social/affordable rented housing will not be supported”. This reflects, once again, the up to date local evidence of need, and a policy choice that rented affordable housing should be prioritised.

It is considered that this is a reasonable policy approach, supported by up to date and robust evidence, to securing the right affordable housing to meet identified needs. The Montague Evans viability appraisal demonstrates that policy LH8 is viable, and it is therefore considered to be an appropriate and desirable policy approach to take.

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Appeal Decision

Inquiry opened on 30 April 2019
Site visits made on 3 and 8 May 2019

by Philip Major BA(Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 17 May 2019

Appeal Ref: APP/Z2830/W/18/3206346
Land south of Kislingbury Road, Rothersthorpe NN7 3HZ

- 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 R L Collins, S Collins, C L Passmore-Jones, A Jones and Hollins Strategic Land against the decision of South Northamptonshire Council.
- The application Ref: S/2017/2620/MAO, dated 24 October 2017, was refused by notice dated 8 January 2018.
- The development proposed is the erection of up to 66 dwellings with associated landscaping, open space and vehicular and pedestrian access.

Preliminary Matters

1. The application was submitted in outline with only the matter of site access to be considered at this stage. Although illustrative plans of the development as a whole were also available these are not part of the proposal before me.

2. The Council’s decision notice included 5 reasons for the refusal of planning permission. Prior to the inquiry opening reasons 3, 4 and 5 relating to drainage, access and infrastructure contributions had been addressed. These matters are no longer in dispute between the Appellants and the Council and I deal with the remedies proposed, where necessary, later in this decision. Local residents remain concerned with regard to highway safety and other matters and I give full consideration to the most relevant of those matters below.

3. The site is located in a rural area close to the boundary of the South Northamptonshire Council area with Northampton Borough. The Northampton Related Development Area (NRDA) is to the north and seeks to enable development providing for the needs of Northampton in locations outside the Borough. Policy S4 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) – the JCS – is important in this regard. The JCS, together with saved policies of the South Northamptonshire Local Plan (LP) are the relevant parts of the development plan in this case. Although development outside the NRDA is not precluded JCS Policy S4 makes it clear that any such development will only be supported if it meets the vision, objectives and policies of the JCS.

4. The Vision, amongst other things, is to focus development on Northampton, Daventry, Towcester and Brackley, alongside a network of vibrant rural communities. Also of particular note is Objective 11, indicating that housing will be focused at the most sustainable location of Northampton, supported by the 3 towns noted above, with limited development in the rural areas to provide local needs and support local services. Objective 3 is similarly notable.

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in that it seeks to reduce the need to travel, shorten travel distances, and make sustainable travel a priority.

5. I am aware of previous appeal decisions which have suggested that development to meet the objectives flowing from the requirements of the NRDA should, if not actually in the NRDA, be adjacent to or in close proximity to it. As such the development in those cases clearly serves to support the strategic policies designed to concentrate development in the NRDA. Each was determined in the light of the particular circumstances of the case.

6. In the case before me the main parties disagree as to whether the appeal site can reasonably be assessed as having a relationship with the NRDA such that it can serve to assist in meetings its objectives. There are a number of factors to take into account here.

7. First, the degree of physical separation from the NRDA in this case is significant. By no stretch do I consider that it can be described as being adjacent to the NRDA boundary, and nor do I consider it to be in close proximity. It is separated from the edge of Northampton by over 800m of open countryside and the M1 motorway. That is a significant gap. Secondly there is no material intervisibility between the appeal site and Northampton or the NRDA. Intervisibility is not a prerequisite for a meaningful relationship to exist but the intervening land clearly separates and encompasses distinct visual envelopes. Thirdly the site is on the edge of a village of rural character (which I deal with in more detail below) and is entirely different to the urban area of Northampton. For these reasons I do not accept that the appeal proposal can be reasonably said to fall within the ambit of JCS Policy S4. Rather it must be assessed against the clear steer from Policy S1 relating to the distribution of development (which includes 4 criteria for development in rural areas) and Policy R1, which deals with the spatial strategy for rural areas in more detail.

8. At the inquiry I led a discussion on any conditions which might be imposed in the event of planning permission being granted. I have subsequently also received an executed S106 Obligation dealing with a number of matters. In light of my final conclusion it is not necessary for me to address these matters in detail as neither would affect the outcome of the appeal.

Decision

The appeal is dismissed.

Main Issues

9. With the context to the appeal as set out above I identify here the main issues to be determined. They are:

(a) Whether the Council can demonstrate a deliverable 5 year supply of housing land;
(b) Whether the site is an acceptable location for the proposed development;
(c) The impact of the proposed development on the character and appearance of the village and its surroundings;
(d) The impact of the proposed development on heritage assets;
(e) In light of my findings on the above, and any other matters, the planning balance to be struck.
Reasons

Housing Land

10. **Background Position.** In order to properly appreciate the housing land situation it is necessary to understand that South Northamptonshire Council (SNC) has for some time worked alongside Northampton Borough Council (NBC) and Daventry District Council (DDC) to seek to provide sufficient housing land. SDC and DDC each plan to accommodate some of the housing need for NBC (which cannot meet its needs within its boundaries). To that end (amongst others) the JCS was adopted in December 2014. That document clearly sets out the expected scale and distribution of housing development and includes the NRDA to cater for some of the needs of Northampton itself.

11. The NRDA is partially within both SNC and DDC and lies adjacent to the boundary of NBC. The needs of Northampton are to be met in part in sustainable urban extensions (SUEs) sitting in Daventry and South Northamptonshire. Those SUEs have not yet delivered at the pace anticipated by the housing trajectory and it is common ground that the deliverable housing land supply for the NRDA alone falls short of 5 years. For the SNC administrative area as a whole the overall expected provision from 2011 to 2029 (the JCS plan period) is about 11020 dwellings, of which some 3850 would be in the NRDA.

12. With that background in mind I turn to the claimed supply positions of each party, acknowledging that the calculations of supply are not an exact science. It is worth pointing out that in relation to the recently published Housing Delivery Test (HDT) results, each of the 3 authorities in West Northamptonshire exceeded its targets. But as rightly pointed out, the HDT results are an assessment of past delivery, and not necessarily an indication of future delivery. They are also measured on the administrative boundaries of each authority, with no separate measurement for the NRDA. The result of the HDT being met is that future supply calculations require a 5% buffer to be added.

13. The Council’s most recent Housing Land Availability Study has a base date of 1 April 2018 but excludes the NRDA, and assesses deliverable land supply in the remainder of the district at almost 12 years based on the assessed housing need. Subsequently the Council has conceded that some sites should be excluded from the supply and that the appropriate figure should therefore be just over 11 years. As noted it is an agreed position that there is no 5 year supply within the NRDA itself. But I bear in mind here that the JCS seeks a higher delivery figure than assessed need in the district for 4 reasons which are not in dispute. I see no reason why the delivery expectations in the JCS (part of the adopted development plan) should not be used as the basis for calculations since it reflects JCS requirements. They are, after all, set out in Policy S3 of the JCS and the National Planning Policy Framework (NPPF) expects the plan making authority to identify a supply of deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirement set out in adopted strategic policies. Policy S3 is a strategic policy. Not to follow the expectations of the JCS would be in conflict with the development plan and the NPPF.

14. The supply calculations of the Council deduct oversupply in previous years from the requirement in the future; in this case a total of 635 dwellings are deducted. However this seems to me to be out of step with the national policy
objective of boosting housing supply significantly. I reject the argument that oversupply should be deducted from future supply for 2 main reasons. First, the delivery of houses will inevitably vary from year to year, and deducting past oversupply could lead to an artificially low expectation in the future, which would conflict with the national policy objective. Secondly housing need is expected to be reviewed every 5 years in any event, so in the event of significant oversupply action could be taken to address it in the short to medium term. In any case delivery expectations are not upper limits. Adding back the oversupply to the housing requirement for the next 5 years leads the Council to claim a deliverable supply of about 6 years if the NRDA is excluded.

15. Having concluded that the Council should be seeking to deliver the numbers set out in the development plan including the NRDA without deducting past oversupply, that leads me to the matter of deliverability in order to assess any degree of shortfall in supply.

16. The NPPF of 2019 sets out the definition of deliverable. For sites with outline planning permission there should be clear evidence that housing completions will begin on site within 5 years. This approach to deliverability (as consolidated in the last iteration of the NPPF) came after the Council’s Housing Land Availability Study of April 2018, albeit that it was published some months later. I therefore have a degree of sympathy with the Council in that the onus of demonstrating deliverability has shifted and become somewhat more onerous; the Council acknowledges that in future it needs to provide more substantive evidence. However, it is now insufficient to rely on the fact that an outline permission exists. As Planning Practice Guidance (PPG) indicates the assessment should go further, and seek evidence that completions are likely to be forthcoming. In the present case this leads to a dispute on a number of sites in the SNC area.

17. The Council accepts that 2 sites should be removed from its supply, but these are of modest size. Of greater importance are the larger sites, for example those at Wood Burcote Court and Turweston Road. Assumptions of further phases of development have been made on the basis of delivery of current phases, but there is no real evidence to back up that position. Similarly, the evidence for further delivery at Towcester Vale is a very short email from a developer with what appear to be over optimistic delivery assumptions. Even were I inclined to agree that retrospective information could be fed into a land supply assessment this would not amount to the clear evidence of deliverability which is now required.

18. Dealing briefly with the windfall allowance it is not disputed that it is appropriate to include this as a part of future supply. The quantum is not agreed but the difference is small. In relation to the overall assessment which I turn to next it is not critical. Nonetheless I do agree that the Council’s figure is likely to be somewhat overoptimistic in that it makes an allowance for windfalls as well as an allowance for delivery from small sites which already have planning permission. As a result the Council’s position would see an increase above past trends without adequate justification for such a position.

19. In this case it is not necessary for me to delve into the fine detail of each individual site since any numbers, even if backed up by the clear evidence required, would inevitably be estimates. However, suffice to say that I largely

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1 I acknowledge that the principle is currently the subject of a case in the High Court

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accept the Appellant’s general position on the disputed sites with outline planning permission but no current detailed permission. The existence of development in early phases of major sites does not justify the assumptions made about future delivery. There needs to be some greater depth of insight into the likely development of future phases. There is nothing of the kind suggested by PPG, such as statements of common ground with developers, which assist in determining that sites will deliver in the next 5 years.

20. Taking the above matters together this means that the starting position is a requirement of about 4000 dwellings within the SNC area including the NRDA. The sites on which it has been demonstrated that delivery is likely amount to a figure of something over 2000 houses on the Appellant’s calculations (about 2.5 years supply) and just over 3000 on the Council’s assessment (about 3.8 years supply). In either case there is a clear and significant shortfall on the requirement to demonstrate a 5 year supply of deliverable sites. It is notable that if the delivery figure set out in the JCS is adopted, including delivery for the NRDA, the Council accepts that there is no 5 year supply. In accordance with the NPPF this must mean that the ‘tilted balance’ set out in paragraph 11 is engaged.

21. I note here that the Council indicates that future requirements for housing to serve Northampton will come forward in the JCS Review. That document, though, is a number of years away and provides no immediate solution to the needs for housing. Similarly the Local Plan Part 2, which is due for examination shortly, does not seek to allocate land to address the unmet needs for Northampton. Whilst it is likely that development will be required in the rural areas of the district each case will be required to be determined in the light of the specific circumstances of the case, as here.

Location

22. JCS Policy R1 does not preclude development in the rural areas. The strategy seeks to provide new housing commensurate with the position of a settlement in the hierarchy which is to be established in the Local Plan Part 2.

23. The village is close to Northampton but distinct from it. There is clearly some functional link in that children from the direction of Northampton use the village school and Northampton is the nearest employment and retail centre. Nonetheless it seems to me that the functional relationship between the village and Northampton is likely to be no greater than any other rural village in this locality. The village bus service is very limited and for the most part residents must rely on private motor vehicles to reach any destination outside the village, including Northampton. I have particular concerns that the bus service may indeed be further limited by lack of funds in due course as indicated in evidence, notwithstanding any potential short term assistance resulting from the S106 obligation. In addition, based on the evidence I heard there is no way of knowing whether the service will be able to survive until the S106 contribution is paid in the event of permission being granted. In any case the bus service would be likely to be unattractive to either the working population or those seeking to travel to Northampton or Towcester for other purposes.

24. The limited services in the village have been assessed in various ways over time, and I see no reason to depart from the view that Rothersthorpe is not a

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2 Ms Gingell Rebuttal Proof paragraph 7.1.3

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higher order settlement in any hierarchy. I recognise that the forthcoming Part 2 Local Plan has not yet determined the position of the village in the hierarchy, but there is little before me suggesting it performs well. The fact that it is a short distance from Northampton is in its favour and potentially reduces car journey length, but that is only one of a number of relevant criteria, and in any event is overshadowed by poor public transport links. Whilst this is a matter in the end for the Local Plan examination, the evidence at the inquiry before me does not support the assertion that Rothersthorpe performs as anything other than a lower order settlement.

25. It was suggested at the inquiry that the fact that Northampton and its cycle network is within a moderate distance to the north east would enable cycling to be an alternative mode of transport. That is, in one sense, true simply because Banbury Lane is a road which connects with the cycle network. But the road is not attractive to cycling. It has a 60mph limit outside the village, is unlit beyond the village and makes no provision for cyclists off the main carriageway. There are single carriageway pinch points across river and canal for those wishing to go beyond the first connection to the cycle network, one of which is uncontrolled. As a result the road layout does not appear to me to be conducive to an attractively safe form of cycling. Nor is it a realistic proposition for walking. There are no footpaths over most of its length and, having walked along it in daylight, I can attest to the necessity to stand and wait on the grass verge when traffic approaches. It is not credible that walking would be a sensible and realistic option for reaching the employment sites at Swan Valley, or the wider Northampton area.

26. Taking these matters together it is my judgement that the very limited functional links and hindrances to accessibility between the village and Northampton detract from the location as an acceptable site for development. The tenuous links between the 2 settlements do not lead the proposed development to be correctly identified as being focused on or at Northampton such as to serve the NRDA objectives. Nor do I regard the site as being in close proximity to the NRDA as set out earlier. The single locational advantage of being physically close to Northampton is negated by the real difficulty of access other than by private vehicle. In terms of JCS Policy R1 there is acknowledged conflict since the site is outside the village confines. However part of the assessment criteria within the policy require consideration of accessibility by public transport, and Rothersthorpe performs poorly in this respect.

Character and Appearance

27. The surroundings of the village are attractive undulating countryside which is described in the county wide landscape character assessment. There is a mixture of arable and pastoral landscape in fields of varying size, often delineated by hedgerows which include trees. Villages are scattered across the area outside the main towns. Although there are some instances where long views can be appreciated, many locations are characterised by the restricted nature of views resulting from the intrusion of topography and vegetation.

28. Despite being quite close to Northampton, Rothersthorpe is a deeply rural village. It has a mixture of old and new development set within a partially ancient and partially modern road pattern. The nearby M1 motorway is audible but not particularly intrusive because of the intervening distance and
vegetation. The village therefore has a significant degree of tranquillity, especially in the heart of the settlement around North Street and Church Street.

29. The appeal site itself is used for grazing at present, and has strong boundaries of hedgerows around most of its perimeter apart from the north-east corner where it adjoins the village crossroads. Whilst there is some development alongside Banbury Lane to the east and Kislingbury Road to the north, this does not have the effect of drawing the site into the village. Nor does the collection of buildings to the south. Indeed the site is perceived in a straightforward way as an open field in the countryside, notwithstanding the stabling and caravan on the land. The character of the site is typical of the rural area surrounding villages in this part of the county.

30. It no doubt goes without saying that the introduction of up to 66 houses here would alter the character of the land and its surroundings. The field forming the site contributes to the character of the village surroundings and to a degree the wider landscape. Overall I consider that it is correctly assessed as having a moderate degree of sensitivity to change, somewhat less than the assessment made on behalf of the Council. However, I agree that the development would from several locations result in a high magnitude of impact because of its extent and scale on the edge of a relatively small settlement. Taken in the round the impact on the landscape would be moderate adverse, with a locally major adverse impact at close quarters.

31. Visually the site is prominent at the village crossroads and although it has no designation and no public access, this focal point imparts a moderate sensitivity to visual receptors. Given that any pedestrians here are unlikely to be following recreational routes I do not agree that a high sensitivity would be appropriate. Greater sensitivity would apply to users of the footpath to the west, but this is at greater distance, thereby reducing impact. The construction of houses on the site would lead to marked changes to the visual appreciation of the land, of major adverse significance when close to the site, but reducing with distance. Any planting would also reduce the magnitude of impact over time. Taken as a whole I consider that the proposal would result in a moderate adverse visual impact.

32. To sum up on this issue it is my judgement that development of the appeal site as proposed would result in moderate and locally major adverse impacts on landscape character, and a moderate adverse visual impact. Much of this impact flows from the scale of development proposed. The proposal would fail to enhance and maintain the distinctive character of the community in conflict with an objective of JCS Policy S1. As it would lie outside the existing confines of the village it would also fail to accord with JCS Policy R1. The Appellant accepts such conflict only because it would not be within the confines of the village, but in my judgement the policy conflict goes further than that single conflict, especially in relation to the proposed scale of development.

33. In further development plan policy terms the proposal does not meet any of the exceptions to permit development under the auspices of the saved Local Plan or the third part of JCS Policy R1. There is conflict with saved LP policies H6 and EV2, which taken together seek to control development outside the confines of villages and in open countryside areas of South Northamptonshire.
This conflict is acknowledged by the Appellant, though I note that the policies were developed in relation to now superseded structure plan requirements.

**Heritage**

34. A large part of Rothersthorpe has been designated as a Conservation Area (CA) though the site is outside it. There are also listed buildings and a scheduled monument in the vicinity. Furthermore there are a number of undesignated heritage assets identified nearby. It is common ground that any impact of the proposal on these assets falls into the category of being less than substantial.

35. The development would be separated from the CA by Banbury Lane, dwellings fronting that lane, and an area of open ground. Some minor intervisibility between the edge of the site and the CA is possible, but it is notable that the CA Appraisal and Management Plan does not identify any views towards the site as being important in heritage terms. That is a position with which I agree and it seems to embody the general fact that the older core of the village tends to be inward looking and concentrated along the old village lanes of North Street and Church Street. Although the appeal site can reasonably be said to be within the setting of the CA it does not feature materially in any understanding of the significance of the CA. Building houses on the land would interrupt the minimal perceived connection between the site and the CA but any harm would be at a very low level. Similarly the nearest listed buildings at Manor Farm/Manor House, have settings limited by surrounding buildings and boundaries. There would be no impact on those settings.

36. The historic development of the village is well understood and the CA appraisal marks out undesignated archaeological evidence of the earliest settlement periods. This includes the appeal site, which has retained much of its ridge and furrow feature (though by common consent the north-eastern part of the site has become degraded). The ridge and furrow is not a designated asset but it has interest and some significance in understanding the history of the settlement. I note that there are other examples in the surroundings of the village, which I visited during my site visits. However, I do not agree with the Appellant’s evidence that the ridge and furrow in other locations is of equal value to that on the appeal site. My observations are that in each case the ridge and furrow is less distinct and/or less well defined, producing no significant visual impression in the glimpses possible from publicly accessible locations. It seems to me, therefore, that if any area of ridge and furrow in the immediate locality of the village is to be afforded some weight it should be that on the appeal site.

37. The Appellant has fairly pointed out that an area of ridge and furrow could be retained on the appeal site and provided with appropriate interpretation information (as requested by the County Archaeological Service). Given that such an area would be publicly accessible that is to be welcomed. However, any such area would need to be of sufficient size to be meaningful, but that is a matter which would properly be left to the reserved matters stage.

38. To sum up on this issue it is my judgement that any harm to the setting of the CA is minimal and would be at the very bottom of any scale relating to less than substantial harm as set out in the NPPF. Great weight must be given to conservation of the asset, but in this case the harm is so limited that little weight attaches to it. The loss of undesignated ridge and furrow also carries...
limited weight particularly as there would be an opportunity to retain a portion of it and enhance its understanding with interpretation.

**Other Matters**

39. Local residents are concerned that the introduction of up to 66 houses with inevitable extra traffic would compromise highway safety. The village crossroads is adjacent to the site. I note that the access to the site has been agreed and that the Highway Authority does not object to the proposal.

40. I observed highway conditions on both of my site visits. Local roads are subject to modest levels of traffic, though there are the expected peaks. Apart from morning and evening peaks I also observed an increase in traffic associated with the local nursery and primary school. The village is subject to 30mph speed limits and it seems to me that the majority of drivers were using the road carefully, though occasional misuse is always possible. Even so I have no reason to disagree with the assessment of the expert opinions expressed that safe access can be provided in this case. It must also be recognised that it would be expected that some improvements would be carried out if development were to proceed.

41. I have had a number of comments made in relation to the capacity of the local primary school. I understand it has some vacancies at present, and judging by the signs being displayed at the time of the inquiry, is actively seeking to ensure its future roll is maintained. There is no objection from the Education Authority, and the submitted S106 obligation makes provision for appropriate contributions in the event of planning permission being granted. There is no suggestion that the school is under threat, and hence nothing to support the suggestion that the development would assist in its retention. This is not a matter which weighs either for or against the proposal.

42. Matters pertaining to affordable housing, contributions to infrastructure and services and other matters are contained within the submitted S106 Agreement. Were I to allow the appeal I am satisfied that the obligation would accord with the necessary regulations. Drainage has been agreed as a matter which could be dealt with by condition.

**Planning Balance and Conclusions**

43. I turn then to the planning balance. First, it is important to note the benefits of the proposed development. These can be summarised as follows:

- The provision of market housing which would assist in addressing the identified shortfall. Medium sized sites of this nature are an important resource recognised in national policy. This is a benefit of significant weight;

- The provision of affordable housing to meet the identified needs of South Northamptonshire. There is provision for 50% of the dwellings to be affordable. This is also a benefit of significant weight;

- Some economic benefit associated with construction jobs, spending, council tax revenue and the like. This is of limited weight as it would apply to any development in alternative locations;
• Benefits associated with retention of ridge and furrow and the payment of contributions which assist in providing local facilities, such as provision of a local playing field. I afford these moderate weight.

44. On the other side of the balance the following matters are important:

• The appeal site does not relate satisfactorily to the urban area of Northampton or the NRDA to enable it to reasonably be regarded as addressing the objectives of the NRDA. This is a matter of substantial weight in the context of this proposal;

• The location of the site is not conducive to travel other than by private vehicle. Distance to Northampton is limited, but modes of transport are even more limited. The site is therefore not locationally acceptable. This is a matter of significant weight;

• The site is in open countryside and causes harm to the character and appearance of the area. This carries moderate weight;

• There is less than substantial harm to heritage assets, but this is of limited weight.

45. The tilted balance is engaged and the most important policies must be considered to be out of date. That does not mean that they carry no weight and nor does it mean that the lack of a deliverable 5 year housing land supply leads inevitably to the grant of planning permission. The JCS is an important part of the development plan and retains a strategic direction for development. I afford significant weight to JCS Policy R1 which sets out the strategy for rural areas and the conflict with that policy is also of significant weight. The proposed scheme patently runs counter to its objectives. There is also conflict with JCS Policies S1 and S3 which develop the strategy for development distribution and this conflict too carries significant weight. I do not accept that any support can be gleaned from JCS Policy S4 as the scheme does not serve the objectives of the NRDA. Saved policies of the Local Plan are of less weight because of their age and partial inconsistency with the NPPF any conflict with them is reduced to a limited level.

46. Taken overall it is my judgement that the benefits of the proposal are not sufficient to support the grant of planning permission. On the contrary, the site location is unacceptable for a development of this scale and type. Notwithstanding the lack of a 5 year housing land supply this would be, put simply, the wrong development in the wrong place. It would not be sustainable development. The adverse impacts identified above significantly and demonstrably outweigh the benefits and planning permission should therefore be refused.

Overall Conclusion

47. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr H Flanagan Of Counsel

He called:

Mr M Askew MA(Hons) Managing Director, Askew Nelson Ltd
DipLA CMLI
Ms E Gingell BSc(Hons) Principal Planner, WYG
MRTPi
Ms S Taylor BSc(Hons) Principal Planning Officer, Major Projects Team,
DipUP MRTPi South Northamptonshire Council

FOR THE APPELLANT:

Mr I Ponter: Of Counsel

He called

Mr N Evers DLA CMLI Director, Viridian Landscape Planning Ltd
Ms K Sather BA MSc Principal Consultant, Kathryn Sather and
DipTP MRTPi Associates
Mr B Pycroft BA(Hons) Associate Director, Emery Planning
DipTP MRTPi
Mr S Harris BSc(Hons) Director, Emery Planning
MRTPi

INTERESTED PERSONS:

Cllr K Cooper On behalf of Rothersthorpe Parish Council
Ms J Gentillelo Local resident

DOCUMENTS

From the Council
1 Opening submissions one behalf of the Council
2 Map extracts from Core Document (CD) 5.8 – Northampton
   Landscape Sensitivity and Green Infrastructure Study
3 Current Landscape Character Strategy and Guidelines (CD 5.1(a))
4 Updated S106 compliance statement

From the Appellants
5 Opening submission on behalf of the Appellants
6 Map of appeal site showing degraded ridge and furrow

From Third Parties
7 Bundle of 3 statements from Cllr Cooper on behalf of the Parish
   Council Submitted after the close of the inquiry by agreement
8 Closing submissions on behalf of the Council
9 Closing submissions on behalf of the Appellants
10 Signed S106 Agreement
Appeal Decision

Hearing held on 23 September 2015
Site visit made on 23 September 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24/11/2015

Appeal Ref: APP/Y2810/W/15/3011449
Land off Welford Road, Northampton, NN6 6DF

- 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 Mrs E Alker, Mrs C Knight, Mr N Barford, Mr K Upstone and Mr A Wanstall against the decision of Daventry District Council.
- The application Ref DA/2014/0521, dated 3 June 2014, was refused by notice dated 29 January 2015.
- The development proposed is residential development of up to 41 dwellings, estate road, open space and associated works.

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 41 dwellings, estate road, open space and associated works at land off Welford Road, Northampton, NN6 6DF in accordance with the terms of the application, Ref DA/2014/0521, dated 3 June 2014 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application was submitted in outline with all matters except for access reserved for future determination. I have considered the appeal on this basis, although I note the illustrative housing layout provided.

Main Issues

3. The main issues raised by the proposal are:
   - The effect on the character and appearance of the surrounding area; and
   - Whether it constitutes development for the Northampton Related Development Area.

Reasons

Character and appearance

4. The appeal site is currently an open paddock used for grazing horses, with stables at the northern end, located in the district of Daventry within the countryside and a designated green wedge. The site directly abuts the existing built-up area of Northampton to the south and the Brampton Valley Way (BVW) leisure route runs along the western boundary. Open countryside including a
designated Special Landscape Area lies beyond to the west. A Public Right of Way (PRoW) crosses the site from Welford Road to the BVW.

5. The Council confirmed at the Hearing that its concerns relate specifically to the visual and landscape impact of the proposal on the immediate locality.

6. On my site visit I saw that the appeal site is both physically and visually separated from the wider open landscape and Special Landscape Area beyond to the west, by the distinct linear BVW which runs on an embankment at a raised level above the western boundary of the site. In addition the appeal site sits below the level of Welford Road, slopes down towards the BVW and is partially screened from the road by a combination of mature trees and hedgerows along the boundary of the site, limiting views into it and beyond.

7. The Council states that the BVW is a well used leisure route that forms part of the national cycle route. Approaching from the north along this route, the appeal site is screened by existing vegetation, whilst from the south houses screen the views. Along most of the western boundary the vegetation is low in height and the site is clearly visible from the BVW, but I consider the development would be seen within the context of the existing urban development which forms a prominent part of the views from the north and west.

8. Due to the lower land level, the opportunity for substantial additional new landscaping along the site boundaries and the provision of a significant area of open space to the north-west of the site, as proposed on the illustrative layout, I consider the development would not be unduly intrusive within the locality. These matters would be considered further at the reserved matters stage and although the layout plan is illustrative only, it does demonstrate that an acceptable detailed scheme could be advanced with the inclusion of substantial landscaping. I therefore have given the layout plan some weight. I can see from this plan that in the north-west corner of the site the PRoW would be likely to require diverting. This, together with the more urban views, would have an impact on users of the path, but I consider that this would not result in material harm.

9. Nonetheless, I acknowledge that the proposal would introduce residential development onto the site and reduce the existing open rural character. This would be contrary to the Daventry District Local Plan (2007) (LP) Policy GN1 which restricts development in the countryside and promotes development that protects and enhances the environment, and LP Policy HS24 which limits residential development within the open countryside. However the appellants have drawn my attention to two recent appeal decisions for development within the district and the Inspectors’ findings and conclusions on these policies. Whilst each appeal must be determined on its own individual merits I nevertheless have considered these decisions.

10. I note that the previous Inspectors have concluded that whilst elements of LP policies GN1 and HS24 accord with the National Planning Policy Framework (the Framework), such as recognising countryside character, they nonetheless were adopted prior to the Framework and are not generally consistent with the overall presumption in favour of sustainable development through planned growth. I have no reason to disagree with previous Inspectors conclusions on

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1 APP/Y2810/A/14/2228921 and APP/Y2810/A/14/2225722

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these policies and I therefore accord Policies GN1 and HS24 reduced weight in this appeal.

11. In addition, immediately to the east of the site on the opposite side of Welford Road, are open fields allocated under Policy N8 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 (JCS), as the Northampton North of Whitehills Sustainable Urban Extension (NWSUE) which includes the delivery of around 1,000 new homes. This large development would add a scale of building within the landscape that would be much greater than the 41 dwellings proposed on this adjoining site, resulting in a more substantially urbanised area. The Council drew my attention to the NWSUE masterplan, which proposes an area of open space on land opposite the appeal site, but this would not reduce the overall urbanising effect of the NWSUE development. I also note that the plan is indicative and its design and layout could change significantly as the site is developed.

12. I also note that the Northampton North West Bypass (the bypass), which constitutes a key infrastructure project within the JCS, is proposed to be constructed to the west and north of the appeal site to serve the three sustainable urban extensions (SUEs) that are to be constructed in the area. The bypass proposes to link into the A5199 (Welford Road) via a roundabout junction around 500m to the north of the appeal site. The draft route would travel through the open countryside, green wedge and Special Landscape Area to the west of the appeal site on a raised embankment, due to the area being within the River Nene floodplain. This would introduce an urban feature into the existing open river valley. Although this road does not currently have planning permission, the Council confirmed at the Hearing that consultation over a final alignment is proposed to commence shortly.

13. Policy EN10 green wedges do not preclude development, but proposals should meet certain criteria. The policy states that the purpose of the green wedge is to act as a buffer between built up areas to prevent their coalescence and as a setting for established landscape features. The Council also states that the green wedge affords some development protection to open areas bordering the urban fringe.

14. In considering the two criteria (A and B) within LP Policy EN10 referred to by the Council, I do not consider that the development would significantly reduce the physical separation between Northampton and settlements within Daventry, due to its containment as a separate parcel of land, its modest size, its location adjacent to a large urban area and its proximity to a designated SUE. As the site is segregated from the surrounding landscape it would also not be materially intrusive or visually detrimental to the wider open landscape to the west including the Special Landscape Area.

15. As set out earlier, the development would reduce the openness of the site. However taking into account the specific context of the site including its topography, the BVW raised embankment, the significant proposed landscaping, boundary screening and area of open space within the site, and the adjacent existing and future housing development, I consider that any harm from the reduction in this openness would be minimal. This has been informed by the illustrative layout plan to which I have given some weight. To my mind this would not be detrimental to the predominantly open and green nature of the remaining green wedge in relation to its designated purpose.
16. The proposal would be contrary to LP policies GN1 and HS24, but, for the reasons given earlier, I give this limited weight. Overall I conclude that it would not be substantially visually intrusive or otherwise harmful to the landscape character of the area, nor would it undermine the purposes or effectiveness of the remaining green wedge. The proposal would therefore not be contrary to LP Policy EN10.

17. The Council has also referred to LP Policy EN1 within its statement of case which sets criteria for development within the Special landscape Area, but as the site is not within it, this policy does not apply.

**Whether the proposal constitutes development for Northampton**

18. There was considerable discussion at the Hearing about whether the proposal should be viewed as relating to meeting the growth needs of Northampton, specifically the Northampton Related Development Area (NRDA), rather than the needs of the district of Daventry, due to the site’s location immediately adjacent to the urban area of Northampton.

19. The JCS clearly states that Northampton’s needs cannot be met within the borough boundary of Northampton. As such, adjoining areas in the districts of Daventry and South Northamptonshire have been allocated as SUEs within the JCS and are included within the NRDA boundary (doc 2). The Council confirmed at the hearing that the NRDA boundary is the same as the Northampton principal urban area boundary. Both parties also agree that although the site is not within the NRDA boundary it directly adjoins it.

20. Policy S1 of the JCS sets out the distribution of development within the plan area. This seeks, amongst other things, development that is concentrated primarily in and adjoining the principal urban area of Northampton. JCS Policy S4 sets out the scale of housing to be provided within the NRDA. Whilst this policy states that development will be met primarily within Northampton’s existing urban area and at the SUEs within the NRDA boundary, additional development to meet Northampton’s needs will be supported, but only if it meets the vision, objectives and policies of the JCS.

21. The Council has drawn my attention to the Secretary of State’s decision letter dated 27 August 2015 in relation to APP/Y2810/A/14/2228921 and recent appeal decisions,

2. which conclude that the Council is able to demonstrate a 5 year housing land supply. The appellants do not dispute this and based on the evidence before me I have no reason to conclude otherwise.

22. The Council stated at the hearing that development outside the NRDA boundary was not required because all of Northampton’s needs would be met within the defined NRDA boundary. However except for the SUEs, which are allocated and set out within the JCS, I do not have evidence to demonstrate that sufficient other sites have been identified to meet the NRDA’s housing needs. In addition it is agreed between the parties that Northampton Borough Council is not able to demonstrate a 5 year supply of deliverable housing sites within the NRDA. Instead there is a 4.87 year supply of housing land with a shortfall of 223 dwellings.

The appellants point to the delays in bringing some of the

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2 APP/Y2810/A/14/2228921 and APP/Y2810/A/14/2225722
3 Appellants Statement of Case Appendix 5: Northampton Borough Council - Northampton Related Development Area Five-Year Housing Land Supply Assessment - April 2014

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substantial SUEs forward as part of the reason as to why there is a shortfall of housing land.

23. Consequently in accordance with paragraphs 49 and 14 of the National Planning Policy Framework (the Framework), the relevant policies for the supply of housing are not considered to be up-to-date and the presumption in favour of sustainable development applies. However I recognise that this would apply to the area covered by the NRDA, not the rest of Daventry district.

24. The overall vision and objectives of the JCS are to focus development within and around Northampton and the key towns within West Northamptonshire. The site directly adjoins the NRDA, with existing houses to the south and the NWSUE to the east. Furthermore the bypass is proposed to be constructed to the west and north of the appeal site.

25. Consequently taking the above into account I conclude that the proposal would constitute development for the NRDA and would therefore be in compliance with JCS Policies S1 and S4. Based on the evidence before me, the proposal would be deliverable within 5 years and would provide a moderate contribution of up to 41 dwellings towards the shortfall in the 5 year supply of housing for the NRDA, which weighs significantly in support of the appeal.

26. The development would not be in conflict with JCS Policy R1 which sets out the spatial strategy for rural areas, as the appeal site would be development for the NRDA. On this basis it would also accord with JCS Policy S10 which sets out sustainable development principles.

Other Matters

27. The appellants submitted a signed unilateral undertaking (UU) at the Hearing (doc 1). I was also informed that on 1 September 2015 the Council adopted a Community Infrastructure Levy (CIL). The Council confirmed at the Hearing that the UU only contains elements that are not to be funded through the CIL. The UU includes the provision of 35% affordable housing on site and contributions towards the provision of primary education, libraries, bus stop infrastructure, the enhancement of public transport and primary healthcare. The UU sets out the specific details of what the different contributions would provide.

28. At the Hearing, the Council stated that if the housing was to be provided to meet Daventry’s needs then the provision should be 40% rather than 35% which reflects Northampton Borough Council’s policy. As I have concluded that the proposal would constitute development for Northampton I am satisfied that the provision of 35% affordable housing on site would be appropriate. I am also satisfied that the need to submit and gain written Council approval for an Affordable Housing Scheme prior to commencement of the development would ensure that adequate control over aspects of the affordable housing was assured.

29. I therefore conclude that the obligations set out within the UU are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development proposed, which satisfies the tests in the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Levy 2010.
30. The Council has drawn my attention to an objection letter dated 4 September 2015 from Northampton Borough Council regarding a separate but identical duplicate scheme for the appeal site. I note that Northampton Borough Council in its 14 September 2014 consultation response does not object to this proposal and instead views the development as being related to the growth of Northampton. Although this appears to be a material change in the Borough Council’s position, I note that the recent objection is on the grounds that the proposal would be developed in advance of adequate highway infrastructure being provided to serve the north west of Northampton. However no objections have been raised by the Highway Authority to the proposal on highway safety grounds.

31. In relation to concerns on flooding, wildlife, and the capacity of local infrastructure such as schools and doctors surgeries, the Council does not object on these grounds and I have no substantive evidence to indicate that the proposal would cause significant harm in these respects.

Conclusion and the Planning Balance

32. Whilst it is undisputed that the Council is able to demonstrate a 5 year deliverable housing land supply, both parties also agree that this is not the case for the NRDA. The location of the site adjoining the NRDA, the contribution that up to 41 dwellings, including 35% affordable, would make to the housing land supply and its accordance with JCS policies S1, S4 and R1 and S10 are factors which weigh significantly in favour of the appeal.

33. In addition the site is within a sustainable location, adjacent to existing services and facilities and would provide economic benefits including employment opportunities during construction. The site is within the countryside and outside a settlement boundary and so the proposal would not be in accordance with LP Policies GN1 and HS24. However due to the limited degree of consistency these policies have with the Framework, this has only limited weight. In relation to the green wedge I have concluded that there would not be material harm and I do not find a conflict with LP Policy EN10.

34. As such the proposal would be sustainable development and the presumption in favour of its development applies. For the reasons given above I therefore conclude that the appeal should be allowed.

Conditions

35. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). As such I do not impose all of them and amend others in the interests of precision and enforceability. I am satisfied that the conditions set out in my decision meet the tests within the PPG.

36. Conditions on setting reasonable time limits and the provision of details on reserved matters are necessary as the application made is for outline permission. I attach a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. I also attach a condition specifying the maximum number of dwellings on the site for the avoidance of doubt, but do not include reference to the illustrative plan as such details would be included within condition (1).
37. I impose a condition to ensure there is safe access to and from the site and highway safety is maintained. The details of the access are contained within the Transport Statement. I attach conditions to minimise the risk of flooding, safeguard against contamination and ensure the site is adequately drained so that the living conditions for future occupiers are protected. However I have not included the details suggested by the Council within the contamination condition as these can be provided through the provision of an agreed methodology. A condition requiring a Code of Construction Practice is necessary to safeguard the living conditions of existing neighbours during the construction period.

38. I am not persuaded that it is necessary to impose a condition requiring an archaeological investigation is carried out prior to development commencing, as a field evaluation has already been carried out to the satisfaction of the Northamptonshire County Council. I therefore do not attach such a condition. The suggested fire hydrant condition is not necessary since it can be achieved through the Council’s CIL.

Y. Wright

INSPECTOR

SCHEDULE OF CONDITIONS

1) Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins, and the development shall thereafter be carried out in accordance with the approved details.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale site location plan and 14078_TOPO_01.

5) There shall be no more than 41 dwellings erected on the site.

6) Prior to occupation of the dwellings, the development hereby approved shall be implemented in accordance with the revised Transport Statement undertaken by Abington Consulting Engineers Limited and the details and parameters contained therein.

7) Prior to occupation of the dwellings, the development hereby permitted shall be implemented in accordance with the revised Flood Risk Statement undertaken by JPP Consulting (dated December 2014, Rev E) and the letter from JPP Consulting (dated 22 December 2014, ref: S7088PM/MA/LG/001).
8) No development shall take place until details of the proposed foul and surface water drainage for the site, have been approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

9) No development shall take place until a comprehensive contaminated land investigation has been carried out in accordance with a methodology which has been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority prior to any development commencing. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development commences.

10) No development shall take place until a Code of Construction Practice (CoCP), including the proposed hours of construction and a contractor’s working method statement, has been submitted to and approved in writing by the local planning authority. All construction works and activities shall be carried out in accordance with the approved CoCP.

APPEARANCES

FOR THE APPELLANTS:
Mr L Wilbraham  Wilbraham Associates Ltd (Agent)
Mr S Choung  Counsel, No 5 Chambers

FOR THE LOCAL PLANNING AUTHORITY:
Mr B Ham  Senior Planning Officer, Daventry District Council
Mr R Wood  Local Strategy Manager, Daventry District Council

INTERESTED PARTIES:
Mr J Clarke  Boughton Parish Council
Mr T Jones  Daventry District Council
Mr S Carvel  Gladman Developments

DOCUMENTS SUBMITTED AT THE HEARING:
1 Signed copy of unilateral undertaking dated 16 September 2015
2 Extract of the JCS showing paragraph 5.34 which defines the Northampton Related Development Area
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>3</td>
<td>Extract of JCS Policy N1: the Regeneration of Northampton</td>
</tr>
<tr>
<td>4</td>
<td>Copy of emails regarding the unilateral undertaking</td>
</tr>
<tr>
<td>5</td>
<td>Copy of Infrastructure and Developer Contributions SPD 2013</td>
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The Planning Inspectorate

Appeal Decision

Site visit made on 28 & 29 November 2017

by B Bowker  Mplan MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd December 2017

Appeal Ref: APP/Y2810/W/17/3178842
Land off Holly Lodge Drive, Northampton

- 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 Gladman Developments Ltd against the decision of Daventry District Council.
- The application Ref DA/2016/1144, dated 5 December 2016, was refused by notice dated 6 March 2017.
- The development proposed is outline planning application for up to 75 residential dwellings (including up to 35% affordable housing), demolition of existing outbuildings, introduction of structural planting and landscaping, informal public open space and children’s play area, surface water attenuation and associated ancillary works. All matters to be reserved with the exception of vehicular access point to be provided from Holly Lodge Drive.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis. The layout plan and illustrative material submitted with the planning application have been taken into account for indicative purposes.

3. I allowed the appellants additional time following the hearing to provide a completed version of a Unilateral Undertaking (UU), a copy of which was duly received. The UU has been taken into account in my determination of the appeal.

4. A signed and dated Statement of Common Ground (SoCG) confirms that, following the submission of additional information, the Council no longer seek to defend its reason for refusal relating to an absence of an archaeological evaluation. Based on all I have seen and read, I have no reason to disagree on the consensus view reached on this matter. Accordingly, the main issues are as below.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area;

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• Whether the proposal would accord with the development strategy for the area;
• Whether the proposal would make adequate provision for affordable housing; and,
• Whether the proposal should make provision for the Northern Orbital Road (NOR).

Reasons

Character and Appearance

6. The appeal site comprises an open field that slopes gently down in a north east direction. The site is bounded by hedgerow on all sides and contains a stable. A public right of way is to the north of the site, open fields are to the north and immediate west, whilst the built form of Northampton, which includes residential and employment uses, is to the south, east and further west.

7. When viewed from public vantage points along the adjoining section of Holly Lodge Drive, Boughton Green Road and the public right of way, the site has a close visual relationship with the wider countryside. Whilst built form is to the west at Reynard Way, intervening domestic gardens, fields visually separate it from the site. This visual separation from Reynard Way and the vegetated roadside boundary along this section of Holly Lodge Drive further reinforces the close visual relationship of the site with the wider countryside. The vegetated roadside boundary of the site and surrounding boundaries, combined with the topography of the site and adjoining fields, provide a defined visual edge that defines the urban form of Northampton and the open countryside. The site makes a positive contribution to this defined visual edge and to the open countryside within which it is located.

8. During my site visit, I viewed the site from a number of viewpoints identified within the Landscape and Visual Impact Assessment (LVIA). I agree that the proposal would not have a harmful effect on the wider landscape. However, based on my site visit observations, I consider that the visual impact of the proposal when viewed from viewpoints 1, 2, 11 and 12 (from Holly Lodge Drive) and Nos 4, 5, 6, 7 (from the public right of way and adjoining lane, and Boughton Green Road) is greater than stated within the LVIA.

9. When viewed from public viewpoints along Holly Lodge Road, owing to the slope of the site, the upper sections of the dwellings would be noticeable against the backdrop of the countryside. From this vantage point, the proposal would have an isolated appearance in relation to surrounding built form. In this respect the proposal would harm the positive contribution of the site to the defined edge of Northampton and result in a visually harmful incursion into the open countryside, noticeable when viewed from Holly Lodge Road.

10. When viewed from the public right of way, the slope of the site would set the proposed dwellings in front of and below existing housing at Dixon Road. Consequently the proposal would comprise a prominent extension of built form into the countryside. When seen from this vantage point, the resultant harm would be particularly noticeable during winter months when leaf cover is low, as I saw during my site visit. To a lesser extent, the resultant harm would also be noticeable (despite the roadside hedgerow) when viewed from the adjoining...
section of Boughton Green Road and the lane to the north east that adjoins the public right of way.

11. Whilst appearance, landscaping, layout and scale are reserved for later consideration, taking into account the extent of views into the site from the above identified vantage points, satisfactory details at the reserved matters stage would not fully screen or mitigate the visual impact of the proposal. Nor would the public open space to the northern section of the site fully reduce the overall prominence and harmful visual impact of the proposal when viewed from the noted vantage points.

12. In reaching this view, I acknowledge that the Council’s Landscape Officer raises no objection to the proposal in landscape terms. However, for the reasons given above, I disagree that additional landscaping, existing boundary vegetation, ridges to the north and north west, and the elevated housing to the immediate south would fully mitigate the impact of the development. It follows that I cannot agree that the proposal would improve the appearance of the site.

13. With reference to saved Daventry District Local Plan (LP) Policy EN10, the site is located within a Green Wedge. The parties disagree on the weight to be afforded to LP Policy EN10, based on its consistency with the National Planning Policy Framework (the Framework). The appellants consider that Policy EN10 is not consistent with paragraphs 76 - 77 of the Framework as the Green Wedge covers an extensive area. Reference is also made to an appeal decision wherein the Inspector stated that the Green Wedge does not have the same permanence as a Green Belt. Nonetheless the Inspector stated that Policy EN10 is consistent with paragraph 17 of the Framework, and thus afforded it moderate weight.

14. The Council also refer to an appeal decision wherein the Inspector considered that Policy EN10 was consistent with paragraph 17 of the Framework, with regard to the need to take into account the different role and character of different areas and to protect the intrinsic character and beauty of the countryside. Thus the Inspector afforded significant weight to Policy EN10.

15. The Council do not contest the appellants’ comments in relation to the consistency of Policy EN10 with paragraphs 76-77 of the Framework. However, saved LP Policy EN10 does not preclude development and recognises different roles for the Green Wedge, which includes agriculture, forestry, recreation and wildlife value. In this context, I agree with the Inspector who determined the case at Boughton Road and consider that Policy EN10 would be consistent with the core planning principle set at paragraph 17 bullet point 5 of the Framework. Policy EN10 would also accord with JCS Policy R1, which refers to preserving areas of environmental importance.

16. Whilst 25% of the site would be public open space, the proposal would comprise predominantly built form. In addition, I have identified harm to the character and appearance of the surrounding area. Consequently the proposal would conflict with Part A) of LP Policy EN10. However, based on the size of the site in relation to the wider Green Wedge and its location relative to surrounding settlements, the proposal would not unacceptably reduce

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1 APP/Y2810/A/12/2178421, Land to the east of Northampton Lane North, Moulton.
2 APP/Y2810/A/14/2225722, Land off Boughton Road, Moulton, Northampton.

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separation between settlements. The proposal would also comply with LP Policy EN10 Part C). Whilst the proposal would allow public access into the Green Wedge, this is not a factor required or given overriding favourable weight by Policy EN10. Nonetheless, the benefit of the proposed public open space is a matter I return to as part of the planning balance. Taking the above into account, the proposal would conflict with criterion A of Policy EN10.

17. In reaching this view, I have considered the permission granted by the Council for 56 dwellings within the Green Wedge, based on the size of the site and its close relationship to adjacent housing. The Council assert that the same circumstances do not apply to the proposal before me. This aside, based on the information submitted I am unable to fully compare the cited application with the appeal proposal before me. Moreover I must determine the appeal on its own individual merits.

18. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to West Northampton Joint Core Strategy (JCS) Policy S10 and saved LP Policy EN10. Combined and insofar as they relate to this matter, these policies seek to protect, conserve or enhance the natural environment and ensure that development would not be discordant with the predominantly open nature of a Green Wedge.

Development Strategy

19. Of relevance to this matter, JCS Policy S1 sets out the distribution of development within the plan area, focussing development in and adjoining the main urban areas of Northampton and Daventry, whilst limiting it in rural areas. JCS Policy S2 identifies Northampton at the highest hierarchy as a ‘Regional Town Centre’ whilst Policy S3 sets out in more detail the distribution of housing numbers within the plan area. JCS Policy S4 (at figure 4) defines the extent of the Northampton Related Development Area (NRDA) and anticipates that Northampton’s housing needs will be met primarily within its existing urban area and at Sustainable Urban Extensions (SUE) within the NRDA.

20. JCS Policy R1 sets out the spatial strategy for rural areas, and states that development will be guided by a rural settlement hierarchy, to be set by Part 2 of the Local Plan. The policy also sets out requirements for residential development in rural areas (at criteria A-G) including for circumstances when the housing requirement is being met for rural areas. JCS Policy N1 states that the regeneration of Northampton will be supported by a number of measures, one of which includes by housing development within the existing urban area though urban capacity infill and allocated SUEs.

21. It is common ground that site is not located within the NRDA as defined by Policy S4 and that the Council cannot demonstrate a five year supply of housing land within the NRDA. In addition, during the hearing, with reference to an appeal decision, the appellants highlighted that the NRDA boundary is the same as the Northampton principal urban area boundary. The principle point of disagreement between the parties relates to whether the proposal should be considered as development relating to the NRDA or to the rural area.

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3 Council Ref DA/2014/0604.
4 APP/Y2810/W/15/3011449, Land off Welford Road.

https://www.gov.uk/planning-inspectorate
22. The appellants’ highlights that Policy S1 A) acknowledges that development will be concentrated primarily in and adjoining the principal urban area of Northampton, with reference to the location of the site. In addition, the appellants consider that the site has a functional relationship with the NRDA. The appellants refer to a number of passages of policy support text to set out that the JCS acknowledges that housing development will be required outside existing settlement and administrative boundaries to meet the housing need of Northampton, and that Northampton has an important influence across the whole county and beyond. The Council also refer to a number of passages within policy support text to support its case. In this context, with reference to the court judgement\(^5\) cited by the appellants, I acknowledge that supporting text to a policy is not policy or part of policy and is used to aid the decision maker in understanding the policy.

23. The appellants highlight that Policy S1 A) does not make reference to SUEs. However, paragraph 5.12 of the JCS entitled ‘Development in the Towns and Adjoining the Towns’ does and explains that the spatial strategy is one of concentrating additional development within the existing towns as far as possible and in a small number of large development areas called SUEs. In this case, I consider that the supporting text at paragraph 5.12 aides the decision maker in understanding Policy S1 and does not introduce additional policy requirements.

24. Whilst Policy S1 C) treats development at Towcester and Brackley differently; I agree with the Council that the appellants’ interpretation of Policy S1 would imply that there is a buffer around Northampton considered suitable for development. In this context, I share the Council’s concern that such an interpretation would encourage speculative development, contrary to the overarching strategy of the JCS. It is put to me that JCS Policy S4 does not set an absolute prevention for development outside the NRDA boundary. However, Policy S4 states that Northampton’s housing and employment needs will be met primarily within Northampton’s existing urban area and at SUEs within the NRDA, an approach consistent with Policy S1. In this light, I note that the site is not located within Northampton’s existing urban area.

25. Consequently, although adjacent to the NRDA, I cannot agree that the proposal would be development for the NRDA, taking into account the JCS policies referred to, including supporting text, when read as a whole. This aside, the appellant contends that the proposal would meet the vision of the JCS. I also acknowledge that the proposal could contribute towards meeting housing need within the NRDA. In this context, Policy S4 states that additional development to meet the needs of Northampton will only be supported if it meets the vision, objectives and policies of the JCS. Based on my reasoning above, the proposal would not meet criterion A) of Policy S1, and as such criterion D) would apply. With reference to my findings in the preceding main issue, the proposal would be contrary to part 1) of Policy S1 D).

26. The parties disagree on whether JCS Policy R1 applies. Whilst the appellants contend that the definition of rural areas within JCS paragraph 5.11 relates to villages, the paragraph also refers to the ‘wider rural area’. Moreover, taking into account my conclusion that the proposal would not comprise development for the NRDA, I agree with the Council that Policy R1 applies. As the proposal

\(^5\) Cherkley Campaign Limited and Mole Valley District Council and Longshot Cherkley Court Limited [2013] EWHC 2582 (Admin).
would not be within the confines of an existing village, and based on the harm identified in relation to the first main issue, the proposal would be contrary to criterion C and G of Policy R1. Furthermore the site is located within a rural area where the Council can demonstrate a five year supply of housing land. In this light, no evidence is before me to demonstrate that the proposal would comply with criteria i), ii), iv) and v) of Policy R1, which applies when housing requirements in rural areas have been met.

27. However as no substantive evidence is before me to demonstrate that the proposal would undermine the regeneration of Northampton, the proposal would not conflict with Policy N1. That said, the absence of conflict with Policy N1 would not outweigh or prevent the conflict of the proposal identified in respect of JCS Policies S1, S4 and R1. Consequently, based on the conflict of the proposal with Policies S1, S4 and R1, the proposal would not accord with the vision, objectives or development strategy of the JCS.

28. In reaching this view, I note that the appeal proposal at Welford Road (which adjoined the NRDA) was considered as development for the NRDA. However, unlike the proposal before me, the Inspector at the Welford Road appeal concluded that the site was both physically and visually separate from the wider open landscape, with reference to a SUE to the immediate east and a bypass proposed for construction to the north and west of the site. Such site specific circumstances do not apply to the proposal before me. Furthermore, with reference to paragraph 24 of the appeal decision, it is clear that the Inspector took into account the site’s location (adjoining the NRDA, existing housing, a SUE and a nearby proposed bypass) as a factor in determining whether the proposal comprised development for the NRDA. In this context, my conclusion that the proposal would be viewed as being located within the countryside strengthens my view that the proposal would not comprise development for the NRDA.

29. In the light of paragraph 215 of the Framework, the parties disagree on the weight to be afforded to saved policies HS24 and GN1 of the LP. The appellants contend that LP policies HS24 and GN1 are inconsistent with the Framework, namely the requirement to significantly boost the supply of housing. To support its case, the appellants refer to appeal decisions wherein limited weight was afforded to LP policies HS24 and GN1, on the basis they were adopted prior to the Framework and were not considered generally consistent with the overall presumption in favour of sustainable development through planned and positive growth.

30. The Council refer to a more recent appeal decision involving residential development wherein the Inspector considered that the guiding principles of Policy GN1 closely reflect the Framework. The Inspector noted that whilst Policy GN1 seeks to restrain development in the open countryside, it does not impose an outright ban on development in the countryside, and as such has a high degree of consistency with the Framework. I acknowledge that the LP does not include housing allocations beyond 2006 and that the LP builds on the principles of the 1989 County Structure Plan.

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6 APP/Y2810/W/15/3011449, Land off Welford Road, Northampton and APP/Y2810/A/14/2225722, Land off Boughton Road, Moulton, Northampton.
7 APP/Y2810/W/15/3049288, Land off Woodford Road, Byfield.
8 Paragraph 2.1 of the LP.

https://www.gov.uk/planning-inspectorate
31. That said, saved Policy GN1, with particular reference to criterion D, does not impose a blanket protection of the countryside and as such does not conflict with the requirement to significantly boost the supply of housing, the presumption in favour of sustainable development through planned and positive growth anticipated by the Framework. Furthermore, the approach of Policy HS24 to restrain development in the countryside and Policy GN2 are both consistent with paragraph 17 bullet point 5 of the Framework which recognises the intrinsic character and beauty of the countryside. On this basis I afford full weight to saved LP policies GN1 and HS24.

32. In the context of Section 38 (5) of the Town Planning and Compulsory Purchase Act 2004 (TCPA), for similar reasons given above, I cannot agree that LP Policy GN1 is in conflict with JCS policies SA and S1. In my view, policy GN1 criterion D would not conflict with the approach to development set out at JCS Policy S1 criterion A. In addition, policy HS24 would reflect the restrained approach to development in the countryside set by JCS Policy S1 criterion D and Policy R1. Consequently, based on the harm identified in respect of the first main issue, the proposal would be contrary to Policy GN1 criteria B and F and thus Policy GN1 when read as a whole. In addition the proposal would not meet any of the exceptions listed within Policy HS24.

33. Therefore the proposal would not accord with the development strategy for the area. Consequently, the proposal would be contrary to JCS policies S1, S4, and R1, and saved LP Policies GN1 and HS24 which are of most relevant to this issue. The requirements of these policies are set out above.

**Affordable Housing**

34. Of relevance, JCS Policy H2 states that on site affordable housing should be provided at a proportion of 40% for development comprising more than 5 homes (when located in rural areas) and at 35% for development of 15 dwellings or more (when located in the NRDA). Based on my findings above, the proposal would not comprise development for the NRDA and would be located within a rural area. Consequently the proposal would be required to ensure that 40% of the proposed dwellings comprise affordable housing. As the submitted UU includes a clause to deliver 40% affordable housing, the proposal would meet the requirements of JCS Policy H2.

35. In reaching this view, I have taken into account the Council’s adopted Housing Allocations Scheme document. However, based on what I heard during the hearing, this document merely sets out the mechanism for affordable housing delivery based on the requirements of Policy H2. Consequently this document is not determinative in establishing which affordable housing requirement applies to the proposal.

36. Therefore the proposal would make adequate provision for affordable housing and thus accord with JCS Policy H2, the requirements of which are set out above.

**Northern Orbital Road**

37. Regulation 122 of The Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework set out that planning obligations should only be sought where they meet the relevant tests, namely that the contribution is; necessary to make the development acceptable in planning terms; is directly
related to the development; and is fairly and reasonably related in scale and kind to the development.

38. The Council explained at the hearing that it does not dispute the output of the submitted Transport Assessment, which I note concludes that the proposal would provide a better than nil detriment level of mitigation. In addition, based on what I heard during the hearing, the NOR project remains at an early stage with a detailed final route and sources of funding yet to be determined.

39. I understand that one option for the NOR involves a spur road that would pass through the northern end of the site. However, at the hearing the Council raised no concern on the basis that the proposal would prejudice the delivery of the NOR. Moreover no substantive evidence is before me to demonstrate that a contribution to the NOR is necessary to make the proposal acceptable in planning terms.

40. Therefore the proposal should not make provision for the NOR. Consequently the proposal would accord with JCS policies INF1 and INF 2 which seek to ensure that development provides the necessary on and off-site infrastructure required to support it and mitigate its impact.

Planning Obligation

41. The submitted UU would secure on-site affordable housing, a contribution towards the NOR, public open space, a sustainable urban drainage scheme, and financial contributions towards household transport packs, healthcare, library, and primary school provision. Based on my reasoning above, the contribution sought towards the NOR would not meet the statutory tests.

42. The need for a contribution towards healthcare provision is based on comments received from NHS England. However, no indication has been given of how the money sought for healthcare provision would be spent, nor has a substantive case been put forward to outline the resultant planning harm that would arise in the absence of this contribution. Consequently, on the basis of the evidence before me, it has not been demonstrated that this obligation meets the statutory tests.

43. Aside from the contributions sought in relation to health care and the NOR, based on the submitted evidence, including the Council’s Infrastructure and Developer Contributions Supplementary Planning Document, I am satisfied that the remaining obligations sought meet the relevant statutory tests. The weight afforded to the obligations is considered further in the planning balance below.

Overall Balance

44. Section 38 (6) of the TCPA states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Based on my reasoning above the proposal would conflict with JCS policies S1, S4, S10 and R1, and saved LP Policies EN10, GN1 and HS24.

45. A number of material considerations are cited in support of the proposal that, in the light of the three dimensions\(^9\) of sustainable development defined by the

\(^9\) Economic, social and environmental.
Framework, the appellants consider determinatively weigh in favour of the proposal.

46. **Economic benefits.** The appellants anticipate that the proposal would generate £7.1 million construction spend; support 61 full time construction jobs and 66 indirect jobs in associated industries. In addition, future occupants are anticipated to generate £2.4 million in gross expenditure, support local services and business, and increase Council tax revenue. The proposal would also generate New Homes Bonus revenue. The highway improvements associated with the proposal would also bring some benefit to users of the local highway network. The noted economic benefits attract some weight in favour of the appeal.

47. **Social benefits.** The proposal would provide market and affordable housing which, with reference to a cited Secretary of State decision\(^\text{10}\), is a significant benefit irrespective of whether the Council can demonstrate a five year supply of housing land. In this respect, with reference to my findings above, I also note that the affordable housing element of the proposal would accord with JCS Policy H2. In addition, the appellants would accept outline permission with reduced timescales to ensure the timely delivery of the market and affordable housing. I also note that the Council cannot demonstrate a five year supply of housing land\(^\text{11}\) for the adjacent NRDA. The public open space would also be of some benefit to residents in the wider area.

48. These social benefits attract significant weight in favour of the appeal. However, as the financial contributions sought towards library, and primary school education provision and household transport packs are for mitigation purposes, they can only be considered as neutral factors in the planning balance.

49. **Environmental benefits.** The proposal would provide extensive planting, a public open space and a water attenuation basin, features which would improve biodiversity at the site. In addition, the Council acknowledges\(^\text{12}\) that future occupants would have access to services and facilities by means other than the private car. Whilst the Council considers that these benefits are not unique to the site, they nonetheless attract some weight in favour of the appeal.

50. Combined, the benefits identified above attract significant weight in favour of the appeal. However, the Framework states that the three dimensions of sustainable development should be sought simultaneously through the planning system. Based on the harm identified in relation to the first main issue, the proposal would be deficient in respect of the environmental dimension. Consequently the proposal would not represent sustainable development as defined and sought by the Framework.

51. Furthermore, the primacy of the development plan is established in Section 38 (6) of the TCPA and at paragraph 2 of the Framework. In addition, paragraph 12 of the Framework states that proposed development that conflicts with an up-to-date Local Plan should be refused unless material considerations indicate otherwise. In this case, the material considerations before me do not outweigh

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\(^{10}\) APP/C3105/A/14/2226552. Land at Sibford Road, Hook Norton.

\(^{11}\) The Council's Officer's Report identified that the NRDA has a housing land supply of 3.10 years as of 1 April 2016.

\(^{12}\) Within the SoCG.
the considerable weight afforded to the conflict of the proposal with the development plan when taken as a whole.

52. Moreover, even if I were to conclude that the site is development for the NRDA where there is a shortfall in five-year housing land supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified in relation to character and appearance and the conflict with the development strategy of the area would significantly and demonstrably outweigh the benefits identified above.

Conclusion

53. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR
APPEARANCES

FOR THE APPELLANT:
Stuart Carvel Gladman Developments
Nina Pindham Counsel
Tim Poupard Gladman Developments
David Stoddart Prime TP

FOR THE LOCAL PLANNING AUTHORITY:
Tom James Principal Policy Officer
Richard Wood Local Strategy Manager
Steve Ellis Major Projects Officer
Matt Hammon Northamptonshire County Council, Project Manager NOR

INTERESTED PERSONS:
John Clarke Boughton Parish Council
Harpal Singh Local Resident
Joanne Christopher Daventry District Council

DOCUMENTS SUBMITTED AT THE HEARING:
1. List of addresses that were sent the appeal notification letter.
2. Daventry District Local Plan Proposals Map, Inset Maps, Sheet 2.
5. Appeal decision Ref APP/B2002/W/17/3178259.

DOCUMENTS SUBMITTED AFTER THE HEARING:
1. A signed, dated and completed Planning Obligation.
Appeal Decision

Inquiry held on 27, 28, 29 and 30 January 2015
Site visit made on 3 February 2015

by C Sproule  BSc MSc MSc MRTPi MIEnvSc CEnv
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2015

Appeal Ref: APP/Z2830/A/14/2224285
Land east of Poundfield Road, Potterspury

- 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 Mr Jonathan Wood, Redrow Homes South Midlands against the decision of South Northamptonshire Council.
- The application Ref S/2014/0390/MAO, dated 14 March 2014, was refused by notice dated 12 June 2014.
- The development proposed is outline planning application with means of site access from Poundfield Road to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 65 dwellings (Class C3); demolition of existing buildings; associated earthworks; retention of existing allotments and access thereto; provision of new public open space; balancing ponds; pumping station; car parking and all other ancillary and enabling works.

Decision

1. The appeal is dismissed.

Procedural matters

2. Following closure of the inquiry, the Government released the 2012-based household projections for England, 2012 to 2037. Both main parties were provided with the opportunity to comment on the implications of this for their cases.

3. The transitional period under Statutory Instrument 2010 No.948 – The Community Infrastructure Levy Regulations 2010 (‘the CIL Regulations’) Regulation 123 (3) (as amended) ended on 6 April 2015. After this, planning obligations under section 106 of the Town and Country Planning Act 1990 may not lawfully be used to fund infrastructure which could be funded from Community Infrastructure Levy, and five or more separate planning obligations have been entered into within the area of the charging authority for that project. The main parties were also provided with an opportunity to comment on the implications of this for planning obligations in this case.

4. The Statement of Common Ground (SoCG) between the main parties confirms that the appeal is to be determined on the basis of the following plans: Site Location Plan – Ref: 13128 (D) 098; Illustrative Framework Plan – Ref: 13128 (D) Rev. B; and, Proposed Site Access – Ref: 102016/1000 Rev. C.
Background and Main Issues

5. The Council’s decision was made with reference to adopted policies within the South Northamptonshire Local Plan and ‘emerging policies’ of the West Northamptonshire Joint Core Strategy (JCS). The appeal is dated 21 August 2014, which is between the Council’s decision on the application and the adoption of the JCS on 15 December 2014.

6. A proof of evidence addressing housing trajectory analysis had been supplied by Mr Hegan of Turner Morum Chartered Surveyors (TM) in support of the appellant’s case. A trajectory was agreed prior to the opening of the inquiry that resulted in Inquiry document 2 (ID-2), and therefore Mr Hegan was not called to give evidence.

7. Based on the Council’s reasons for refusal, and Section 7 of the SoCG ‘Matters in Dispute’, the main issues are considered to be: a) the effect of the development proposed on the character and appearance of the village and the locality; b) whether the proposed development would accord with development plan and national policies regarding the provision of land for housing; c) whether the proposed development would make adequate provision for education infrastructure, affordable housing, Public Open Space (including play space and public open space maintenance), library infrastructure, refuse/recycling infrastructure, Fire and Rescue, and healthcare infrastructure; and, d) whether the appeal scheme would be a sustainable form of development.

Reasons

Character and appearance

Policy

8. JCS Policy S1 addresses the distribution of development, with criterion D) noting that new development in rural areas will be limited with the emphasis being on matters that include enhancing and maintaining the distinctive character and vitality of rural communities. JCS Policy H1 is titled housing density and mix and type of dwellings noting that, amongst other things, housing developments will be expected to make the most efficient use of land having regard to matters including the location and setting of the site, and the existing character and density of the local area. Criteria within JCS Policy R1, titled spatial strategy for the rural areas, include those that require residential development in rural areas to: not affect open land which is of particular significance to the form and character of the village; be of an appropriate scale to the existing settlement; and, be within the exiting confines of the village.

9. Policy EV1 of the South Northamptonshire Local Plan – Saved Policies – September 2007 (LP) indicates that development proposals will be expected to pay particular attention to elements of design that include, amongst other criteria that would be of relevance to reserved matters: existing site characteristics including landscape features and levels; and, the relationship with adjoining land and buildings. LP Policy G3 states that all proposals for development will be considered against the policy, which is permissive of a proposal, that amongst other things: is compatible with the existing character of the locality in terms of type, scale, siting and design; and, possesses a satisfactory means of access. LP Policy EV21 states that development
proposals will be expected to retain or replace trees, hedgerows and other landscape features that contribute to local character.

10. It is a clear objective of the National Planning Policy Framework ('the Framework') to boost significantly the supply of housing, with paragraph 49 of the document stating Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework confirms the presumption in favour of sustainable development to be at the heart of the guidance. For decision-taking, the paragraph notes the presumption to mean: approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies of the Framework indicate that development should be restricted.

11. Framework paragraph 56 states that The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The locality

12. Potterspury lies immediately to the north of Watling Street ('the A5') and approximately 1 mile to the northwest of the roundabout junction with the A508 and Old Stratford to the south of the roundabout. Stony Stratford and Milton Keynes are to the southeast of this. From the roundabout at Old Stratford, the A508 carries traffic northwards to the M1 motorway and Northampton beyond. This journey can also be made by travelling along the A5 north westwards approximately 6 miles to Towcester and then via other highways to Northampton.

13. Despite the scale of Milton Keynes, Potterspury and the nearby villages of Deanshanger to the south and Yardley Gobion to the north are surrounded by gently rolling open countryside that clearly separates them from Old Stratford, Stony Stratford and Milton Keynes.¹

14. Development in Potterspury has occurred up to the boundary created by the A5, which provides the settlement with a somewhat elongated form along the northern side of the A5. Street lighting is present along the A5 next to Potterspury, which adds to the urbanising influence of the development immediately to the north of the highway. During night-time darkness the street lighting emphasises the presence of existing development at Potterspury, and especially as the open countryside on the southern side of the highway cannot be seen to its full extent.

15. The 4.07 ha appeal site is for the most part an area of paddocks to the east of Poundfield Road, with a number of allotments in the north western corner of the site next to Poundfield Road. This places the proposed development on the south eastern edge of the village on land that the Council notes the LP to have designated as open countryside.²

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¹ LVIA Figure 2 shows this to be within County Landscape Character Area 6: Undulating Claylands
² Paragraph 5.4 of Mr Bennett’s proof of evidence
16. There is development to the north of the appeal site between it and Furtho Lane. Recently developed affordable homes in Drovers Way occupy a rural exception site that has extended the scale of the built area to the east of Poundfield Road.\(^3\)

17. Attention has also been drawn to a recently constructed two storey house at Swallow Fields Stud.\(^4\) However, in contrast to Drovers Way the house at Swallow Fields Stud has clear separation from the settlement and a rural context within the stables complex.

18. Recent residential development at Mansion Gardens now occupies the land to the west of Poundfield Road. It currently provides a clear edge to the village opposite to where the proposed entrance into the appeal scheme would be. This perceived limit to existing development within the village is emphasised by the presence of walling along the (western) side of Poundfield Road, along with the height and density of vegetation on the eastern side of the highway.

19. However, that walling extends up to the junction with Furtho Lane, which has established residential development on the eastern side of Poundfield Road. This includes Grafton Close, which abuts the much more recent development in Drovers Way. Potterspury Village Hall also lies to the east of the junction with High Street. As Poundfield Road becomes Church End, housing with mature gardens is present to the north of the village hall. These dwellings are of sufficient age for them to have developed a degree of variety that could be described as residential ‘patina’. They are to the east of the highway with boundary walling on the opposite (western) side of Church End.

20. This development to the east of Church End and Poundfield Road, is to the north of the open land that includes the appeal site. Vegetation screens views of the appeal site along much of Poundfield Road, and the land is set well back from the public right of way along Furtho Lane.\(^5\) Even so, there are opportunities for people travelling northwards along Poundfield Road from its junction with the A5 to see the open countryside that includes the appeal site. Topography and field boundaries cause the rural landscape to dominate these views, rather than development in Drovers Way and Grafton Close. Consequently, while the appellant considers these developments to form an ‘unsympathetic and abrupt edge’ to the village, it is not one that is prominent in these views.

21. Nor did I find the influence of Whitestone Stables on the ‘sense of arrival’ at the village in near views of the appeal site from Poundfield Road to be as significant as suggested.\(^6\) If the proposed development were to be built, the field that provides views past Whitestone Stables to the appeal site would remain. Planting to reinforce the existing hedgerows, and accordingly the field pattern at the site boundary, would mature over time reducing the views of the housing beyond it. Even so, the development of the appeal site would be evident in views from the entrance to the village on Poundfield Road.

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\(^3\) Paragraph 5.9 of Mr Bennett’s proof of evidence

\(^4\) Paragraph 2.35 of Mr Chard’s proof of evidence and ID-10

\(^5\) Bridleway RV5

\(^6\) Paragraphs 2.3 and 2.38 of Mr Chard’s proof of evidence
22. The Village Design Statement does not include this aspect as a ‘view’, but it does highlight the importance of the walls along Poundfield Road, Church End and other locations within the village.\(^7\)

23. In 2008, the Inspector considering the appeal in relation to proposals for the Mansion Gardens development commented on the ‘clear visual edge’ provided by the existing wall and footway along the west side of Poundfield Road.\(^8\) This is the case at Mansion gardens, but the established character of the village also includes development beyond this walling at the northern end of Poundfield Road, and on Church End, where development extends eastwards beyond these features.

**The proposal**

24. It is the intention within the appeal scheme to reinforce existing planting along the eastern side of Poundfield Road. A suggested condition would require reserved matters to be submitted ‘in general accordance with the principles set out on the Framework Plan (Drawing No: 13128 (D) 100 Rev.B) and the measures set out in section 6.0’ of the Design, Access and Justification Statement.\(^9\) Drawing No: 13128 (D) 100 Rev.B identifies the ‘Buffer planting’ along the street frontage and around the remainder of the site perimeter.

25. Once mature, this landscaping reasonably would be expected to substantially screen the development during summer months, with the proposed dwellings becoming more apparent in the absence of (what would be characteristic) deciduous foliage. This would help to retain the existing sylvan character along the eastern side of Poundfield Road. Even so, for the most part the proposed scale and depth of perimeter landscaping would visually separate the development from the remainder of the village, including the dwellings in Grafton Close, Drovers Way and Mansion Gardens.\(^10\)

26. The appeal proposal would construct a new access onto Poundfield Road in the vicinity of the junction with Mansion Gardens. Views from this entrance into the appeal scheme would reveal the extent of the development, but the application’s Landscape and Visual Impact Assessment (LVIA) concludes that ‘...views of Proposed Development would be largely restricted in all but the most immediate views...’.\(^11\) There are dwellings in the village positioned behind dense landscaping that restricts views of them, but it is not evident that this is a characteristic of the larger residential developments in the village.

27. Development at the junction of Poundfield Road and Furtho Lane reflects that along the eastern side of Church End and is an established part of the street scene in the vicinity of the village hall. This frontage development extends from the junction along Furtho Lane and into Grafton Close and Drovers Way. It results in a characteristic integration of residential development with the village’s street scene. This is also apparent at Meadow View, and at Mansion Gardens which is readily apparent even though it is partly behind the consistent boundary provided by the wall along Poundfield Road.

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\(^7\) CD-G.13
\(^8\) CD-H.1 – Paragraph 13 of appeal decision ref: APP/Z2830/A/08/2079946
\(^9\) Additional suggested conditions are within ID-27
\(^10\) Drawing provided at CD-C.1
\(^11\) Paragraph 7.5 of the LVIA – section 13 of the planning application documents
28. The village boundary is set out on the LP Proposals map which dates from 1997, but the extent of the village now includes Mansion Gardens and Drovers Way. It would appear that any additional housing in Potterspury of the scale proposed would require the expansion of the built area beyond the current extent of the village. Even so, other locations around the village may not be as apparent within their landscape setting.

29. It is suggested that the stable blocks and paddocks, along with the allotment car park and sheds, are distracting features in this landscape. The relevant National Landscape Character Area 88 Bedfordshire and Cambridgeshire Claylands notes paddocks to often be found on the edge of settlements and the appeal site is an example of this. While they are not agricultural land, they have similarities to farmland due to their open appearance, and provide a transition from the built extent of the village to purely agricultural land.

30. Potterspury sits within open countryside that has sections of Special Landscape Area, other villages and associated infrastructure. This, along with the degree of separation from the large settlement areas to the south east, indicate that describing the appeal site as an edge of village location within a rural landscape more effectively conveys its context than the term ‘urban fringe’.

31. Equestrian facilities often erode agricultural character, but they are not features so ‘incongruous’, ‘detracting’ or ‘piecemeal’ in this rural landscape, that their presence affects local character in a manner similar to the presence of houses, even if the proposed development were to reflect existing housing next to it. Nor does a reduction in tranquillity due to the proximity of traffic on the A5 cause this edge of settlement landscape to have less value as open countryside.

32. Reinforcing hedgerows around the north, east and southern boundaries of the appeal site to provide a ‘strong’ and ‘coherent’ edge to the settlement, would do so at the expense of the existing rural character that these field boundaries and the openness within them currently contribute to. Nor would the reinforced hedges provide an edge to the settlement with the strength of the linear highway and associated stone walling at Mansion Gardens. This would be the case even if the access into the current proposal were to reflect themes in the entrance to Mansion Gardens.

33. The proposed development would encroach on land that currently contributes to the rural undulating character of the open countryside in this location. Proposed planting around the appeal site would, to a certain extent, screen the proposed housing in views from Furtho Lane and on the approach from the A5 junction with Poundfield Road. However, in the absence of characteristic deciduous foliage the appeal scheme would be apparent to people approaching the village from the south and east. In this respect, and even though the Village Design Statement does not highlight this as an important view, the appeal scheme would erode the rural setting of the village.

34. To some extent the second pedestrian access into the site, which would be in the area of the allotments, would increase permeability within the settlement. Nevertheless, the strength of the landscaped frontage would depart from the

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12 Paragraph 2.19 of Mr Chard’s proof of evidence, and shown on the Site Context Plan at CD-A.13
13 Which Mr Bennett suggests in paragraph 5.6 of his proof of evidence
14 Paragraph 5.9 of Mr Chard’s proof of evidence
15 That is currently 5m wide (paragraph 4.7 of Mr Chard’s proof of evidence) with tall/full height vegetation
established character of residential developments within the village, and given its location, the departure would be very conspicuous. The scale of landscaping within the development is, in many respects, a separate matter.\textsuperscript{16} The sylvan frontage may reflect the extent of landscaping within the development, but not all of that landscaping would be as tall or as deep as that proposed along the site frontage. As a visual barrier, the reinforced vegetative boundary along Poundfield Road would cause the development to relate poorly to the village and be isolated from it.\textsuperscript{17}

35. Recent developments at Mansion Gardens and within Drovers Way have caused Potterspury to grow, but the scale, location and nature of that growth appears to have reinforced the character of the village. The appeal scheme would increase the number of households in Potterspury by nearly 10%.\textsuperscript{18} This level of growth, within the context of the characteristic development at Mansion Gardens and Drovers Way, would not be sufficient to change local character in regard to the overall scale of the village.

36. No conflict or deficiency has been suggested,\textsuperscript{19} or shown to have occurred, in relation to LP Policy EV29, which addresses the requirements of a landscaping scheme.

37. The reasoned justification for JCS Policy R1 within JCS paragraph 16.9 is explicit that the village confines within LP Policy H5, and as shown on associated LP mapping, continue to apply in the interim between JCS adoption and the Part 2 Local Plan. Policies listed in JCS Appendix 5 as having been replaced by JCS policies do not include LP Policy H5 and consequently, the village confines for Potterspury remain part of the development plan for this area.

38. The appeal scheme would be beyond the existing boundary of the village and it would affect land that is of particular significance to the form and character of the settlement at the southern entrance to the settlement. In these respects the appeal scheme would conflict with JCS Policy R1 if no exceptional circumstances are shown to exist.

39. In addition, the manner in which the appeal scheme would retain trees and hedgerows that contribute to the character of the area, which is the subject of LP Policies EV21 and EV1(I), the proposal would create residential development with an interface to the village that would not be compatible with the existing character of the locality and in this respect would conflict with LP Policy G3. It would fail to pay particular attention to the characteristic relationship of housing development in the village with adjoining land and buildings, and in this respect conflicts with LP Policy EV1(II). By failing to enhance or maintain this distinctive characteristic of residential developments within the village, the proposal conflicts with JCS Policy S1 D) 1); and by failing to have adequate regard to the location and setting of the site and the existing character of the locality, the appeal scheme conflicts with JCS Policy H1 a) and b). Accordingly, the outline scheme would not be an example of good design and in this respect conflicts with the Framework.

\textsuperscript{16} Appendix 5 to Mrs Ventham’s proof of evidence indicates soft landscaping, including gardens, would be in the region of 2.05ha, or 50.4% of the site area
\textsuperscript{17} Even though there is a stated intention to draw people into the development through the main access from Poundfield Road
\textsuperscript{18} Paragraph 5.8 of Mr Bennett’s proof of evidence
\textsuperscript{19} Including in regard to species of trees and shrubs native to Northamptonshire


**Housing**

40. The Council’s first reason for refusal refers to both ‘saved’ LP Policy G2 and ‘emerging’ JCS Policy S1. JCS Appendix 5 notes LP Policy G2 to have been replaced by JCS Policy S1, which seeks the distribution of development and economic activity to be: A) concentrated primarily in and adjoining the principal urban area of Northampton; B) development of a lesser scale to be located in and around the sub-regional centre of Daventry town; C) the development needs of the rural service centres of Towcester and Brackley to be provided for; and, D) new development in the rural areas to be limited with the emphasis on four criteria, of which, criterion D) 1) is addressed above.

41. LP Policy H6 is not normally permissive of residential development in the open countryside, except where certain criteria are met in regard to matters that include dwellings associated with particular rural businesses or special needs, or the conversion or replacement of a dwelling. LP Policy EV2 is not permissive of development in the countryside unless exceptionally it would be for particular purposes similar to those stated in LP Policy H6, or particular sites. The appeal site is not one of the ‘particular sites’, nor would the proposed housing seek to address particular rural businesses, or involve conversion or replacement of existing dwellings. Accordingly, the appeal proposal conflicts with LP Policies EV2 and H6.

42. The LP was intended to cover the period until 2006. Immediately prior to the start of this inquiry, an Inspector determining a nearby appeal came to clear conclusions regarding LP policies that include EV2 and H6. Those conclusions were that: it would appear the manner in which LP Policies EV2 and H6 seek to prevent development in the countryside could cause conflict with them to be easily outweighed by other considerations, such as the presumption in favour of sustainable development within the Framework; but JCS Policy R1, in common with other JCS policies, has recently been found sound, and is only permissive of residential development outside the confines of a village in certain circumstances. Following consideration of the evidence in this case, and the Framework, I see no reason to disagree with the Inspector’s reasoning and conclusions in regard to LP Policies EV2 and H6 and JCS Policy R1.

43. Framework paragraph 47 is clear that national planning policy seeks to boost significantly the supply of housing. Paragraph 49 of the Framework confirms that housing applications should be considered within the context of the presumption in favour of sustainable development, and that policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

44. The appellant highlights three ‘requirements’ of the bullet points within paragraph 47, which are that a local planning authority should: firstly, use its evidence base to ensure that the Local Plan meets the full, objectively assessed needs for housing in the market area, as far as consistent with the Framework; secondly, identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against its housing requirement with an additional buffer to provide a realistic prospect of

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20 Paragraphs 5.55 and 5.56 of Mrs Ventham’s proof of evidence
21 CD-H.11 - Appeal ref: APP/Z2830/A/14/2216712 - Land off Grays Lane, Poulterpury, Towcester NN12 7NW including paragraphs 76-80
22 Conflict with JCS Policy R1 has been identified above in relation to the first main issue
achieving planned supply and to ensure choice and competition in the market for land; and thirdly, for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how it will maintain delivery of a five-year supply of housing land to meet its housing target.

45. JCS Policy S3 addresses the Scale and Distribution of Housing Development. It states that: provision will be made for about 42,620 net additional dwellings in the plan area during the plan period 2011 to 2029; this provision is to be distributed 12,730, 18,870 and 11,020 between Daventry District, Northampton Borough and South Northamptonshire District Councils respectively. Just as the provision is expressed in mandatory terms by ‘...provision will be made...’, the policy then subdivides these figures and again expresses this in mandatory terms as ‘...Below the Borough and District level housing development will be distributed in the following way...’. For the South Northamptonshire District Council area the provision is split between Brackley Town - about 2,160, Towcester Town - about 2,650, South Northants Rural Areas - about 2,360, and the Northampton Related Development Area (NRDA) - about 3,850.

46. JCS Policy S3 clearly contains three sets of figures (with the first ‘set’ just containing the ‘42,620’), and in doing so has addressed the housing market area, the duty to co-operate and spatial distribution. The appellant has focussed on the overall figure of about 11,020 for the South Northamptonshire District Council (‘the Council’) area, but there is nothing in the wording of the policy to suggest that one set of figures is more important than another. Each figure is prefixed by ‘about’, and each of the three sets is prefixed by ‘will be’, therefore expressing in mandatory terms what the policy requires to be done.

47. Supporting text to JCS Policy S3 is within JCS paragraph 5.22 to 5.38. These set out the basis for the Objectively Assessed Housing Need (OAHN) and its adjustment to become the (higher) delivery figures with the spatial distribution set out within JCS Policy S3. The OAHN figure for the JCS area has not been placed within an adopted policy, but it is nonetheless clearly stated to be 41,760. Then following this, JCS Table 3 addresses the proposed delivery of housing within the plan, that is, what the JCS seeks to plan for and provide beyond its OAHN requirement, which is the subject of JCS Policy S3.

48. The 41,760 figure was inserted by the Examining Inspector as part of Main Modification 4, which addressed the reasoned justification for JCS Policy S3 between JCS (published) paragraphs 5.22 and 5.38, and inserted ‘new’ Tables 1-4. Both Tables 1 and 2 have titles that include Objectively Assessed Housing Need, and they are the Tables inserted by the Examining Inspector, as are Tables 3 and 4 which have titles that only refer to ‘Delivery’. This Main Modification resulted from the Inspector’s consideration of the JCS within the context of the evidence, the Framework and Planning Practice Guidance (‘the Practice Guidance’).

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23 An additional buffer of 5%, or 20% where there has been a record of persistent under delivery, moved forward from later in the plan period.
24 For example, paragraph 7.5 of Mrs Ventham’s proof of evidence.
25 JCS Tables 1 and 2 and paragraph 5.29
49. Since 1992 it has been recognised that Northampton is unable to accommodate its own housing needs. This is reflected in adopted planning policy, such as JCS Policy S3, which draws a distinction between the NRDA and the parts South Northamptonshire outside it. The appeal decisions or High Court judgements referred to by the appellant have not found this approach to be inappropriate.

50. JCS Policy H1 is addressed above in relation to the first main issue. The policy also seeks to ensure that housing developments make the most efficient use of land through criteria that expect consideration to be given to, amongst other things, accessibility to services and facilities, and proximity to public transport routes.

51. Paragraph 6.3 of the SoCG confirms that the main parties agree: the relevant period for the consideration of the five year housing land supply is 1 April 2014 to 31 March 2019; it is appropriate to apply a 20% buffer; and, it is appropriate to use the Sedgefield method to deal with any existing shortfall.

52. Paragraph 3-045-20141006 of the Practice Guidance states that local authorities should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, and that assessing need is only the first stage in developing a Local Plan. Once need has been assessed, a Strategic Housing Land Availability Assessment (SHLAA) is necessary to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet identified housing need.

53. Whether a site would be ‘deliverable’ in years 1-5, or ‘developable’ in years 6-10 (or possibly in years 11-15) is the subject of the Practice Guidance, and paragraph 47 and Footnotes 11 and 12 of the Framework. For a site to be deliverable, it should be available now, be a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

54. PPG is clear that ‘...Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light...’.

55. The JCS Examination Inspector’s report confirms the ‘net new housing requirement’ to be 41,760. It then addresses the justification for the overall JCS housing delivery of 42,620, and notes that it had been adjusted in accordance with the Strategic Housing Market Assessment. The report also concluded that the figure would boost significantly new housing delivery and that, along with Sustainable Urban Extension (SUE) allocations, it would provide a rolling five year supply of deliverable housing land.

56. The appellant has sought to draw to support for its case from paragraphs 36 to 38 of the Examination Inspector’s report, and the Examining Inspector’s reference to taking into account current market conditions is noted. However,
the wording of the JCS, for the most part, is specific. It draws a clear
distinction between ‘need’ and ‘delivery’, not only in the supporting text to JCS
Policy S3 which includes the OAHN ‘requirement’, but also, for example, in
Table 5 and paragraph 5.42 which confirms the 5 year housing land supply is
to be calculated in regard to the ‘need’ figure, but that sufficient planning
permissions will be granted to meet the planned ‘delivery’ within JCS Policy
S3.

57. Then the Examination Inspector considered the distribution of housing within
the proposed JCS policies and concluded that: the balance of housing between
Northampton and Brackley, Daventry and Towcester is appropriate; the
balance between the SUEs and rural areas is appropriate; that this had been
borne out by Sustainability Appraisal/Strategic Environmental Assessment
work; and, the same would not apply to a more dispersed pattern of new
housing growth, incorporating smaller scale schemes at less significant
settlements. In doing so, the Examination Inspector's conclusions set the JCS
planned scale and distribution of the housing within the context of delivering
sustainable development.

Annualised or Trajectory Approach

58. JCS Appendix 3 provides the proposed housing trajectory for West
Northamptonshire, which includes the housing need and delivery between 2011
and 2029. The reasoned justification for JCS Policy S3 at paragraph 5.30
explains the trajectory to have taken into consideration market factors and
shows a rapid increase in housing completions based on existing commitments
and development of the SUEs. The appellant considers the housing target
should be annualised over the plan period.

59. In paragraph 42 of the Report the Inspector states ‘...Overall, and taking into
account all the available evidence, statements and submissions, I conclude
that, as modified, the plan is based on an objective assessment of housing
need in the area to 2029, taking account of reasonable population and
household projections, having regard to all relevant local factors, including
current market conditions in the area. The modified new housing total,
extended plan period and revised housing trajectory represent a reasonable
and realistic, deliverable and justified, basis for meeting local needs over the
plan period. This incorporates provision for the needs of the existing local
population, including in respect of affordable housing...’.

60. Paragraph 199 of the Examination Inspector’s report directly addresses the use
of a housing trajectory, and is explicit that it is appropriate in a JCS area with
housing targets that will require double digit percentage increases in delivery in
future years. Also, the trajectory does not set a limit or cap to the delivery of
housing, and unallocated sites are noted to provide a means to contributing to
non-delivery of some strategic sites.

61. I have found nothing within the Examination Inspector’s Report and Non-
Technical Summary that suggests the Inspector regarded the housing
trajectory as anything other than the identified housing delivery set out in JCS
Policy S3, that consequently has an important role in the monitoring of the

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33 Which was the subject of the Examining Inspector’s Main Modification 4
34 The text of published JCS paragraph 5.42 was the subject of the Examining Inspector’s Main Modification 9
35 Paragraphs 44 and 45 of CD-G.15
36 Paragraph 7.8 of Mrs Ventham’s proof of evidence
62. The evidence base for the updated position and adopted JCS includes the *Housing Technical Paper Second Update*. This resulted in the JCS paragraph 5.31 explanation of why the proposed housing numbers are greater than the need in the Council’s area and the matters that led to the higher delivery figures. The *Housing Technical Paper Second Update* also explains how the OAHN proceeded beyond the household projections ‘starting point’ to take account of local factors.

63. JCS paragraphs 5.40 further emphasises why the adopted plan is based on a trajectory, and is to be preferred to an annualised approach. This, and subsequent text, is supporting text to JCS Policy S6 which deals with monitoring and review, but the trajectory is introduced through JCS paragraph 5.30 in relation to the housing delivery within JCS Policy S3.

64. A degree of flexibility results from the use of a trajectory, but the overall requirement for the Council and its areas remains as stated in Tables 1 and 2 of the JCS, with the housing delivery set out in JCS Policy S3. Use of a housing trajectory is consistent with Framework paragraph 47 which explicitly recognises the role of a trajectory to illustrate the expected rate of housing delivery. The JCS trajectory is a planned approach that recognises the hurdles which need to be overcome to deliver the strategy within the JCS, and is appropriate within the context of the JCS when read as a whole.

65. In contrast, and the occasional references to annualised figures within the JCS are noted, there is no persuasive evidence to suggest that the JCS would support the use of an annualised approach to the consideration of the delivery within JCS Policy S3.

66. The increasing rate of delivery described by the trajectory signals the possibility that market capacity could restrict the objectives of the JCS. The agreed trajectory within ID-2 addresses the deliverability of various sites, and therefore the likely overall capacity of the housing market in particular towns. Delivery rates of 121, 406, 596, 630 and 602 have been agreed for the Council’s area in the years 2014/15 to 2018/19. The agreed trajectory includes rates well above the 498 in 2001/02, which the appellant indicates to be the previous peak year without ‘recessionary’ constraint.

67. With this background, Mr Quelch addressed the market capacity of Towcester and Brackley, which given the employment patterns in the area would be expected to compete against each other and the relevant SUEs. There is no doubt that the appellant’s evidence on this matter drew on considerable experience, which includes marketing new houses in the locality since 2011 and dealing with a development in Greens Norton.

68. However, the Council highlights that the appellant’s evidence on this matter: relies on experience that appears somewhat limited in regard to the specific

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37 CD-G.17 – Housing Technical Paper Second Update
38 Although Appendix B to the *Housing Technical Paper Second Update* places this difference within the context of an analysis of site delivery
39 Paragraph 199 of the JCS Examination Inspector’s report
40 For example, JCS paragraph 5.29
41 Paragraph 3.11 of Mr Hegan’s proof of evidence
markets in Towcester and Brackley; and, failed to recognise the delivery of 627 dwellings in the Grange Park SUE during 2002/03, and over 250 units in each of the next two years. Grange Park is very close to the jobs and services in Northampton, and associated transport links. While Towcester and Brackley do not have a railway station, they would nonetheless be expected to be attractive to potential residents for other reasons, such as, their relative smaller scale as settlements.

69. The only current and direct evidence to the inquiry on market capacity was that of Mr Quelch. Nevertheless, the inquiry also has written evidence from 2013 in regard to potential delivery rates of 180 to 200 units in the Brackley market. In addition, the Council has provided its understanding of developer expectations for delivery in Towcester which includes, for example, the Towcester South SUE at 150 units per annum during the period of the plan (and similar information has been supplied for Brackley). The Towcester South SUE exceeds the appellant’s expectation of a maximum of 120 dwellings per annum for delivery and market capacity in Towcester.

70. Evidence indicates that the planned rates of delivery will challenge the housing market. That is to be expected when the supply of housing is boosted significantly within the context of the Framework and the JCS. However, it has not been shown that market capacity will be exceeded to impact significantly on the Council’s forecast delivery rates.

The addition of the 20% buffer

71. It is agreed that an additional 20% buffer should be applied to the 5 year housing land supply. However, the main parties disagree on whether it should be applied to the shortfall, and a number of appeal decisions have been referred to that have contrasting conclusions on this matter.

72. Framework paragraph 47 refers to the ‘buffer’ in relation to bringing forward the supply of land, rather than housing requirement. As a consequence, it cannot result in double counting in regard to its application to a shortfall of unmet housing need (requirement), nor would it result in an increase in the total housing requirement over the lifetime of the plan.

73. Within the context of boosting significantly the supply of housing, paragraph 47 confirms the addition of a 20% buffer is to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. By adding the buffer to both the shortfall and the requirement, the appellant’s method would do this and is the preferred approach.

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42 Appendix 32 to Mr D’Arcy’s proof of evidence
43 Macintyres’ letter in Appendix 17 to Mr D’Arcy’s proof of evidence
44 Pages 19 and 20 (and 21 to 24) of D’Arcy’s proof of evidence; and, paragraph 4.11 of Mr Quelch’s proof of evidence
45 A matter also considered by the JCS Examining Inspector at paragraphs 18-20 of CD-G.15
46 Including appeal refs: APP/H1840/A/13/2199085 & 2199426, APP/M1520/A/12/2177157 and APP/R3325/A/13/2210545
47 Or in applying the ‘Sedgefield method’ to a current requirement, dealing with previous under-delivery
5 year housing land supply

74. As noted above, the JCS is unambiguous that it is the ‘need’ figures that should be used in the calculation of the 5 year housing land supply. This reflects section 6 of the Housing Technical Paper Second Update.

75. The Council also highlights that the appellant’s approach would result in a monitoring system having been found to be sound that would fail to trigger at the correct point. The Monitoring Framework in JCS Appendix 6 refers to delivery of a 5 year land supply against the ‘need’ (rather than ‘delivery’) provisions set in JCS Appendix 3, and JCS Policies S3 and S6. This Monitoring Framework aligns with the Council’s interpretation of the JCS housing requirement.

76. The ‘need’ within the supporting text to JCS Policy S3 and the distribution of housing delivery within the policy, resulted from the evidence base that considered the housing market area. The appellant’s suggested use of a requirement for the whole of the Council’s area (and for this to be the ‘delivery’ figure within JCS Policy S3) fails to recognise the correctness of the ‘need’ approach within the context described above. JCS paragraph 5.27 highlights the necessity for co-operation to meet Northampton’s housing needs and to provide for these ‘in a sustainable way for all’, which results in the OAHN By Plan Area within JCS Table 2. Those ‘Plan Areas’ are: Daventry District (excluding NRDA); the NRDA; and South Northamptonshire Council (excluding NRDA). The matters addressed above indicate that it is the Plan Area ‘need’ figures of Table 2 that should be used to calculate housing land supply.

77. Where the JCS is less clear on the context of need, requirement and delivery is in relation to JCS Policy R1 and its supporting text. These are within section 16 of the plan, entitled Rural Areas. In addressing the Spatial Strategy for Rural Areas, Policy R1 and its supporting text refer to the JCS Policy S3 South Northants Rural Areas delivery figure of 2,360 as a rural housing requirement. The reasons set out above indicate that the use of the JCS Policy S3 rural areas delivery figures as rural housing ‘requirements’ in JCS section 16 does not alter the approach to need, requirement and delivery within section 5 of the JCS.

78. JCS Policy R1 can be considered to have three parts: the first deals with the rural hierarchy; the second part provides criteria for residential development in rural areas and addresses development outside village confines; and, the third part provides further criteria that apply when the housing requirement for rural areas has been met. Evidence from the Council indicates the JCS Policy R1 rural housing requirement to have been met.

79. The inclusion of windfalls within the calculation is consistent with: JCS paragraph 16.12 which is part of the reasoned justification to the policy; and, Framework paragraph 48 given the compelling evidence within the Council’s Housing Land Availability Study (April 2014). This indicates that since 2001 there has been an annual average of 201 windfall completions, with approximately half of these on sites of less than 10 dwellings.

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48 In relation to JCS Table 5 and paragraph 5.42
49 Policy conflict identified in relation to the first main issue concerns the second part of the policy
50 It was conceded that a 5% lapse rate should be used for outstanding permissions to reflect the approach described by CD-G.10 – paragraph 7.5 and Appendix 3
51 CD-G.10 – Including Section 7 and Appendix 2
80. Given the JCS objectives for housing provision and the spatial distribution within JCS Policy S3, any sites seeking to meet the needs of the NRDA reasonably would be expected to be within the NRDA (or in close proximity to it) to reduce the need for travel and support the distribution of development sought by the JCS.

81. In addition, the appellant’s suggested use of a Council-wide assessment for supply, and requirement that ignores the NRDA boundary, is proposed without evidence of whether the objectives for the NRDA as a whole are being met.

82. The Council considered the 2012-based household projection figures published following closure of the inquiry supported its position, and that of the JCS, by indicating a reduced rate of household formation over the next 15 years. The appellant highlights the relevant part of Planning Practice Guidance that confirms the figures to be the starting point for estimating overall housing need, and therefore the publication of the 2012-based household projections have not caused the JCS requirements to be out of date.

83. During the inquiry the main parties produced a summary of their positions in relation to housing land supply and agreed tables that deal with the issues raised above. The final positions of the main parties are: for the Council 2,676 dwellings excluding the NRDA and 2,826 with the NRDA included; and for the appellant 2,431 dwellings excluding the NRDA and 2,581 with the NRDA included.

84. The tables address: a requirement based on JCS Policy S3 or the OAHN; the inclusion or exclusion of NRDA; an annualised rate or trajectory; and, the 20% buffer on or off the shortfall. For the reasons above, I consider Tables 5-7, under the title OAN excl. NRDA and with trajectory approach (20% on shortfall) to be appropriate which provides a 5 year agreed supply for 2014 to 2019 of 5.73 years (or 5.21 years with the appellant’s ‘market supply’ position).

85. Accordingly, relevant policies for the supply of housing are up to date in relation to paragraph 49 of the Framework, and as noted above, the appeal proposal conflicts with LP Policies EV2 and H6.

Other matters

Highway Safety

86. The A5 is restricted to 50mph as it passes Potterspury, and Poundfield Road is restricted to 30mph. The access to the appeal site would be created near to the existing junction with Mansion Gardens on the opposite side of Poundfield Road.

87. Existing highway conditions in the vicinity of the appeal site reflect the proximity of Potterspury to the A5 and its use as a strategic route.

88. The appellant’s Transport Statement provides a traffic assessment and addresses the safety of the Poundfield Road junction with the A5. It has taken into account rush hour traffic and queuing at the A5, and relevant accident records. The Transport Statement shows that the A5 junction will have periods of operation at overcapacity that will increase between 2014 and 2026.

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52 ID-20
53 Highways Agency consultation response at Core Document D.7, with congestion shown in ID-13
However, traffic associated with the proposed development would have a minor effect on both Poundfield Road and the operation of the A5.  

89. Neither Northamptonshire County Council as Highway Authority, nor the Highways Agency, has objected to the appeal scheme in regard to the traffic that would be generated by it, or the revised design of the proposed access into the development. The revised access proposal addresses the Highway Authority’s concerns regarding pedestrian connections, crossing point and bus stop provision in relation to Poundfield Road.

90. Evidence in this case does not indicate that the proposed development would cause unacceptable levels of congestion, or significantly alter the potential for road traffic accidents to occur. Given the character of Poundfield Road and the traffic movements along the highway and at the Mansion Gardens junction, the proposed access would provide a safe and suitable means of entering and leaving the proposed housing. In these respects the proposal complies with LP Policy G3.

Ecology

91. Two of the eleven criteria within JCS Policy S10 – Sustainable Development Principles state that development will: protect, conserve and enhance the natural and built environment and heritage assets and their settings; and, promote the creation of green infrastructure networks, enhance biodiversity and reduce the fragmentation of habitats. JCS Policy BN2 supports development that will, amongst other things, deliver a net gain in biodiversity. JCS Policy BN1 seeks green infrastructure connections, which include allotments and private green spaces to be conserved, managed and enhanced.

92. Beyond the allotments, the vegetated areas of the appeal site have been found to principally consist of improved and semi-improved grassland and to be generally of low ecological value. A number of bat species were found to commute across the appeal site, and forage in the southern parts of it. A number of hedgerows would be removed during the course of development, but given the scale of additional planting proposed, suitable habitat would be retained and improved.

93. As a result, the development proposals, along with the survey work and associated conclusions within the Ecological Assessment, indicate that the development could proceed without harming bats or any other protected species. By providing greater diversity of habitat and reinforcing existing vegetation, the development would be beneficial to local wildlife and in this regard, would comply with the objectives of JCS Policies S10 i) and j), BN2, and BN1. This attracts considerable weight in favour of the appeal scheme.

Precedent

94. Both main parties have referred to a number appeal decisions that were issued after the publication of the Framework, but given the inquiry timetable, these appeals pre-date the adoption of the JCS. Only some details have been

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54 Paragraphs 5.14 and 5.15 of the appellant’s Transport Assessment at Core Document A.6
55 Paragraphs 6.4 and 6.5 of the SoCG
56 JCS paragraph 10.9
57 CD-A.9 - The application’s Ecological Assessment, dated March 2014
58 Except for APP/Z2830/A/14/2216712, dated 9 January 2015, at CD-H.11
provided in regard to the circumstances of the proposals in the cases referred to. Certain matters raised within the appeals are addressed above, but it has not been shown that these appeals act as a precedent in relation to the current appeal.

Planning obligations

95. The Council’s third reason for refusal refers to LP Policy IMP1, which the JCS indicates to have been replaced by JCS Policies INF1 and INF2. JCS Policy INF1 states amongst other things that: new development will be supported by, and provide good access to, infrastructure including physical, green and social elements; and, where a development generates a need for new infrastructure developers will need to demonstrate that provision will be made to meet the necessary requirements arising from that development within an appropriate timescale.

96. A unilateral undertaking has been provided that would provide: an off site sports pitch contribution; an off site strategic facilities contribution; a health care contribution; and, contributions toward libraries, fire and rescue, and bus shelter. In addition, the unilateral undertaking would provide: not less than 40% of the dwellings as affordable housing; amenity open space; a play area; a primary education contribution; a monitoring contribution; and improvements to, and transfer of, the allotments. It has not been shown that the obligations would be inappropriate or fail to comply with adopted planning policy, although the Council did raise concerns in relation to the viability, and therefore deliverability, of the level of affordable housing included within the unilateral undertaking.

Sustainable development

97. The three dimensions to sustainable development are set out in Framework paragraph 7 and are the economic, social and environmental roles.

98. Developing the proposed housing would result in economic benefit through the economic activity associated with the construction of the dwellings and their subsequent occupation. Evidence to the inquiry indicated there to be a strong market in this location for housing of the type proposed, and the appeal site has been included within the Council’s Strategic Housing Land Availability Assessment. In accordance with Framework paragraph 19, economic growth through the provision of construction jobs and the sale of construction materials, and revenue and expenditure resulting from the occupation of the houses, attracts significant weight in this case.

99. There would be clear social benefits from the provision of new dwellings within the context of boosting significantly the supply of market and affordable housing in the locality. The appeal proposals include improvements to bus service through the provision of two additional bus stops on Poundfield Road. Social benefit would also result from the retention of the existing allotments in the northern part of the appeal site, the provision of play and open space within the development, and the support the development would provide to

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59 As shown in ID-11
60 CD-G.18 – Housing Needs Survey Report for Potterspury – May 2012 – indicates a need for 34 affordable homes, whereas CD-D.12 – The consultation response from the Council’s Strategic Housing Officer – May 2014 - indicates a need for 11 affordable dwellings in the village
services within the village. All of these matters weigh in favour of the appeal scheme.

100. In relation to the environmental role of sustainable development, the appeal scheme would create new and improved wildlife habitats within the development which weighs in favour of the proposal. However, it would cause the loss of open countryside in the form of existing open and vegetated paddocks without an identified need for the housing in this location.

101. A suggested condition would ensure that there would be two pedestrian access points from the development onto Poundfield Road. The inquiry site visit provided the opportunity to walk through the area of the allotments, which would provide the most direct route from the proposed housing towards the village hall and high street. Such a direct route would encourage walking and in this respect would assist the integration of the proposal into the village through the permeability that it would provide.

102. Pedestrian routes would connect the development to the bus stops outside the appeal site on Poundfield Road. Potterspury has an hourly bus service, but the service is limited in the evenings, only operates Monday to Saturday and recently has been reduced due to funding. Use of the bus service by occupiers of the proposed dwellings would provide additional financial support for it.

103. The appellant highlights that Potterspury has most of the services and facilities, and the population, identified by the Council’s Interim Rural Housing Policy as being the most important in determining relative sustainability of a village. These include a population over 1500, a primary school, secondary school, village hall, public house, primary health, Post Office, a general store, and readily accessible to a larger service centre (one hourly bus or train service). Potterspury is noted to have all except a secondary school and doctor’s surgery. Even so, development within Potterspury would be expected to result in longer and less sustainable journeys than those associated with new dwellings in larger settlements, and that are in closer proximity to locations where jobs, shops and services are concentrated. Traffic levels on the A5 and the length of alternative routes would be likely to deter cycling. These factors reasonably would be expected to cause most residents of the proposed dwellings to be reliant on journeys by private car.

104. JCS Policy S10 contains sustainable design principles that require development to, amongst other things: achieve the highest standards of sustainable design incorporating safety and security considerations and a strong sense of place; be located where services and facilities can be easily accessed by walking, cycling or public transport; and, address matters of detailed design that would assist in the efficient use of resources.

105. The JCS spatial strategy is based on the principles of sustainable development. Evidence is clear that the appeal site is in the control of the appellant and therefore, if planning permission is granted, the scheme would be deliverable. Benefits of the scheme include: boosting the supply of housing,
with 40% affordable housing; additional landscaping; the provision of new bus stops on Poundfield Road; economic benefits; along with allotment and open space provision. Consideration has been given to the information within ID-22, which addresses the relative sustainability of villages in the locality. However, and with reference to the Framework,65 the harm that would occur to the character and appearance of the locality attracts very significant weight against the appeal scheme, and conflicts with JCS Policy S10 a). This causes the character and appearance aspect of the environmental dimension to outweigh all other environmental, economic and social impacts.

106. The adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This confirms that the appeal scheme would not be a sustainable form of development, and therefore, the presumption in favour of sustainable development does not apply in this case.

107. Although benefits would result from the appeal scheme, the likely scale and nature of these have not been shown to meet the relevant criteria within JCS Policy R1. For the reasons above, no exceptional circumstances have been shown to exist in this case and the appeal scheme conflicts with JCS Policy R1. The appeal scheme also conflicts with: JCS Policies S1 D) 1), H1 a) and b), S10 a); LP Policies EV 1 (II), EV2, G3 A and H6; and, relevant parts of the Framework.

108. Matters that weigh in favour of the appeal scheme, including the scope of suggested conditions, have been taken into account. However, none have been found to outweigh the identified harm and policy conflict. Accordingly, the appeal should be dismissed.

Clive Sproule
INSPECTOR

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65 Including Framework paragraph 56
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Flanagan of Counsel instructed by Christopher Mace, Solicitor, South Northamptonshire Council

He called
Andrew D’Arcy Lead Officer, Planning Policy,
BA(Hons) MRTPI South Northamptonshire Council
Sean Bennett Principal Planning Officer,
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FOR THE APPELLANT:

Robin Purchas, Queens Counsel Mrs Kathryn Ventham, Barton Willmore LLP
He called
Matthew Chard Barton Willmore LLP
BA(Hons) Dip(Hons)
MAUD CMLI
Paul Quelch Connells Estate Agents
Dip Man (OU)
Kathryn Ventham Barton Willmore LLP

INTERESTED PERSONS:

Cllr Judith Millidge Potterspury Parish Council
Cllr Steve Parkin Potterspury Parish Council
Cllr Rupert Fordham South Northamptonshire Council

DOCUMENTS

1. Unilateral Undertaking Pursuant to Section 106 of the Town and Country Planning Act 1990 and other powers in relation to land to the east side of Poundfield Road, Potterspury

2. TM and SNC agreed trajectory 1 April 2014 – 31 March 2019

3. Tables in regard to Policy S3 – later the subject of ID-20

4. Revised 5 year housing supply calculation based on revised agreed housing delivery figures (based on SNC calculation of requirement of 6,318 dwellings)

5. Forwarded e-mail of 23-Jan-15 with the position on agreed deliverable supply (as amended/clarified during the evidence in chief of Mr D’Aarcy)

6. Revised housing land supply for the appellant, taking account of affordable provision (27/01/2015), including tables in regard to Policy S3

7. Tables 1, 2, 4 and 5 in regard to Policy S3 SNC NRDA annualised (with and without 20% on shortfall)

8. South Derbyshire Local Plan Part 1 – Inspector’s Note of 16th December 2014
9. Report on Application No.: S/2008/0890/P, Item No.: 6 for Committee Date: 18/09/2008 – Erection of 10 dwellings and 8 apartments to provide affordable housing at land adjacent to Furtho Lane, Potterspury

10. Report on Application No.: S/2012/1137/FUL (Agenda Item No. 11) for a detached dwelling at Swallow Fields Stud, Furtho Lane, Potterspury

11. A plan titled ‘SHLAA Sites: S50 – Potterspury’, along with other settlement maps

12. A table with the title ‘Affordable Provision of Key Sites’

13. Photographs supplied by the Parish Council showing queuing traffic on the A5 and Poundfield Road on the mornings of 22/01/2015 and 05/12/2015

14. Drawing No. SL-P-01 Revision B – Local Facilities Plan – dated 18.12.14 – showing the location of facilities in Potterspury with reference to 400m and 800m radii from the centre of the appeal site

15. A table of new home sites By location radiating away from Brackley and Towcester

16. Tables with the title Detailed housing supply for the Council and the Appellant taking account of all factors (29/01/2015) – later superseded by ID-20

17. ‘New Homes’ page from the Macintyres Estate Agents’ website (http://www.macintyres.co.uk)

18. Planning Practice Guidance – Housing and economic development needs assessments – starting at Ref: ID 2a-001-20140306

19. Planning Practice Guidance – Housing and economic land availability assessment – starting at Ref: ID 3-001-20140306

20. Tables with the title Detailed housing supply for the Council and the Appellant taking account of all factors (29/01/2015)

21. E-mail dated 15:38hrs 05 January 2015 from Stagecoach Bus in relation to S/2014/2356/MAO Land off Sanders Lane, Potterspury regarding public transport availability from Potterspury

22. Tables listing IRHP ‘Most sustainable’ and IRHP ‘Reasonably sustainable’ villages (sorted by population)

23. Secretary of State’s decision letter in relation to appeal ref: APP/M1520/A/12/2177157 – Land off Glebelands, Thundersley, Essex SS7 5TN

24. Decision letter in relation to appeal ref: APP/R3325/A/13/2210545 – Land at Gold Well Farm, Yeovil Road, Crewkerne, Somerset

25. Route 89 & 90 Timetable Change from Monday 23rd February 2015

26. Potterspury News (covering the period at the end of 2014 and early 2015)

27. Proposed conditions covering reserved matters, pedestrian access points and the Landscape and Biodiversity Management Strategy
28. The Queen (on the application of Jonathan Mark Isherwood Carter) and City and County of Swansea and RWE Innogy UK Limited, [2015] EWHC 75 (Admin), CO/1793/2014