The Planning Inspectorate

Appeal Decision

Site visit made on 13 December 2016

by Graeme Robbie BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th January 2017

Appeal Ref: APP/Z2830/W/16/3157712
land off Banbury Lane, Pattishall NN12 8FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Roger Clarke against the decision of South Northants District Council.
- The application Ref S/2016/0964/FUL, dated 12 April 2016, was refused by notice dated 29 July 2016.
- The development proposed is the erection of a bungalow and garage.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Roger Clarke against South Northamptonshire Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether, having regard to local and national planning policy, the proposal would achieve a sustainable pattern of development.

Reasons

4. The main body of the village of Pattishall lies to the east of the A5 Watling Street and to the north of Butcher's Lane. The built form of the village along the southern side of Butcher's Lane is more limited, and peters out to some extent beyond the village play area. Here, the surroundings become more verdant and sylvan as the road drops down towards the crossroad junction of Butcher's Lane, School Road, Church Street and Banbury Lane, around which a cluster of larger dwellings are set within generous and mature, well-stocked gardens. A ribbon of development runs southwards along the western side of School Road leading, as the name suggests, to the village primary school, whilst a more recent residential development lies beside and behind the houses on the eastern side of School Lane near its junction with Banbury Lane.

5. Beyond the crossroad junction, Banbury Lane (as Butcher's Lane becomes) heads out into more open, gently rolling countryside beyond. A pleasant, tree-lined but otherwise open paddock to the north of Banbury Lane creates a pastoral approach to the village from the east, the low key approach to the

village being matched on the south side of Banbury Lane by a lengthy and tall evergreen hedge at the back edge of the roadside grass verge.

6. The appeal site lies within the domestic garden of 30 Malus Field. The garden extends some distance to the west and northwest of the dwelling, behind gardens of other properties on Malus Field, and also behind those of a number of properties on School Road. Although the northern boundary of the appeal site bounds Banbury Lane, and the site is located within part of a domestic garden behind this evergreen hedge, there is no real sense of the presence of the appeal site, or the housing on Malus Field, from Banbury Lane.

7. The development plan consists of the saved policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 (JCS) and the South Northamptonshire Local Plan 1997 (SNLP); with those referred to in the Council's decision being JCS policy R1 and LP policies H6 and EV2. The provisions of the National Planning Policy Framework (the Framework) are also an important material consideration as the policies of the LP significantly pre-date publication of the Framework, whilst those of the JCS were adopted post-publication of the Framework.

8. The Council state that there exists a greater than 5 year housing land supply, and that the housing requirement for rural areas (without taking into account future allocations from any future Part 2 Local Plan) has been met. The appellant disputes that this housing requirement has been met but does not provide any compelling evidence to counter the figures provided by the Council so as to indicate that I should conclude otherwise. However, even if it is accepted, as suggested by the appellant, that a 5 year housing land supply is a minimum, and that housing supply should be boosted significantly[1], the Council's submissions still suggest numbers significantly in excess of a 5 year supply.

9. Further, with regard to the housing requirement for rural areas, even if that requirement has not been met, Policy R1 only permits residential development within the rural areas outside of the village confines subject to it involving the reuse of a building or in exceptional circumstances where the proposal would improve the local economy or enhance or maintain the local community. I have not seen any evidence to suggest any of these criteria apply to the appeal proposal, whilst in the absence of substantive evidence to demonstrate otherwise, I find that the rural housing requirement has also been met and, as a consequence, the proposal would fail to accord with JCS policy R1.

10. It is not in dispute that the site lies beyond the defined village confines for Pattishall as set out in the SNLP. If the site does not lie within the village confines it follows, therefore, that it lies within the open countryside. However, the village confines are set out in the SNLP, which was adopted in 1997, and the appellant argues that its provisions should be considered to be not up to date by virtue of both its age and local circumstance. However, paragraph 16.9 of the JCS confirms until such time as Part 2 Local Plans have been adopted, the existing saved Local Plan policies will apply. It is agreed that the initial draft Part 2 Local Plan for South Northamptonshire is at a very early stage of preparation and that only extremely limited weight can be afforded to it. I have not been presented with any further evidence from either party to challenge this position, and I agree.

[1] Paragraph 47, NPPF

11. The Malus Field development was granted on appeal in November 2009[2]. Whilst it is clearly beyond the SNLP defined village confines, it is argued that the presence of this development effectively redraws the village confines. Certainly, from the evidence before me, I agree that Malus Field is located beyond the defined village confines. However, from my observations of the village, I found that it does not play a significant contributory part in defining the character of Banbury Lane upon entrance to Pattishall.

12. The proposed dwelling and its access would be sited some distance beyond the junction of Butcher's Lane, School Road, Church Street and Banbury Lane; beyond the extent of the footpath along Butcher's Lane and beyond the village confines on Banbury Lane. The substantial hedge that runs around the corner plot of Silver Birches beyond the junction continues across the site's Banbury Lane boundary and, together with the tree lined paddock on the northern side of Banbury Lane, mark a clear shift in terms of the character and appearance of the area from village to open countryside beyond.

13. Although the site lies within the extensive grounds of 30 Malus Field and is contiguous with the rear gardens of other properties on Malus Field and School Road, neither the site nor its relationship with those properties, is readily evident from Banbury Lane. It would therefore have little association with those areas. Whilst the site may not have a significant visual presence within this area due to the height and alignment of the hedge along Banbury Lane it would nonetheless, I conclude, feel detached from the village in practical terms, and in terms of the character and nature of its surroundings, in line with its position relative to the defined village confines.

14. The Framework states that housing proposals should be considered in the context of the presumption in favour of sustainable development, as set out in the Framework[3]. I am satisfied that on the basis of the evidence before me, housing supply policies in this instance can be considered to be up to date and be given due weight. Whilst I have been referred to a number of other cases by both parties regarding the extent to which the development plan was considered to be up to date by other Inspectors[4], I do not have before me what evidence or arguments were put before the Inspectors in each of those cases, or the policy context in which they were considered.

15. Whilst SNLP policy H6 states that permission will not normally be granted for residential development in the open countryside, it goes on to set out a range of exceptions. Of these, SNLP policy H6(II) refers to new dwellings of an appropriate size and design to meet other special needs, and sets out four points that proposals considered under this exception would have to demonstrate. JCS policy R1(A) also speaks, in broad terms, of residential development in rural areas providing an appropriate mix of dwelling types and size to meet the needs of all sectors of the community, including the elderly and vulnerable.

16. I have noted the evidence submitted in support of the proposal regarding the appellant's current, and future, health and care needs, and consider that a suitably designed dwelling may be capable of meeting the "other special needs" referred to by SNLP policy H6. However, I share the Council's view that the

[2] APP/Z2830/A/09/2109114
[3] Paragraph 49, NPPF
[4] Including APP/Z2830/W/15/3136374

proposal does not adequately demonstrate that the requirements of SNLP policy H6(II) A) – B) would be met. Whilst there may well be elements of the existing building that would not necessarily be conducive to the appellant's future independent living needs, it has not been shown that such adaptations as may be necessary cannot be economically provided at the existing property. Merely stating that such adaptations would be extensive[5] does not, to my mind, demonstrate that they are not economically possible, or that appropriately designed extensions and/or adaptations to the building could not be achieved.

17. Furthermore, even if it were accepted that the existing building could not be economically adapted in the manner required, I have not been presented with any overriding justification for the building to be in the location proposed. I appreciate that the appellant has lengthy ties with the village of Pattishall, but no compelling evidence has been put forward to show that those ties could not be maintained elsewhere within the village and its defined village confines. I conclude that the case has not therefore been made in respect of SNLP policy H6(II) A) or B).

18. Thus, for the reasons set out above, I conclude that the proposal would be contrary to saved Policies H6 and EV2 of the Local Plan, Policy R1 of the Joint Core Strategy, and would not therefore be the sustainable form of development that the development plan, and the Framework envisage. These require that housing be located outside of village confines only in exceptional circumstances; circumstances which I have concluded do not exist on the basis of the evidence before me. Although my attention has also been drawn to elements of the Interim Rural Housing Policy (IRHP) document that the Council adopted in December 2014, I note that the IRHP was revoked by the Council in July 2015 and as a consequence I give it very little weight.

19. Whilst the proposal would increase housing supply, it would involve only a single unit of accommodation. Any positive local economic benefits would therefore be very small and I attach limited weight to this matter. I note the appellant's long association with the village and can understand the desire to remain resident in Pattishall for which I consider there would be some social benefit.

20. In terms of the nature and character of the appeal site's location and context on Banbury Lane, it would appear distinct and detached from the form of the village, as its location beyond the defined village confines might suggest. Whilst the interior of the site itself is well screened, and the proposed dwelling would not be readily visible from Banbury Lane, the proposal would fundamentally alter the site's relationship with Banbury Lane in a manner that would harm the character of the approach to the village, and I do not consider the limited visibility of the dwelling itself to be sufficient to outweigh the harm identified above.

Other Matters

21. I note that the Council raised no technical objections to the proposal in terms of highway safety, archaeology or ecology in reaching their conclusion on the proposal. I note, too, that the Council considered the detailed design of the proposed dwelling and its relationship with neighbouring properties in terms of

[5] Olympus Care Services letter, dated 1 July 2016

separation distances, outlook and privacy to be acceptable. Whilst I have considered the concerns raised from other interested parties regarding these matters, from my observations of the site and its surroundings and from what I have seen and read, I see no reason to reach a different conclusion in these respects to that reached by the Council. Although the absence of harm weighs in favour of the proposal, it is not sufficient to outweigh the harm I have identified above.

Conclusion

22. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR