
Appeal Decision

Site visit made on 5 December 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 20th December 2017

Appeal Ref: APP/Y2810/W/17/3180433

**Land off Court House Close, Creaton, Northampton, Northamptonshire
NN6 8NP**

- 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 Blackberry Hill Farm Partnership against the decision of Daventry District Council.
 - The application Ref DA/2015/1110, dated 18 December 2015, was refused by notice dated 26 January 2017.
 - The development proposed is residential development of up to 10 dwellings.
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Preliminary matters

1. The application is in outline with all matters reserved. Plans showing a site layout with 10 dwellings and also a cross section through the site were submitted. I have treated those details as being indicative only.
2. The appellant submitted further ecological survey work to the Council after the application was refused. As a result the Council no longer opposes the development on grounds of the effect on Great Crested Newts. I do not therefore intend to consider that matter further.
3. The development plan includes the saved policies of the Daventry District Local Plan (LP) and the West Northamptonshire Joint Core Strategy (CS). I acknowledge that the LP is now aged, having been adopted in 1997. Nonetheless, I have insufficient information to conclude that relevant housing policies of the development plan are out of date. The appellant advises that there is a 6.3 year housing land supply within the District. Therefore, I do not need to consider applying the tilted balance indicated in paragraph 14 of the National Planning Policy Framework.

Decision

4. The appeal is dismissed.

Main Issue

5. The main issue is the effect on the character and appearance of the area and whether, if any harm is identified, that would be outweighed by any enhancement or maintenance of the vitality of the rural community or would contribute towards and improve the local economy.

Reasons

6. Creaton is defined as a restricted infill settlement under LP saved policy HS22. The dwellings would be sited on an area of paddock to the rear of properties in Court House Close and The Jetty. The land falls outside of the settlement boundary of the village. CS policy R1 expects residential development to be within the existing confines of the village. This is consistent with LP policy GN1 which severely restricts development in the open countryside and limits development in villages. LP policy HS21 also restricts development outside defined village confines. LP Policy HS24 specifies that planning permission will not be granted for development except in certain specified circumstances in the open countryside. The development does not display any of the characteristics identified.
7. CS policy R1 also states that residential development in rural areas is required not to affect open land which is of particular significance to the form and character of the village. Although the land lies within a Special Landscape Area, that designation covers most of the District.
8. The Village Design Statement is adopted Supplementary Planning Guidance. It identifies that Creaton has many visually important and aesthetically pleasing open spaces. These comprise both public and private land and constitute a vital characteristic of the village, an integral aspect which should be safeguarded and enhanced. The dwellings would be located within the zone 3 central open area of pastureland as identified in appendix B of the document.
9. The open space guidelines identify that paddocks and the central open space pasture land are important elements both within and surrounding the village because they underline the dominant rural character of Creaton. I am satisfied that the guidelines refer to both the paddocks and zone 3, albeit that the annotations on Appendix A1 only show paddock annotated.
10. I acknowledge that from a distance, although this is steeply rising land, the dwellings would be screened somewhat by the dwellings in Court House Close on lower land below. Furthermore, trees protected by a TPO could be retained and the density of the development would not be intense. Nonetheless, the development would erode the amount of central open land close to the settlement. It would also result in a reduction in openness within the area. The land forms an attractive topographical and natural feature as a backdrop to Court House Close and The Jetty. For all these reasons it would be contrary to CS policy R1 in respect of open land.
11. It would also be contrary to LP policy HS22 which requires that the development does not affect open land which is of particular significance to the form and character of the village and LP policy EN1 which requires that development does not adversely affect the character of the local landscape.
12. CS policy R1 identifies that development may be permitted outside the existing confines of villages in exceptional circumstances where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy.
13. The small local shop has planning permission to change its use to residential and also it may close on the retirement of the proprietors. Consequently there would be no local shop to support. Future residents may support the local pub

with their custom. Also, there would be a boost to the local economy from construction and people living in the dwellings may work and use services within the wider rural area, but this would not be a substantial effect to the extent that it would be an exceptional circumstance.

14. There may be some children of primary school age who would live in the dwellings and who might attend the local primary school. The Council estimates there would be some 6 children of primary school age resident in the new dwellings. Nonetheless, any occupier parents may not necessarily send their children to the local primary school as there is choice in the education system. Its attractiveness rests not just on proximity, but also includes whether or not it is a good school.
15. I note the support of the Chair of Governors of the local school but I am not persuaded that any small increase in the number of dwellings locally would necessarily increase the number of pupils. If there were a resulting increase in income for the school from additional pupils, it would not necessarily be to such an extent that it would enhance or maintain the rural community. The circumstances brought forward as reasons for allowing the development are not exceptional.
16. I conclude that the harm to the character and appearance of the area would not be outweighed by any small enhancement or maintenance of the vitality of the rural community and that the development would not significantly contribute towards and improve the local economy.

Other matters

17. Many local representations were raised on a multitude of issues, but most objections were in respect of the main issue. Local concerns have also been expressed about additional traffic that would be generated by the development using Court House Close. Nonetheless, this would be a small development using a quiet close for access. I have no reason to believe that the amount of traffic generated would result in any harm to highway safety. Whilst there have been engineering concerns raised in respect of the layout and construction, these are capable of resolution. In addition surface water drainage concerns could be addressed by planning conditions.
18. There is both a Unilateral Undertaking and a S106 agreement that would secure the provision of 40% affordable housing. I do not need to consider the obligations in any detail or make any findings on them because I am dismissing the appeal.
19. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector