



Appeal Decisions

Site visit made on 5 December 2017

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 14th March 2018.

Appeal Ref: APP/Y2810/W/17/3179804

Invella, 162 Sywell Road, Overstone NN6 0AG

- 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 Alistair Wager against the decision of Daventry District Council.
 - The application Ref DA/2017/0406, dated 16 February 2017, was refused by notice dated 17 July 2017.
 - The development proposed is construction of new build two storey detached house and associated external works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal complies with the spatial strategy for housing development in rural areas.

Reasons

3. The appeal site comprises land to the front and side of 162 Sywell Road within the village of Overstone, which is located within the rural areas of Daventry District, as defined in the West Northamptonshire Joint Core Strategy (2014) (JCS). The relevant policies guiding the development of housing in the rural areas are set out in the JCS and the saved policies from the Daventry District Local Plan (LP).
4. Policy S3 of the JCS identifies the scale of housing to be provided in the rural areas at about 2,360 net additional dwellings in the period up to 2029. Saved Policy HS22 of the LP defines Overstone as a restricted infill village, where small scale residential development within the confines of the village is supported, provided it does not affect open land that is of particular significance to the form and character of the village. These criteria are carried forward into Policy R1 of the JCS, which sets out the overall spatial strategy for the rural areas.
5. The proposed development of one house would be small scale, within the confines of Overstone and would not affect any open land in the village. However, Policy R1 goes further and states that once the housing requirement for the rural areas has been met through planning permissions or future

- allocations, further housing development will only be permitted in the circumstances set out in criteria i)-v) of the policy.
6. The Council states that the housing requirement for the rural areas of Daventry district has been met. I have also been advised that on the 1 April 2017 the updated annual Housing Land Availability Report was published. This updates the progress that is being made with the delivery of the housing requirement set out under Policy S3 of the JCS and confirms that the housing requirement of 2,360 dwellings for the rural areas is exceeded by 605 dwellings.
 7. Furthermore, I have limited evidence to question the deliverability of the housing requirement for the rural areas of Daventry.
 8. Although Policy S3 of the JCS sets a housing requirement for Daventry's rural areas of 'about' 2,360 dwellings, the wording of Policy R1 offers no flexibility in permitting further housing development once the threshold of 2,360 dwellings has been met, unless criteria i)-v) can be satisfied.
 9. Criterion i) allows further housing development if the proposal results in environmental improvements on site, such as through the re-use of previously developed land or best practice in design or Criterion ii) permits further housing if it is required to support the retention or improvement of local services under threat. The remaining criteria iii)-v) of Policy R1 would only be triggered if the proposal satisfied criteria i) or ii).
 10. The appellant has not justified the proposal in relation to the criteria under Policy R1. Instead the appellant largely expresses concern over the lack of flexibility in Policy R1 to support small scale developers to develop small sites in rural areas, such as that proposed. In particular that individuals, such as self build builders are unable to, for example, engage in housing needs surveys or host community consultation exercises.
 11. Although the JCS sets out a plan period between 2011 and 2029, this does not preclude the submission of planning applications for residential development in rural areas. However, the onus is clearly on the applicant to demonstrate that a proposal complies with the requirements of Policy R1 and/or other relevant policies in the development plan. Furthermore, despite the appellant's case, I am not persuaded that Policy R1 precludes small scale proposals. Indeed, in its appeal statement the Council has suggested how the appellant could look to support the proposal in terms of Policy R1, in particular in respects of Criteria i) and iii) the latter of which requires proposals to be informed by an effective community involvement exercise prior to the submission of an application.
 12. I have taken account of the proximity of the appeal site to the North Northampton Sustainable Urban Extension (SUE).
 13. However, the information before me indicates that a 'Green Wedge' is to be retained between Overstone and the SUE, which retains and reinforces the rural character of Overstone. In any event, re-designation of the existing rural area as part of the urban fringe is not possible until the JCS is reviewed later in the plan period, which is not imminent.
 14. The appellant has referred me to a consultation document in respect of the Part 2a Local Plan to accompany the JCS. Paragraph 216 of the National Planning Policy Framework (the Framework) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of

preparation of the emerging plan. The Council has advised that The Daventry Settlements and Countryside Local Plan, which will comprise the Part 2a Local Plan to accompany the JCS is currently in the course of preparation. The Part 2a Local Plan is programmed for adoption in October 2018. There can be no certainty that the plan will be adopted in its current form and I attach limited weight to it at this stage.

Other Matters

15. I have noted the decision of Overstone Parish Council to support a previous application at the appeal site and object to the current proposal but this does not alter my assessment of the planning merits of the proposal.

Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. The appeal proposal fails to demonstrate compliance with the criteria set out under Policy R1 of the JCS. Consequently, the proposal conflicts with the spatial strategy for housing development in the rural areas of Daventry. In this particular case I have not found that material considerations outweigh the harm arising from the conflict with the plan.
17. For the reasons given above and taking all other matters into account, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR