



Appeal Decision

Site visit made on 22 January 2020

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/Z2830/W/19/3236512

New plot off Winston Close, Nether Heyford - Formerly garden of Nr 74 Furnace Lane, Nether Heyford, NN7 3JX

- 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 J Walsh (Joseph Construction Ltd) against the decision of South Northamptonshire Council.
 - The application Ref S/2019/0042/OUT, dated 18 July 2017, was refused by notice dated 5 March 2019.
 - The development proposed is construction of 4 nr detached properties with associated landscape and extension to Winston Close road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference is made by both main parties to the draft Nether Heyford Neighbourhood Plan. However, this has not yet reached referendum and I can only therefore afford it limited weight. Both main parties also refer to draft policies of the South Northamptonshire Local Plan (Part 2) (ELP). There is no substantive evidence before me on the extent of any unresolved objections. I therefore afford the ELP policies limited weight. In any event the ELP policies are not so materially different to the relevant adopted development plan policies such that this has not influenced the outcome of the appeal.
3. The application was submitted in outline with all detailed matters reserved. I have dealt with the appeal on that basis, treating the plans as illustrative only.

Main Issue

4. Whether the proposed development would amount to sustainable development having regard to the development plan and national planning policies.

Reasons

5. Saved Policy H6 of the South Northamptonshire Local Plan (1997) (LP) identifies Nether Heyford as a restricted infill village restricting new development to infilling within village confines. Saved Policy EV2 of the LP sets out exceptional circumstances in which development in the open countryside may be permitted. Policy S1 of the West Northamptonshire Joint Core Strategy (2014) (CS) directs development sequentially to Northampton, Daventry, rural service centres and then rural areas subject to specific criteria. Furthermore, Policy R1 of the CS makes clear that outside of identified settlement village confines development will only be permitted in exceptional circumstances including subject to a proven justifiable need.
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6. Sustainable development and directing housing development towards locations where services, facilities and employment can be easily accessed through a range of sustainable transport modes are overarching aims of the National Planning Policy Framework (the Framework). Thus, in this regard Policies S1 and R1 of the CS and saved Policies H6 and EV2 of the LP are broadly consistent in this regard. However, the Framework is clearly more permissive of new housing in rural areas. I return to the Framework below.
7. I note Nether Heyford is identified as a reasonably sustainable village in the Council's Interim Rural Housing Policy (2009). I also note the ELP identifies it as a secondary service village. I acknowledge the comments about whether or not the appeal site should be within the village confines and I have considered the associated methodology¹. I have noted the other sites which the Council has included in the draft revised village confines and the examples of development recently granted permission nearby. I note the appeal site adjoins dwellings and would broadly follow the building line of the houses on Winston Close. I have also considered the historical maps and note the appeal site was formally part of No 74 Furnace Lane (No 74). I have also noted the line of Luddle Brook and its relationship with the built up area of Nether Heyford.
8. However, whether or not the village confines boundary should be amended to include the appeal site is not a matter before me, it is a matter for development plan making. Furthermore, even though the appeal site may have historically been used as part of the No 74, it currently is not and is separated from it. Moreover, whilst there is some evidence of the domestic use, irrespective of whether the appeal site has a nil use or not, its verdant and overgrown character gives it an overall rural feel which is characteristic of disused land in the countryside.
9. The adopted development plan identifies Nether Heyford as a restricted infill village, the appeal site would be outside its defined village confines and is therefore in the countryside. There is no substantive evidence before me which demonstrates that the specific circumstances exist to justify new dwellings in the countryside as required by the adopted development plan policies. The proposed development is therefore in direct conflict with Policies S1 and R1 of the CS and saved Policies H5 and EV2 of the LP.
10. However, I have considered the comments about whether the Council can currently demonstrate a five year supply of deliverable housing land. I have also noted the comments about whether the most important development plan policies are out of date, both of which could trigger the tilted balance and the presumption in favour of sustainable development. Should either apply and I were to find the proposal amounts to sustainable development when considered against the Framework taken as a whole, then this could be a material consideration which could indicate planning permission should be granted notwithstanding the development plan conflict.
11. Paragraph 78 of the Framework makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 79 of the Framework states decisions should avoid the development of isolated homes in the countryside.

¹ South Northamptonshire Local Plan Part 2A – Methodology for Town and Village Confine (2016)

12. The proposed dwellings being next to other dwellings in Nether Heyford would not be isolated. Four new dwellings would be a significant benefit. Furthermore, new customers and potential employees for local businesses and services and the construction of the development would also generate economic benefits. However, given the scale of development these combined benefits would still be relatively modest. That said without any specific evidence to the contrary I find the proposal would have a negligible effect on the vitality of the rural community.
13. Furthermore, without any substantive evidence to the contrary it seems to me that Nether Heyford contains only limited services, facilities and employment opportunities. Although there are bus stops nearby providing bus connections to larger centres, I am not provided with any substantive evidence which allows me to assess the frequency of those services. Thus, based on the evidence before me I find that future occupiers of the proposed dwellings would have limited transport choice other than to rely on private motorised transport to access services, facilities and employment. Whilst four new dwellings would only give rise to a small number of private motorised vehicle trips, private motorised transport is the least sustainable transport mode and the proposed development would still therefore result in environmental harm.
14. Therefore, whilst recognising the overall national objective to boost the supply of housing, even attaching additional weight to the benefit of housing, the combined benefits are still relatively modest. In my view, the benefits are significantly and demonstrably outweighed by the harm arising from the dependence on the private car and development in the countryside. The proposed development would not therefore amount to sustainable development when considered against the Framework as a whole. It does not therefore benefit from the presumption in favour of sustainable development.

Other Matters

15. In reaching these conclusions I have noted the positive discussions which have taken place with the Nether Heyford Neighbourhood Plan Team. I also note the limited sites available in Nether Heyford and the demand for properties such as those proposed. I have also noted the properties would be well designed, incorporating landscaping and would be prefabricated if possible minimising disruption and ensuring efficient construction. I also note the comments with regard to the Councils handling of the application and its preparation of the ELP. However, these matters or any others raised do not alter my conclusions and I have determined the appeal on its planning merits only.

Conclusion

16. For the reasons set out above and with regard to all other matters raised, the proposal would not accord with the development plan or Framework and the appeal should therefore be dismissed.

L Fleming

INSPECTOR