



Appeal Decision

Site visit made on 22 June 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2020

Appeal Ref: APP/Y2810/W/20/3246411

Former Ace Cafe Site, A45, Weedon Bec, Northamptonshire

- 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 JMRP Construction & Technology against the decision of Daventry District Council.
 - The application Ref DA/2016/0170, dated 8 March 2016, was refused by notice dated 9 August 2019.
 - The development proposed is Residential development, estate road and open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form and all matters are reserved apart from access. I have determined the appeal on this basis. The submitted layout plan indicates how 35 dwellings could be arranged on site. However, the proposal was amended during the application process to 22 units to satisfy concerns of the Highway Authority. Consequently, other than benefitting from the installed means of access, I have considered the layout plan as being illustrative only.
3. The address is different on the application form to that found on the Council's Decision Notice. I have therefore referred to the road as the A45 for clarity and the location as Weedon Bec as the site appears to be closer to that settlement.
4. The Council has recently adopted its Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (2020)(LP). The Council has confirmed that the saved policies, referred to in the Reason for Refusal, have been replaced by equivalent policies in the LP. I therefore afford full weight to the policies in the LP.
5. A substantially incomplete Unilateral Undertaking has been submitted in support of the appeal. Therefore, being incomplete, this is not executable. I shall return to this later in the decision.
6. The site has been cleared of all previous development related to its former use as a garage and petrol station. It is agreed by both main parties that the site is previously developed land (PDL) and outside the limits of the nearby settlement of Weedon Bec. Furthermore, parties agree that the previous consent¹ for office development has been commenced and is therefore extant.

¹ Planning Application Reference: DA/2007/1359

Main Issue

7. The main issue is whether the appeal site offers a suitable location for new housing development having regard to local and national spatial strategy policies.

Reasons

8. Policies S1 and R1 of the West Northamptonshire Joint Core Strategy Part 1 (2014) (CS) establishes the Council's spatial housing strategy. These seek to locate the majority of new development in and around the principal urban areas of Northampton and the sub-regional centre of Daventry. Policy R1 of the CS establishes a rural settlement hierarchy. This seeks to direct new housing towards settlements that provide services and facilities that meet the day to day needs of residents. It also states that in rural areas proposed residential sites will be required to promote sustainable development. Although not isolated, the site is outside the limits of Weedon Bec and Dodford. It is visually divorced from local settlements and within the open countryside for planning purposes.
9. Outside existing settlement confines, policy R1 only permits development in limited circumstances. These are where it would result in environmental improvements such as on previously developed sites, would support essential local services, follows effective community involvement, is a rural exception site or is identified through a Neighbourhood Plan. The evidence has identified that only the first criterion is relevant in this case. The National Planning Policy Framework (The Framework) seeks to make as much use as possible of PDL. The appeal site has been enclosed by temporary fencing but is otherwise generally open to distant views. Therefore, although it has been previously developed, the site does not present a substantive visual blight that warrants visual improvement. Therefore, although not illustrated in the outline proposal the potential environmental merits of development would be of limited benefit to the local environment.
10. The Framework also supports rural housing that would enhance and maintain the vitality of rural communities through supporting local services. Weedon Bec is defined as a Primary Service Village (PSV) by Policy RA1 of the LP. It is therefore of sufficient size to provide day to day services for residents. However, it is not in evidence that local services are in decline requiring support from new rural housing. The appellant comments that the proposal would provide economic benefits through the delivery of new housing on a site close to Weedon Bec. Also, it is offered that the social benefits would support Weedon Primary School and other services and facilities within the village. However, these benefits are limited. Furthermore, it has not been illustrated that the proposal would provide necessary support for an essential local service under threat or would meet an identified local need for housing.
11. Policy RA1(C)(vi) of the LP, requires development to be accessible by walking and cycling to enable residents to access most services within a village. The footway which runs alongside the site connects after some distance to services within Weedon Bec. The footpath is of varying quality and there are substantial gaps between clusters of streetlights. The intermitted nature of the street-lighting means that users would be deterred from walking or cycling as the footpath would be impractical for night-time use. Consequently, although the site is on a bus route, it would not provide easy or convenient access to the

PSV. Access would therefore be mostly reliant on the private car for occupiers to gain access to employment and the majority of services. Consequently, the appeal site would not offer a suitable location for new housing development having regard to local and national spatial strategy policies.

12. Accordingly, the proposal would not accord with policies SA, S1(D2), R1(F) and R1(G)(ii) of the CS. Amongst other things, these establish a presumption in favour of sustainable development, to only allow development that facilitates access to jobs and services, promotes sustainable development and would be essential in support of local services. Furthermore, the proposal would not accord with policies RA1(A), RA1(C)(vi) and RA6 of the LP. These seek development to be within the confines of a settlement, be accessible to services and facilities within the settlement and to comply with the exceptions that limit development in the open countryside.

Other matters

13. The site is subject to an extant consent for the erection of office development. These buildings would be between 1 and 2 storeys. This would therefore be likely to be of similar visual impact as the proposal, although height and layout is not defined. The amount of traffic would be likely to be greater for the office development to that associated with the proposal. However, the office use appears to be more appropriate for the site due to other commercial development nearby and its proximity to the by-pass for wider access. Furthermore, the accessibility requirements of future residential occupiers for daily goods and services would be fundamentally different to the needs of occupiers of an office use. Taking these matters together, the fall-back position advanced is consequently of limited weight in favour of the proposal.
14. The Highway Authority did not object to the planning application. Nevertheless, I am unconvinced that an absence of highway safety concerns would necessarily have a correlation with the accessibility of the site for residential development. Therefore, an absence in harm in regard to traffic impact can only be considered as a neutral factor in the planning balance.
15. Parties agree that a Legal Agreement is necessary to provide for affordable housing and other objectives. However, the submitted Agreement is incomplete and therefore non-executable. If it had been complete the merits conveyed by this Agreement would be of moderate benefit in favour of the proposal.

Planning balance and conclusion

16. The Framework seeks to significantly boost the delivery of new housing. Even if the proposal had been subject to a policy compliant affordable housing provision this moderate benefit would not have outweighed the conflict identified to the development plan.
17. Furthermore, undermining of the Council's plan-led approach to the delivery of housing would outweigh the limited social and economic benefits associated with the provision of the proposed residential development in this location. Accordingly, the proposal would fundamentally conflict with the development plan, when taken as a whole, and this would therefore not represent the sustainable development for which the Framework advocates a presumption in favour. There are no other material considerations, including the Framework, that outweigh this conflict.

18. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR