
Appeal Decision

Site visit made on 14 December 2020

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 13 January 2021

Appeal Ref: APP/G2815/W/20/3255537

Land south of Blatherwycke Road, King's Cliffe PE8 6XE

- 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 Estates Ltd against the decision of East Northants District Council.
 - The application Ref 19/01235/OUT, dated 17 June 2019, was refused by notice dated 13 March 2020.
 - The development proposed is residential development of up to 20 affordable homes and 10 market homes, allotments and landscaping (all matters reserved except access).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved except access. The application included an indicative layout/site plan which is illustrative of how a scheme on the site might look and has been taken into account on that basis.

Main Issues

3. The main issues are:
 - whether the local housing need for the proposal has been justified;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would provide the necessary supporting infrastructure and deliver the affordable housing.

Reasons

4. The proposal is for up to 20 affordable homes and 10 market homes on a 2.4 ha square shaped agricultural field on the western outskirts of the village. The site lies to the south of Blatherwycke Road, just beyond the last pair of semi-detached houses, with further agricultural land on three sides and a large allotments site to the east. The scheme would only occupy part of the site, probably the north eastern corner closest to the site access, with the remainder given over to further allotments or undeveloped.
5. The site lies outside the settlement boundary of the village defined by the King's Cliffe Neighbourhood Development Plan (the NDP) which was made in October 2019. However, the proposal is for affordable housing on an

'exception site' under Policy 13 of the North Northamptonshire Joint Core Strategy 2016 (the JCS) and Policies H1 and H2 of the NDP. As such, the scale of development must be justified by clear evidence of a local need for affordable housing, and market housing can only be included to the minimum extent necessary to make a scheme viable.

Local housing need

6. To make the case for the proposal, the application included a 'Review of Housing Need Evidence' which criticises the methodology and findings of the village housing needs survey (HNS) carried out in 2018 as part of the evidence base for the NDP. The HNS identified a local need for 9 affordable dwellings in the village within five years and this target is included in section 7 of the NDP. By contrast, the appellant's study concluded there is a need for an extra 156 to 296 affordable dwellings in order to accommodate 15 to 22 households pa. However, this is a calculated figure based on a 5% relet rate pa, 144 affordable homes in the parish at present and average prevalence rates of households in housing need based on national survey data. This theoretical approach would imply two to three times more affordable housing in the village and is hard to reconcile with the HNS figure of just 663 village households in 2018.
7. In any event, JCS Policy 13 specifies that an actual local needs survey is required to justify any scheme. In order to address this, the appellant carried out a further housing needs survey for submission with the appeal. This found 29 households requiring affordable rent or home ownership options in the next five years, but of these 19 were already in housing which would be freed up. Taking account of the response rate, ward profile data and average prevalence rates the survey report estimates a need for an additional 80 dwellings for affordable rent over an unspecified number of years plus a significant need for more affordable home ownership products.
8. The Council remains unconvinced that this methodology produces an accurate assessment of need and it is hard to reconcile with the 9 dwelling figure from the HNS now in the made NDP. Indeed, the current housing waiting list for the village totals 22 households which with an average of about 7 relets pa might be housed within 3 years or so. NDP Policy H2 recognises the overwhelming need for more 1-2 bedroom dwellings rather than larger properties which are already well provided for in the village.
9. The stark disagreement between the parties cannot be easily reconciled. No doubt, as in many rural communities, there are significant housing needs and affordability issues for local residents. However, the appellant's estimates of need appear excessive and whilst a material consideration the figure quoted in the NDP, made less than 18 months ago following an examination process, must be preferred.
10. Importantly, the NDP allocates two sites for housing purposes, 0.22 ha at Daleswood Rise specifically for small and affordable dwellings and 1.6 ha at the Old Middle School site to include mixed tenure housing for older people. These are clearly intended to address identified housing needs. The appellant claims these sites are not coming forward, that they have been available for many years and one has had permission refused. However, this was for reasons that could be overcome by a revised scheme. No definitive evidence is provided to demonstrate that the sites are undeliverable and their recent allocation in the NDP following examination should encourage development.

11. The proposal also includes ten market houses on the basis that affordable housing providers have confirmed a ratio of 2:1 affordable to market homes is required to ensure scheme viability. JCS Policy 13 allows for cross subsidy in this way and there have been precedents at Nassington and Little Addington. A viability report has been submitted to demonstrate the need for subsidy but this is not confirmed by a second independent consultant. In any event, the 2:1 ratio appears to be a 'rule of thumb' and it is premature to specify the number of market homes necessary in advance of a detailed scheme that can be accurately costed and assessed to determine its financial viability.
12. For these reasons the local housing need for the proposal has not been adequately justified nor the need for the market housing element adequately proven. The proposal therefore conflicts with JCS Policy 13 which requires a rural exception scheme to be clearly justified by evidence that it meets an identified need and any market housing should be the minimum necessary to make the scheme viable. The proposal also conflicts with NDP Policy H2 which requires applications for affordable housing to meet a demonstrable need.

Character and appearance

13. The site is adjacent to the settlement boundary of the village, one of the prerequisites for an exception scheme in JCS Policy 13, but it is also necessary for a scheme to be acceptable in relation to the character and appearance of the settlement and its landscape setting.
14. King's Cliffe is a relatively compact village, centred around West Street, Wood Road, Park Street and Bridge Street, bounded by Willow Brook to the south and the old railway line to the north. The proposal would elongate the village to the west along the southern side of Blatherwycke Road. At present, beyond Wood Lane/Orchard Lane there are only a small group of low profile bungalows and four pairs of semi-detached houses fronting the road. A scheme of thirty dwellings, however well designed, beyond these would inevitably comprise a distinct housing estate of cul-de-sac form extending into the site. This would not relate well to the existing structure of the village and would appear as an oddly detached enclave of housing beyond the semi-detached houses which form a linear, low density end to the village at present.
15. Whilst part of the site is unkempt and used for outdoor storage of containers, trailers and farm implements the majority remains an attractive open field that is integral with unspoilt open countryside to the north, west and south. The site is wide open to views from Blatherwycke Road which is the main approach road to the village from the west. The site is large enough for extensive open space and landscaping in addition to the housing but in this prominent location the introduction of a substantial built development would be visually intrusive and detract from the open countryside setting of the village.
16. For these reasons the proposal would significantly harm the character and appearance of the area in conflict with JCS Policies 3, 8 and 13 and NDP Policy BE1. These require new development to be located and designed to respond to the overall form, individual character and landscape setting of the settlement, to be appropriate to the surroundings, to minimise impacts on the environment and to respect local character.

Infrastructure and affordable housing

17. As part of the appeal the appellant has submitted a S106 unilateral undertaking dated 20 August 2020 which appears to deliver the various infrastructure requirements set out in the Council's committee report should the scheme go ahead. These comprise financial contributions towards early years, primary and secondary education, fire hydrants and libraries. In addition, the undertaking includes a requirement for an 'Affordable Housing Scheme' to be submitted to the Council for approval to define the affordable housing mix to be delivered on site. These commitments may overcome the third reason for refusal but in view of the findings regarding the first two main issues this matter need not be pursued further.

Conclusion

18. JCS paragraph 5.39 states that the effective involvement of local communities is essential in rural exception schemes but neither the Parish Council nor the Council's Housing Strategy Manager support the proposal in this case.
19. The proposal would provide twenty affordable and ten market dwellings which would have social and economic benefits for the village and make a useful contribution to housing land supply. The committee report in March 2020 states that the Council can only demonstrate 4.28 years supply so paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. However, the scheme conflicts with NDP Policies H2 and BE1 in that the local housing need is not proven and there would be harm to the character and appearance of the area. The NDP is less than two years old and contains allocations to meet its identified affordable housing requirement. Criteria (c) and (d) in NPPF paragraph 14 are also met and in the circumstances of this case the adverse impact of allowing the development significantly and demonstrably outweighs the benefits.
20. Having regard to the above the proposal conflicts with the development plan taken as a whole and material considerations do not outweigh this conflict. The appeal should therefore be dismissed.

David Reed

INSPECTOR