
Appeal Decision

Site visit made on 26 January 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/Z2830/W/20/3262594

**Land north of Whiston Road (between no.2 and Manchester House),
Whiston Road, Cogenhoe**

- 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 Carl Merrick against the decision of South Northamptonshire District Council.
 - The application Ref S/2020/1193/OUT, dated 6 July 2020, was refused by notice dated 9 October 2020.
 - The development proposed is an outline application for up to 2x serviced residential plots (self/custom build) with access as a matter for consideration.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Carl Merrick against South Northamptonshire District Council. This will be subject to a separate decision.

Procedural Matters

3. The application is for outline planning permission with details of access applied for and all other matters of detail reserved for subsequent approval. Therefore, other than access provision I have treated the remaining plan information as indicative only.
4. The Decision Notice in contention specifies two reasons for refusal but the nature of the issues overlap. Therefore, I have reflected this in my reasoning.

Main Issue

5. The main issue is the appropriateness of the site within the open countryside for residential development having regard to local services and self/custom build provision.

Reasons

6. The Council's development plan sets out a settlement hierarchy for the area. It aims to focus development into sustainable locations with the greatest access to services and facilities. Policy R1(g) of the West Northamptonshire Joint Core Strategy (WNJCS) seeks to direct development within the confines of existing villages in line with that aim. The application site lies outside of the village confines of Cogenhoe and is therefore within the open countryside.

7. Policy LH1 point 3 identifies that in such locations development will not be acceptable unless it meets certain exceptions, which includes a self or custom build project in accordance with Policy LH5. Policy LH5 sets out various criteria of how self and custom build housing is controlled locally inclusive of its location and that a local connection is successfully demonstrated.
8. Furthermore, the National Planning Policy Framework (Framework) paragraph 79 seeks to avoid the building of new isolated homes in the countryside unless it meets special circumstances relating to rural workers, enabling development or the re-use of redundant buildings. The proposed development does not accord with any of those prescriptions. In this policy context, the appellant makes the case that the site is not isolated (acknowledging the Braintree judgment) and should also be considered as infill development between existing properties.
9. I acknowledge that the site is located between existing dwellings situated adjacent to open agricultural fields. Nevertheless, the intervening space between buildings is substantial. Although the proposed dwellings would be close to three existing properties forming a row of five, the area otherwise exhibits high degrees of openness. The development would still be seen in the context of open agricultural fields opposite and further afield which dominate views. On balance, I find that the new dwellings proposed would be physically isolated when considering the site location as a whole and its most dominant characteristics.
10. Little remains on the site in terms of remnants of historic buildings. It is predominantly open and grassed over. The existing outbuildings in situ form a small element of the site's overall characteristics. Therefore, the suggested use of previously developed land carries limited weight when applying the terms of the Council's development plan and the strategic aims of relevant housing policies.
11. There is no evidence of nearby public transport which can be readily accessed from the appeal site. Although there is a Public Right of Way (PRoW) nearby, there is no information as to where it leads to or if it would facilitate ready access to any notable services. The PRoW and the footway on Whiston Road are also both unlit, which would make walking or cycling less favourable during darker months of the year. Thus, it is likely that future occupiers of the development would be reliant on car journeys for most day to day needs.
12. The Council's most recent Housing Land Supply figure (as of July 2020) stands at 8.26 years. Main parties acknowledge that the WNJCS is over 5 years old and constitutes Part 1 of the development plan. But there is no evidence to support that the Council does not have an up to date housing land supply. I therefore have no cause to consider that relevant policies are out of date when applying the terms of the Framework.
13. I appreciate that the principle of Self and Custom Build development is an opportunity to bring choice to the housing market, as well as enabling local people to design and build their own home. This is an approach which is clearly recognised and supported by the Council's development plan. I am also referred to Written Ministerial Statement (28 November 2014) and the Housing White Paper February 2017 which give support to self and custom-built homes. I acknowledge that the appellant is stated as a resident of the Northampton area. The appellant also points out that the local connection test could still

apply at reserved matters stages, particularly as the proposal seeks consent for more than one dwelling.

14. However, I am unconvinced that the scheme would assist a person with a local connection to the area looking to occupy a self/custom build home. Despite the description of the development, there are insufficient guarantees in the evidence that self and custom build properties would be delivered through a suitable mechanism. I am not persuaded that a planning condition would be successful in securing this provision.
15. Whilst the Council's register is referred to as confirming interest in self-building opportunities in Cogenhoe there is nothing convincing demonstrating that. Moreover, there is no evidence before me that the Council is failing to provide an acceptable number of self and custom build schemes in the conurbation.
16. I also acknowledge the variety of planning applications¹, appeal decisions² and rulings referred to in support of the appeal case. Some share broad policy and material consideration parallels involved in assessing the location of rural housing. Nonetheless, they also involve a range of factors in different locations to the appeal site, some of which entail different districts and development plans. As a result, references to those in the main are not directly comparable to the appeal scheme before me which I have assessed on its own merits in any event.
17. I find that the development of the site in the open countryside for a residential scheme would not have adequate levels of accessibility to local services and facilities relative to village confines or would successfully deliver self/custom build housing. It would conflict with Policy R1(g) of the WNJCS and Policies LH1 and LH5 of the South Northamptonshire Local Plan (Part 2) which in combination seek: to direct new residential development where services and facilities are most accessible; to protect the character of the open countryside; and to deliver self and custom build homes.

Other Matters

18. The appellant cites several other factors as benefits which I have carefully considered. There are no substantive details of how the scheme would directly enable a non-designated heritage asset to be protected. As opposed to the lean-to being repaired independently. There is also nothing conclusive to support that the development would improve highway safety levels considering the existing use of the site or to prevent urban sprawl in the district. I therefore attribute limited weight to those points.
19. Additionally, the appellant refers me to the social, economic, and environmental aspects of the Framework as supporting the scheme. When applying the terms of the Framework, I appreciate that housing land supply should not be taken as a maximum and that the scheme would increase market housing choice and construction work in the area as benefits.
20. The site is referred to as being 2.7km from the Upper Nene Valley Gravel Pits Special Protection Area (SPA) which qualifies as a European site. To that end, I am cognisant of my duties under the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations). The Habitat Regulations require

¹ 16/01191/OUTM; S/2019/2477/FUL; DA/2019/0579

² APP/G2435/W/18/3214451; APP/Y2810/W/16/3159236; APP/H1840/W/19/3241879

competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects.

21. There may be some indirect effects to the SPA by virtue of visitor trips associated from occupiers of new residential development in the locality. Reference is made of a local approach to collect financial contributions towards implementing a mitigation strategy dealing with this. Such a mechanism could ensure the SPA is properly safeguarded in line with statutory provision.

Planning Balance and Conclusion

22. I have found that the appeal scheme would conflict with the Council's development plan. I accept that increasing local housing provision and construction would be benefits. Nevertheless, those benefits would not outweigh the harm to the objectives to protect the open countryside and encourage that residential development is located with ready access to local services. Accordingly, there are no other material considerations which lead me to the conclusion that the Council's development plan should not be followed.
23. A draft undertaking has been submitted dealing with SPA matters. But I have found the proposal to be deficient in other areas. Therefore, I need not make further comment on that document.
24. For the reasons given above the appeal does not succeed.

Matthew Shrigley

INSPECTOR