
Appeal Decision

Inquiry Held on 19 – 23 April 2021

Site visit made on 22 April 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2021

Appeal Ref: APP/Z2830/W/20/3261692

Land rear of 27 High Street, Paulerspury NN12 7NA

- 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 Rainier Developments Ltd and National Westminster Bank PLC against the decision of South Northants District Council.
 - The application Ref S/2020/0945/MAO, dated 29 May 2020, was refused by notice dated 8 September 2020.
 - The development proposed is for the demolition of the existing buildings; erection of up to 26 dwellings, a new vehicular access off High Street, public open space, landscaping, and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is for outline planning permission including access, with all other matters of detail (appearance, layout, landscaping, and scale) reserved for subsequent approval. Therefore, aside from the access details, I have treated the other remaining plan information as indicative only.
3. Prior to the opening of the Inquiry a direction has been issued that an Environmental Impact Assessment is not required. This is because the scale and nature of the development applied for does not trigger the need for one.
4. I note that South Northamptonshire Council (SNC) ceased to exist on 1 April 2021. SNC and other neighbouring Councils have been replaced with West Northamptonshire Council (WNC). My decision will be issued to the new Unitary Authority formed. It was also noted during proceedings that there have been no significant changes to the existing development plan since the decision of SNC leading to this appeal.
5. The statutory provisions, set out through Regulation 26 of The Local Government (Boundary Changes) Regulations 2018, allow for any extant development plans to have effect as if adopted by the new Unitary Authority, and for the Unitary Authority to adopt, revise, replace or prepare a plan relating to an area of a predecessor Council. It is also the case that the provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 20084 and the Local Government (Boundary Changes) Regulations 2018 mean that Local Plans, in the name of, and covering the same area as, LPAs that existed prior to 1 April 2021, may

continue to come forward until such time as a plan covering the whole unitary authority is adopted.

6. It was evidenced at the Inquiry that the WNC can demonstrate a housing land supply in the order of 5.14 years. This was based on the findings of two other recent appeals in Middleton Cheney¹. Consequently, it transpired that the housing delivery requirement figure for the adopted development plan was not in dispute. It was also agreed that paragraph 11(d) is not engaged. I have no reason to take a different view.
7. Additionally, there is agreement between the main parties that a completed planning obligation would be able to extinguish the second reason for refusal given on the Decision Notice contested. To that end, a draft obligation was provided in the appellants' bundle. It was specified during the Inquiry a completed obligation would need to be submitted by 7 May. Whilst a completed obligation has been received slightly beyond that date it has legal effect and does not result in disadvantage any party. My decision is therefore made in that context.

Main Issue

8. Whether the site location within the open countryside is appropriate for new housing having regard to accessibility to services, harm and any benefits arising from the scheme.

Reasons

Site location and accessibility to services

9. The main parties acknowledge that the appeal site lies outside of, but adjacent to, the village settlement confines of Paulerspury. Accordingly, for decision making purposes there is agreement the site is located within the open countryside.
10. I have been presented with two main opposing arguments. The first is that the location of the development conflicts with the development plan which seeks to direct new housing towards the most sustainable settlement locations. The conflict identified by WNC as being so great it would undermine the principles of best managing development within the district. The opposing argument before me, broadly, is that although there is some conflict with the development plan the subsequent harm arising would not outweigh the overall benefits offered by the scheme.
11. The objectives of the West Northamptonshire Joint Core Strategy Local Plan Part 1, December 2014 (JCS) include providing a range of housing in sustainable locations to ensure that all residents have access to a home they can afford, and which meets their needs. Housing development is primarily directed to the sustainable locations of Northampton, supported by Daventry and Towcester and Brackley in their roles as rural service centres. With limited development in the rural areas to meet local needs and to support local services.
12. Policy R1 of the JCS is central to the dispute. It makes provision for 2,360 dwellings within the rural area and states that the distribution of the rural

¹ APP/Z2830/W/20/3259839 & APP/Z2830/W/20/3261483

- housing requirement will be subject to the South Northamptonshire Local Plan Part 2 July 2020 (the LPP2) and the rural settlement hierarchy it contains.
13. Policy S1 of the JCS also states that development will be concentrated primarily in and adjoining the principal urban area of Northampton and then the sub regional centre of Daventry. The development needs of the rural service centres of Towcester and Brackley and the rural areas will also be provided for. The policy confirms that new development in the rural areas will be limited.
 14. I note that Policy SS1 of the LLP2 identifies Paulerspury (with Pury End) as a secondary service village – third category, and within that specification is defined as a 'category A village'. Policy SS1 states new development should be within the adopted limits of these settlements in accordance with their scale, role and function unless otherwise indicated in the local plan. In that regard, I acknowledge that the broad principle of affordable housing outside of rural settlement confines can be afforded some flexibility through Policy LH1 and H3 of LLP2 and the development plan read as a whole.
 15. Policy SS1 explains that category A service villages are likely to be more suitable for limited development than category B service villages. It is also considered alongside JCS Policy R1 which refers to appropriate scale and the provisions of the National Planning Policy Framework (the Framework) regarding the efficient use of land, considering the availability and capacity of infrastructure and the desirability of maintaining an area's character.
 16. There is broad agreement between the main parties that the proposal meets Policy R1 criteria A to F, but conflicts with criterion G, as well as Policy LH1 of the LPP2 given the appeal site falls outside a designated village confine boundary. I acknowledge that the policies of the JCS and LPP2 in dispute are up to date. They are also consistent with the Framework. Accordingly, they are attributed full weight in my decision.
 17. The JCS states that the rural hierarchy established in LPP2 will have regard to but not exclusively several criteria in Policy R1 which at point number 1 includes the presence of services and facilities to meet the day to day needs of residents, including those from surrounding settlements.
 18. I accept that the existing bus service within the village is limited. It entails a sparse daily frequency with restricted destination options. Therefore, it does not offer a realistic alternative to day to day car use. Moreover, it is unlikely pedestrians or cyclists would find navigating the A5 to access Towcester, Milton Keynes, and other villages a desirable daily commuting option due to its speed limit and the distances involved.
 19. I note that residents of the proposed homes would have access to a village hall, a petrol station with convenience shop, doctor's surgery, playing pitch space, a public house, a church and a primary school. Those existing village facilities reduce the need to travel further afield to some extent. But the level of service provision is reflective of a category A village only. It would still be necessary to commute further afield for other day to day needs such as shopping, employment, secondary schools, or higher education.
 20. Coupled with the existing service provision the appellants refer to a financial contribution of £43,227.33 to improve village bus transportation options. This would be paid to WNC then transferred to a service provider. In tandem with

that, mitigation is referred to in the form of bus pass provision for future occupants of the scheme to use the new bus service. I also note that a funded service for a 3-year period would be open to all residents of Paulerspury. The total number of residents who could potentially access an improved service would be considerable.

21. Concerns in relation to the long-term continuation of additional bus services after the funded period are relevant. I have some positive assurances in that: an existing bus service provider is engaged already operating as a social enterprise in the rural area and the size of the village involved would lead to ongoing demand. Nonetheless, the long-term continuation of an improved bus service cannot be relied upon and the funding period purported is not extensive.
22. I am unconvinced that the funded service would be able to deliver long lasting provision based on the evidence submitted. I do not find the suggested level of improvement in local bus provision would be enough to set aside long-term accessibility concerns with respect to meeting the day to day needs of additional residents.
23. Accordingly, there would be significant conflict with the objectives of the development plan to locate new homes where ready access to services and facilities is the greatest. This would be harmful as the scheme would further exacerbate car use dependency. It would conflict with Section 9 of the Framework which promotes opportunities to maximise sustainable transport solutions available through decision-making. I attribute substantial weight to the harm identified.

Other considerations

24. It is argued by WNC that the appeal scheme is not an appropriate source of market or affordable housing because its location and housing type do not comply with relevant housing supply policy in the JCS or LPP2. Moreover, any specific housing needs of existing residents of Paulerspury are limited. The housing requirement for the rural area proposed by Policy R1 of the JCS is also evidenced as being met, which is not disputed.
25. The evidence submitted indicates that South Northamptonshire is recognised as an affluent location. The West Northamptonshire Strategic Market Assessment (SHMA) 2010 highlights affordable housing shortfall across West Northamptonshire and the updated 2013 SHMA identifies that there is a district wide requirement of 3300 affordable dwellings required by 2029.
26. Consequently, I have considered the lack of tangible affordable housing delivery in previous years into account. In that regard, I appreciate that schemes with open market housing can facilitate the delivery of more affordable homes. I also accept that households on lower or medium incomes may not be able to find suitable accommodation within the district provided by the market.
27. I acknowledge that the Council have already recently given consent² (in March, 2021) for the erection of 19 social rented and shared ownership houses at Land to the Rear of 2 to 26 Grays Lane, which is also beyond the village confines. The delivery of that scheme is likely to go a substantial way in alleviating the

² S/2020/0670/MAF

known existing need to live within, or close to, the village based on the evidence before me. Whilst there is an identified unmet need for affordable housing delivery district wide, there is little substantive evidence of an unmet need attributable to the Paulerspury area considering the recent consent. There is nothing to suggest the scheme granted will not be delivered.

28. Although a total of 50% affordable housing provision is proposed in line with Policies LH8 and INF1 of LPP2 along with a tenure split of 70% rent and 30% the number of affordable units is a standard requirement of the development plan. In those circumstances, reliance on affordable housing provision is not a strong reason to set aside the potential for either fully policy compliant schemes, or other schemes in more accessible locations to come forward within the conurbation over the remaining plan period.
29. In terms of other remaining environmental effects. I accept that the number of homes delivered would be proportionate to the scale of Paulerspury as a secondary village within the overall settlement hierarchy of the plan. In visual terms, I also agree the number of houses proposed would not erode the character of the village settlement itself. This would be in accordance with Policy R1 (E) of the JCS.
30. Although the existing outbuildings on the site have a rustic appearance, they are not attractive. I acknowledge that such functional buildings are common features in the countryside. Even so, I find that the removal of the buildings would improve the appearance of the immediate area.
31. There would be some visual harm arising from encroachment into the countryside for the undeveloped component of the overall site. This entails roughly half of the overall land subject to appeal. However, I also accept that there would be some environmental benefit in allowing redevelopment of the existing buildings with more attractive buildings and landscaping for the existing developed part of the site. Redevelopment of brownfield land in this way benefits from a degree of policy support in both the JCS (under Policy R1) and LPP2 (under Policy LH1), as well as the Framework.
32. Furthermore, there is reasonable scope to improve the street scene viewed from the High Street. Albeit this would need to be subject to the successful negotiation of any reserved matters incorporating high quality design principles given the amount of attractive greenery currently evident. There is no strong evidence that the attractiveness and distinctiveness of the village could not be maintained inclusive of suitable public open space provision within an agreed layout.
33. Additionally, the appellant evidences that the scheme would result in a net biodiversity gain of 33% using the Defra biodiversity metric. That figure is not challenged by WNC. The degree of net biodiversity gain weighs in the developments favour as a significant measurable improvement. This would be compliant with paragraph 170 (d) of the Framework which seeks that decisions should contribute to, and enhance the natural and local environment, minimising impacts on and providing net gains for biodiversity. Including establishing coherent ecological networks that are more resilient to current and future pressures. The benefits from local public open space provision would complement that.

Planning Obligation

34. Outside of the affordable housing and bus service improvement contribution matters I have already referred to I note that the completed planning obligation submitted secures: the provision of public open space; financial contributions towards refuse collection, increasing the capacity of primary education/ early years provision, library services, healthcare provision; or towards monitoring of the s106 agreement. I am satisfied such requirements would be able to meet the relevant statutory tests referred to in the Framework and Planning Practice Guidance.
35. This would be in line with Policies H2, INF1 and INF2 of the JCS; Policy LH8 as well as Policies INF1 and GS1 of the LPP2; and the aims of the adopted Supplementary Planning Document 'Developer Contributions' (December 2010), which all combined seek to ensure that new development provides adequate mitigation and support for local infrastructure provision.

Planning Balance and Conclusion

36. Paragraph 12 of the Framework specifies that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Nonetheless, it also states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
37. Indeed, Paragraph 47 of the Framework also advises that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
38. I have considered the rulings referred to during the Inquiry³ informing how the planning balance is applied. In addition, I ascribe little weight to the direct comparisons made to the noted benefits within the Middleton Cheney appeals. That is largely because it has a secondary school and greater accessibility to nearby rail links. My decision with respect to this current appeal is made on its own individual merits relative to specific locational factors, the development plan and the associated material informing the case in any event.
39. There are important overarching strategic principles contained within the JCS and LPP2 to reduce the need to travel by car, and to protect the countryside from encroachment. This is inexorably linked to the adopted settlement hierarchy of the area based on the service level provision contained within individual settlements throughout the district and the level of accessibility to other settlements. The distribution of unjustified housing outside of the most sustainable towns, villages, and adopted confines within the district would undermine the basis of the development plan strategy, of which Part 2 was only very recently adopted.
40. I find that the appeal scheme would not be justified as a rural exception site. The need for further additional affordable units specifically in the Paulerspury area outside of its confines is not sufficiently demonstrated by the evidence. The new homes would encourage car use dependency at a location well away from the most abundant levels of services within the district. This would be

³ *Edinburgh City Council v Secretary of State for Scotland* [1997]; *Secretary of State for Communities and Local Government v. West Berkshire District Council* [2016]

harmful to overarching environmental policy aims of achieving sustainable development.

41. As to other environmental effects there is some harm to the intrinsic beauty of the open countryside arising from encroachment. This is offset partially through the uptake of previously developed land for a portion of the overall appeal site. There would also be some net biodiversity gain; public open space provision improvement; visual improvement from the redevelopment of existing buildings and scope to improve vantages along the High Street; when considering the overall environmental affects in the round.
42. Moreover, although the Council can demonstrate a housing land supply of marginally over 5 years this should not be taken to be a maximum, in accordance with the advice of the Framework. There would be some moderate social and economic benefits arising from the delivery of market homes and housing choice in the district in that context. The provision of affordable housing carries significant weight as a benefit. But there is no convincing evidence it would alleviate an unmet need within, or close to, Paulerspury. I note that 50% affordable housing provision within the scheme is a standard requirement of adopted local policy.
43. However overall, the adverse impacts of the scheme: arising from conflict with Policy R1 (g) of the JCS and LH1 of the LPP2 in that the site is beyond the village confines with limited accessibility to wider services outside of Paulerspury and there is inadequate long lasting provision to improve accessibility; and the encroachment into the countryside evident outweigh any of the benefits referred to when assessed against the policies in the development plan as a whole.
44. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Hugh Flanagan of Counsel

Instructed by: West
Northamptonshire Council
(WNC)

He called:

Andrew Murphy

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FOR THE APPELLANT

Zack Simons of Counsel

Instructed by Rainier
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He called:

Keith Fenwick

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INTERESTED PERSONS

Grant Stevenson

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Stuart Wells

Associate Pegasus Group

Colin Richmond-Watson

Observer (on behalf of appellant)

Josh Sinnett

Observer (on behalf of appellant)

Richard Mees

Observer (on behalf of appellant)

Kylie Wesson

Observer (on behalf of appellant)

Samuel Dix

Principal Planning Officer WNC

Michael Rhimes

Barrister observing on behalf of WNC

John Goodall

Expert witness on behalf of WNC

Councillor Sandra Barnes

District/Ward Councillor

Mr Westall

Chair of the Parish Council

Maggie Down

Clerk to the Parish Council

Stephen Gregory

Local resident

Natalie Drought

Observer

Jan McLean

Observer

Tracey Hill

Observer

John Barnes

Observer

Lorna Hunt

Observer

Richard Lomas

Observer

Jack Randall

Observer

Isabella Tafur

Observer

Christian Orr

Observer

Stacey Rawlings

Observer

DOCUMENTS SUBMITTED AT THE INQUIRY

1. ID1: Opening statement by Mr Simons on behalf of the appellants
2. ID2: Opening statement by Mr Flanagan on behalf of West Northamptonshire Council
3. ID3: Appeal decision APP/Z2830/W/20/3261483 Land east of Waters Lane, Middleton Cheney
4. ID4: Appeal decision APP/Z2830/W/20/3259839 Land south of Thenford Road, Middleton Cheney
5. ID5: Closing statement of Mr Flanagan
6. ID6: Closing statement of Mr Simons

DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Planning obligation.