



Appeal Decision

Hearing Held on 27 July 2021

Site visit made on 4 August 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2021

Appeal Ref: APP/Y2810/W/20/3265977

Mercedes Avenue, Brixworth NN6 9GZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Cox, Pedrix Limited against the decision of Daventry District Council.
 - The application Ref DA/2019/0144, dated 18 February 2019, was refused by notice dated 7 August 2020.
 - The development proposed is outline application with the main point of access included for development to provide commercial floorspace for B1b, B1c, B2 and B8.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is submitted in 'outline' including access details, with layout, scale, landscaping and appearance reserved for future consideration. A Parameters Plan has been provided which sets out the overall quantum of the proposed commercial floor space, maximum heights of the proposed buildings and areas of retained woodland.

Main Issue

3. The main issue is whether the extent of the proposed development at the appeal site is justified, having regard to local and national planning policies.

Reasons

4. The appeal site, as defined in the Council's Settlements and Countryside Local Plan (Part 2) For Daventry District 2011-2029, adopted February 2020 ('LP') lies outside but adjacent to the defined settlement confines of Brixworth (a Primary Service Village 'PSV') and the defined Strategic Employment Area ('SEA'). Accordingly, the appeal site forms part of the open countryside in a rural location.
5. The proposal seeks to extend the Brixworth SEA. The Brixworth SEA comprises about 70,606sqm of mainly employment floor space.
6. At a strategic level Policy S1 of the adopted West Northamptonshire Joint Core Strategy ('JCS') seeks to focus development and economic activity to the main urban areas, but also provides for limited development to meet the needs of rural areas. To this end, Policy R2 of the JCS supports proposals which sustain

- and enhance the rural economy and identifies types of development supported in rural areas, which amongst other things need to be of appropriate scale for their location and includes: e) The expansion of businesses in their existing locations, dependent upon the nature of the activities involved, the character of the site and accessibility, and f) Small scale employment development to meet local needs.
7. Part B of Policy RA1 of the LP sets out circumstances where development outside the defined confines of PSV will be supported. This includes: iv) economic development that will enhance or maintain the vitality or sustainability of the PSV or would contribute towards and improve the local economy; or development which otherwise accords with Policy EC4 of the LP. Part C of this Policy states that: To ensure that the role of these villages is maintained, all development at the Primary Service Villages, within or outside the confines shall also meet the following criteria: i. Be of an appropriate scale relative to its role as a Primary Service Village.
 8. Policy RA6 of the LP recognises the intrinsic character, beauty and tranquillity of the open countryside of the District. To this end, in countryside locations only certain types of development are supported, which include: ix) Economic development that otherwise accords with policy EC4 or policy R2 of the West Northamptonshire Joint Core Strategy; or xi Development that otherwise accords with policies RA1, RA2 and RA3. In line with Policy RA6 of the LP, Policy 2 of the made Brixworth Neighbourhood Development Plan ('NDP') seeks to protect the countryside and sets out certain circumstances for allowing development in the open countryside and criteria 1 permits development if it 'contributes to the local rural economy'.
 9. More specifically, Part D of Policy EC4 of the LP, sets out criteria for supporting further economic development (B1(b, c), B2 and B8 uses) beyond the defined SEAs, relevant to the proposal, these include where: i. It is well-related to the existing Strategic Employment Area; ii. It is of an appropriate scale and character; iii. It does not harm the amenity of surrounding residential properties; iv. It is demonstrated that it is necessary to support the role and function of the Strategic Employment Area or DIRFT; and v. It is demonstrated that there is insufficient capacity within the Strategic Employment Area or DIRFT (as applicable) where the development is intended to support or enhance that location, to accommodate the proposed development.
 10. The thrust of the above policies is to focus development and economic activity to the main urban areas with some support for development of an appropriate scale in rural areas to sustain the local economies. These policies are broadly consistent with the National Planning Policy Framework ('the Framework'). In particular, Part 6, Building a strong, competitive economy.
 11. Given the nature of the proposal, the main policy for determining this appeal is Policy EC4 of the LP. Accordingly, and despite not forming part of the Council's reason for refusal, Policy 11d of the NDP is also relevant, which states that proposals to enhance the rural economy will be supported, where amongst other things these accord with Policy EC4 of the LP.
 12. As context to Policy EC4 of the LP, the Inspector's report¹ identified that the plan as submitted failed to provide an effective response to the evidence in

¹ Report on the Examination of the Settlements and Countryside Local Plan Part 2 for Daventry District 2011-2029

ECO3² of the need to enhance the range and choice of units available for businesses. This included Brixworth where potential unmet demand in the plan period had been identified but there was insufficient certainty of the extent of such requirements so as to justify specific allocations in the LP. Accordingly, Policy EC4 of the LP provides flexibility for further economic development beyond the defined Strategic Employment Areas in prescribed circumstances where capacity is otherwise not available within the existing confines of these areas to support their role and function.

13. The supporting text to Policy EC4 of the LP, under paragraph 7.2.10 states that: 'There may be some scope for the expansion of the Strategic Employment Areas where it is demonstrated that further capacity is needed to support the specific role and function of that Strategic Employment Area or DIRFT, for example when there is a particular existing business that is in need of additional space. In such cases proposals will be expected to be justified by clear evidence. However, it is also important that such proposals are of an appropriate scale and character, that there is insufficient capacity within the existing employment area in terms of either land or vacant units that could be redeveloped to accommodate the needs and that the site is well-related to the existing Strategic Employment Area, forming a logical extension. The proposals will also need to be consistent with the other policies of this plan, in particular those relating to the environment.'
14. Because of the very low vacancy rates at Brixworth SEA and constraints associated with the location of existing residential development and the A508, there is limited capacity for expansion within the defined area of Brixworth SEA. Due to its proximity and physical relationship to the defined extent of the Brixworth SEA, the appeal site would form a logical extension to this. I am also satisfied that because of the site's location, the proposal would not harm the amenity of surrounding residential properties. The proposed employment uses and the sizes of the new units, which could be controlled by conditions if the appeal were to succeed would be consistent with the character of Brixworth SEA.
15. With regard to criteria iv) of Policy EC4 of the LP, based on the small/medium scale and broad range of the businesses located within the Brixworth SEA, this serves a mainly local role and function. Nevertheless, and primarily due to the presence of Mercedes AMG Powertrains, which is located on a purpose-built site occupying a substantial area of the Brixworth SEA and along with a number of other smaller businesses such as Ilmor Engineering, Brixworth SEA has a concentration of specialist automotive and high-end manufacturing and engineering businesses which are of strategic, regional and international relevance. As a consequence of this, there is an above average amount of High-Technology Manufacturing jobs in Brixworth³.
16. Brixworth is also covered by the geographical areas associated with the South-East Midland Local Enterprise Partnership ('SEMLEP') and the Oxford to Cambridge Arc. The South East Midlands Local Industrial Strategy ('LIS') identifies automotive/motorsport sectoral strength within (Northamptonshire/Oxfordshire) and specifically mentions Ilmor Engineering

² Employment land in Daventry: The Demand for Small and Medium Units, Peter Brett Associates and Aspinall Verdi October 2017

³ The Cambridge, Milton Keynes, Oxford, Northampton Growth Corridor - Final Report for The National Infrastructure Commission, 2016

and Mercedes Powertrains amongst other businesses involved in innovation towards 'The Future of Mobility Grand Challenge' which aims to utilise these and other businesses along with education and research establishments to reduce carbon emissions, congestion and make advances in mobility.

17. Based on the various submitted documents from the SEMLEP and other organisations, and the appellant's Needs Assessment⁴, there is support for collaborative working and growth of the High-Performance Technology (HPT) and advanced manufacturing businesses across the region. However, the concentration of HPT and advanced manufacturing at Brixworth SEA is uniquely and largely attributed to Mercedes AMG Powertrains and whilst some of the businesses may share common markets and sectors there is no strong evidence that these businesses at Brixworth benefit from any significant clustering and associated benefits. Therefore, and given the broad range of other businesses represented at the Brixworth SEA, I am not persuaded that this SEA is recognised regionally as a HPT and advanced manufacturing cluster in its own right or that this defines its role and function.
18. Despite my findings on the lack of physical capacity at the Brixworth SEA, based on the supporting text to Policy EC4 of the LP, the need for additional capacity is also a consideration in justifying the proposal. I recognise that the letters from existing businesses in Brixworth setting out requirements for additional space represent a snapshot and some businesses would be reluctant to divulge this type of sensitive information. There are also commercial uncertainties arising from Covid-19/Brexit. Notwithstanding these factors, and the appellant's assertions about the range of physical and commercial considerations associated with bringing employment sites forward, the extent of development proposed (33,500sqm) would near double the size of Brixworth SEA and is largely unsubstantiated. In particular, there is limited evidence of HPT and advanced manufacturing businesses in the area requiring additional capacity.
19. Moreover, at a local level it is the role of the Development Plan to identify employment sites and growth areas. Indeed, the Framework states that the planning system should be genuinely plan-led. To this end, some of the evidence provided by the appellant pre-dates the adoption of the LP and despite this, the appeal site was not allocated as an extension to Brixworth SEA. Given that the LP was found to be sound and recently adopted, I attach substantial weight to this.
20. Although the LIS identifies a shortage of small to medium sized units, this is generally across the area which the SEMLEP represents. Locally, in relation to Daventry and the findings of ECO3, the supporting text note 7.2.12 sets out the commitments and proposed allocations at Daventry town and identifies 16.2 ha – 28.7 ha of employment land to meet the demand over the 7 year period. In addition, a further supply of 7.3 ha – 19.9 ha will provide additional source of supply beyond the 7 year period, and this includes a further allocation proposed at the South East Gateway.
21. Given the largely speculative nature of the proposal, I attach limited weight to the appellant's assertion that the existing commitments, proposed allocations for employment sites and other available sites identified by third parties are unsuitable for the needs of intended occupiers of the appeal site. Similarly,

⁴ Land North of Mercedes Avenue Needs Assessment, A Final Report by Hatch, 21 December 2020

- even though HPT and advanced manufacturing businesses align with the socio-economic characteristics of the area, there is no certainty that the development would deliver jobs in this particular sector.
22. I agree that master planning of the appeal site would avoid piecemeal development. However, there is little viability information to support the appellant's assertion that the scale of the proposal is necessary to justify the investment required to facilitate infrastructure. It is also unclear how the improved power infrastructure would be implemented and utilised by the existing businesses in Brixworth.
23. As set out below, the submitted S106 Agreement includes a Marketing Strategy to ensure that the proposed commercial units are initially focused on meeting the needs of locally based businesses. As such, the proposal would offer some local businesses in the Brixworth SEA and local area opportunities for expansion. This, in turn would enhance or maintain the vitality and sustainability of the village of Brixworth by retaining local employers and employment opportunities.
24. Nevertheless, for the above reasons the extent of the development proposed has not been clearly justified and, on this basis and the information before me the extent to which the proposal would support businesses in Brixworth SEA appears limited. In particular, development of the proposed scale at this location would undermine the Council's strategic aims to focus employment uses in main towns and urban areas by utilising existing developed and allocated employment sites within the District.
25. Although the application was not refused on environmental grounds and despite the retention of woodland areas, the unjustified loss of open countryside weighs against the proposal. The Framework recognises the need for environmental objectives to contribute to protecting and enhancing the natural environment, whilst mitigating and adapting to climate change.
26. For the above reasons, the proposal conflicts with policies EC4 and RA1 of the LP, which in turn results in conflict with policies RA6 of the LP and JCS policies S1 and R2. The proposal would provide some support for the local economy and therefore is not in conflict with Policy 2 of the NDP. However, because I have found conflict with Policy EC4 of the LP, the proposal would be contrary to Policy 11d of the NDP and the development plan as a whole.

Other Considerations

27. Part 6 of the Framework states that significant weight should be placed on the need to support economic growth and productivity. The proposed scheme would generate economic benefits during both the construction and occupation phases, along with social benefits in respect of job and wealth creation and training. There would also be investment in local transport infrastructure and benefits allied with this.
28. However, the Framework also requires taking into account both local business needs and wider opportunities for development and recognises that economic objectives also need to ensure that the right type of land is available in the right places in line with provision of infrastructure. As already stated, planning system should be genuinely plan-led and in this case the development plan aims to focus development and economic activity to the main urban areas.

Based on this and the largely speculative nature of the proposal, any benefits specifically derived for Brixworth would be limited. Consequently, the largely generic benefits arising from the proposal could be realised through the development of other commercial schemes, for example by developing at allocated sites. As such, these benefits attract moderate weight.

Other Matters

29. The submitted S106 Agreement, includes obligations to provide the following: travel cards for staff occupying the proposed commercial units; and a travel plan with the aims of promoting sustainable modes of travel. The obligation for local construction would support training and education initiatives. A further obligation is for a Marketing Strategy to ensure that the proposed commercial units are initially marketed to businesses/occupiers operating in Brixworth SEA and then to business/occupiers with a local or business connection to West Northamptonshire. This is to ensure an initial focus on meeting the needs of locally based businesses.
30. Having regard to the evidence before me, it has been demonstrated that the obligations in the submitted S106 Agreement are necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended). I have taken these factors into account when determining the appeal.
31. The appellant has reduced the maximum heights of the proposed buildings and the amount of proposed B8 employment space. However, these concessions and the lack of objections from technical consultees do not alter my findings on the main issue or justify development which is contrary to the development plan.

Planning balance and Conclusion

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
33. I have found that it has not been demonstrated that the extent of proposed development is necessary to support the role and function of the Brixworth SEA. Consequently, the proposal is unjustified for its location and would be contrary to the strategic aims of development plan policies to direct majority of economic development to main towns and urban areas and safeguard the countryside. This includes policies from a recently adopted local plan to which I attach substantial weight.
34. On the other hand, there would be economic, social and other benefits arising from the proposal which are afforded moderate weight. Accordingly, these considerations are not sufficient to mean that the proposal should be determined otherwise than in accordance with the development plan. I, therefore, conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

APPEARANCES

FOR THE APPELLANT

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INTERESTED PERSONS

Councillor J Harris

Councillor

Mr R Kelleher

Local resident

Mr N Masterson-Jones

Local resident

Mrs P Long

Local resident

Kelly Booth

Local resident

Mr D Cross

Parish Council Representative

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

Copy of signed and completed S106 Agreement, dated 29 July 2021.

Letter from CPRE, dated July 2021

South-East Midland Local Industrial Strategy (SEMLIS), July 2019

South-East Midlands Strategic Economic Plan (SEMSEP)

Cambridge, Milton Keynes, Oxford, Northampton Growth Corridor - Final Report for
The National Infrastructure Commission, 2016.

SEMSEP Business Survey Report, 2019.

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ONS, Brixworth Ward (as of 2011),

ONS, Labour Market Profile - Daventry Parliamentary Constituency

ONS, Labour Market Profile - West Northamptonshire

ONS, Labour Market Profile - South-East Midlands

Secretary of State Letter to Chief Executive of the Planning Inspectorate,
18 June 2019

Secretary of State Letter to Chief Executive of the Planning Inspectorate,
21 July 2015

Oxford-Cambridge Arc Economic Prospectus