



Appeal Decision

Site visit made on 26 January 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/W2845/W/23/3321621

Hazlebrook, Denton Road, Horton, West Northamptonshire, NN7 2BE

- 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 William Pinnock against the decision of West Northamptonshire Council.
 - The application, ref. WNS/2022/1324/OUT, dated 24 June 2022, was refused by notice dated 22 December 2022.
 - The development proposed is described as an Outline Application for the Erection of Two Self-Build Dwellings with All Matters Reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that both parties in their appeal documents reference the paragraphs of the National Planning Policy Framework 2021 (the Framework). Since the submission of the appeal, the 2021 version of the Framework has been superseded by the 2023 version. The Appellant and the Council have provided further comment on revised wording of the 2023 Framework. I have considered the appeal on this basis and refer only to the updated 2023 Framework within my decision.
3. During the appeal process, the Appellant has included an appeal decision¹ in their Final Comments and has asked for this to be considered as part of the appeal. The appeal does not change the nature of the proposal and when judging this information in accordance with the 'Wheatcroft principles'², I see no prejudice towards either party in accepting this appeal and will base my decision upon it.
4. The second reason for refusal relates to the failure to provide a planning mechanism such as a S106 Agreement or Unilateral Undertaking (UU) to ensure compliance with Policy LH5 of the South Northamptonshire Local Plan Part 2 (LP). During the appeal process, a signed UU has been submitted by the Appellant to provide the necessary provisions to comply with LP Policy LH5. The

¹ Appeal Ref: APP/W0530/W/23/3322754, Dated 19 September 2023

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Council have had the opportunity to comment upon this UU and in accordance with the Wheatcroft principles, I see no prejudice towards either party in accepting this UU and will base my decision upon it. Having considered the UU in relation to the second reason for refusal, this UU is compliant with LP Policy LH5 and therefore the reason for refusal has been resolved.

5. The application was made in outline, with the principle to be determined at this stage; and access, appearance, layout, scale and landscaping as reserved matters. However, an illustrative concept plan³ has also been provided to which the Council has had regard. I confirm that I have also dealt with the appeal on this basis.

Main issue

6. Taking the above into account, the main issue is whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area, the character and appearance of the locality and the sustainability of the location.

Reasons

7. The appeal site consists of a parcel of land located within a field that is the grounds to the west of Hazelbrook which is accessed from Denton Road. Denton Road appears to be an unclassified road which runs from the A428 to Horton. At the point of the appeal site, the road is travelling through land deemed to be outside of the confines of the village of Horton and is within a countryside location. At the point of the beginning of the appeal site there is a distance of approximately 300m to the edge of Horton which is a small village with a number of dwellings, but no real services, such as a supermarket, post office, public house, school or a reliable bus service taking residents to nearby villages. The nearest services for day-to-day needs such as a post office, public house, school etc are approximately 2 kilometres away (via roads, not as the crow flies) in the nearby village of Hackleton, which contains a well maintained footpath to Horton.
8. Denton Road at the point of the appeal site is a single carriageway in each direction with no footpaths or street lighting. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however the speed limit at this point is 60 miles per hour, which made Denton Road difficult to navigate into the nearest village. The location of the appeal site did not have a village feeling, it was tranquil and had an intrinsic rural experience with long range views to open countryside to the north of the site. Whilst I appreciate that there is a single dwelling to the west, and a new development of 5 dwellings to the east, the appeal site is significant in that it has a positive influence to the character of the village of Horton and reinforces the commencement of the countryside character. These are some of the characteristics of the site which reinforces its local character and distinctiveness.
9. LP Policy SS2 and Policy R1 of the West Northamptonshire Joint Core Strategy (JCS) are the main policies for the delivery of housing in the local area. These policies seek to implement the local level spatial strategy where development is focused towards designated villages where the collective of Horton, Hackleton

³ 'Indicative Layout,' Dwg No.2789/1L, undated

and Piddington are categorised as a Secondary Village (A). The policies also list a number of principles for supporting sustainable development such as ensuring development is adequately served by public transport; has a reasonable proximity to local services without the need for private car journeys; maintains the identity of towns and villages including the role, scale and character; integrates with its surroundings, amongst others. JCS Policy R1 also contains principles for rural housing outside existing village confines, such as needing to result in environmental improvements, supporting retention of local services, informed by community involvement, is a rural exception site or has been put forward by a Neighbourhood Plan (NP). Additionally, LP Policy LH5 is specifically related to self-build dwellings and seeks that sites are immediately adjoining the confines of Secondary villages, have a local connection, and help meet housing need, amongst others. The Housing Supplementary Planning Document (SPD) further defines the housing policies of the Development Plan, and in providing guidance to LP Policy LH5 seeks developments that *'must have a clear, physical and relatable connection with the settlement confines boundary, thereby appearing as a natural, contextually appropriate extension to it.'*

10. Paragraph 83 of the Framework and relevant Case Law⁴ shows that development in countryside locations can enhance or maintain the vitality of rural communities where they are suitably located, which may not only be associated with the closest settlement, but other settlements surrounding. Paragraph 70 of the Framework also supports the delivery of small sites which can deliver self-build housing. I am also aware of the Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016. Amongst other matters the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Specifically, under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.
11. One of the main arguments put forward by the Appellant is in relation to the appeal site adjoining the confines of the settlement of Horton as the western boundary adjoins a development of 5 dwellings under three consents⁵ which were approved at Horton Paddocks to the west. Whilst some of the red line is of the appeal site is adjacent to these neighbouring dwellings, their relationship with the settlement is questionable, given that there is no way to access the edge of the settlement of Horton, with the need to travel down the driveway to Denton Road and then into the settlement along this rural road. The appeal site is even further detached from the settlement in a practical and physical connection point of view. Whilst parts of the red line boundary might adjoin this development of 5 dwellings considered to be at the edge of the settlement; there is no natural or relatable connection to the existing village which is sought by LP Policy LH5 and the accompanying SPD. The granting of this application

⁴ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

⁵ South Northants Planning Ref: S/2015/1073/FUL, S/2016/0326/FUL, S/2020/1149/OUT

would enable all of the parcel of land identified by the red line to be included as suitable for self-build housing, when some areas of the appeal site would be 'adjoining' but other areas of the site would not. I am therefore not convinced that there is complete compliance with LP Policy LH5 as it would not appear as a natural, contextually appropriate extension or infill to the village.

12. Whilst the Appellant does not dispute the housing supply position of the Council, there is commentary in the Appellant's statement regarding a material consideration as to the amount of weight given to the lack of supply of self-build housing within the Council Area. The Appellant has also submitted planning appeals⁶ where self-build housing was given significant weight in the balancing exercise of approving such appeals and outweighed conflict with development plan policies. The appeal at Green End was in an area where the shortfall of self-build housing was significant and that this appeal site was in walking distance to the village centre, public transportation, shops, services and employment. These are material differences from the current appeal site which has no access to such facilities. The appeal site at Tree Tops sought a replacement dwelling and an additional dwelling which although outside the settlement, related well to the remainder of the housing in this small hamlet and the prevailing pattern of development. These considerations are not similar to this appeal site which is disconnected from the remainder of the nearest settlement. The appeals at Hepworth Road were for 30 plots of self-build housing with several new cycle and pedestrian links with the site fitting in well with the existing settlement. The size and contribution of this site to the appeal site is much different as is its contribution to local services. Having assessed these appeal decisions in relation to the current appeal, it is clear that the weight applied to self-build housing was not apportioned in isolation but was taken in consideration with other development plan policies such as a site's sustainability and compliance with housing strategy for example. As such these appeal decisions do not assist in giving support to the weight applied to this current appeal decision.
13. The Appellant's Statement of Case also questions whether the position regarding self-build delivery should be measured on a West Northamptonshire level, or within the South Northamptonshire area and additionally supplies an appendix which questions the figures contained in Council's Annual Monitoring Report in terms of decisions approving self-build dwellings. Whilst the Appellant has not provided a detailed assessment or evidence disputing the Council's figures, it would appear that the Appellant has placed emphasis on whether the self-build decision was subject to a formal planning mechanism such as a UU or s106 Agreement. The Framework states that self-build housing can be either market housing or affordable housing. It would be up to the Council itself as to whether such housing required a formal planning mechanism, such as Policy LH5 which seeks additional considerations. I am therefore not convinced that it would be correct to discount planning decisions on this basis, and that a significant shortfall as the Appellant suggests does exist. Based on the evidence before me, I am also accepting of the Council's approach to measuring delivery within the sub-regional area which does seem logical and that to be in accordance with LP Policy LH5, 'connection' needs to be to the LP area rather than the greater West Northamptonshire Area. I have no reason to dispute these findings based upon

⁶ Appeal Ref: PP/W0530/W/19/3230103, (Green End / Heath Road) Dated 13 August 2019; Appeal Ref: PP/W0530/W/19/3230103 (Tree Tops, Church End Lane), dated 29 June 2020; Appeal Refs APP/G2435/W/18/3214451 and APP/G2435/Q/18/3214498 (Land Off Hepworth Road) dated 4 June 2019

the information submitted within the appeal. That said, there is a five-year supply of deliverable housing land, the tilted balance at paragraph 11d of the Framework is not engaged.

14. Having visited the site, it is clear that future residents would be predominantly dependant on the private car to access the appeal site and to access surrounding settlements. There are no footpaths, street lighting, reliable bus routes and the traffic speed would make access difficult for pushchairs, wheelchairs, bicycles or persons with mobility impairments. The lack of street lighting, levels of light during poor weather conditions and the need to navigate Denton Road would also be further reasons why the site would not be a suitable location which would offer genuine alternative access to the private vehicle.
15. It is also clear that whilst the actual development of the site could be altered to better reflect the existing built form, there still remains concerns over the impact towards the character and appearance of the development. I acknowledge comments provided in the Landscape Assessment provided with the appeal, however this does not assess these other potential alternative options in the development of the site, particularly the amount of urbanisation caused by the need for a driveway to access Denton Road, the additional residential paraphernalia and lighting that comes with a more formal residential use which in my mind would have a much altered experience and feeling than currently experienced and which has not been fully appreciated in this Landscape Assessment.
16. My attention is drawn to a planning appeal as mentioned previously where an Inspector approved an appeal for 9 self-build dwellings to the edge of a settlement where substantial weight was given to this development as in this case the Council had a shortfall in over 220 self-build dwellings. Having read this appeal, the site in question satisfied the sustainability policies of the development plan, where the Inspector viewed the settlement as having schools, a range of shops and facilities, and accessibility via paths for cycles and pedestrians. Additionally, the Inspector commented that this appeal site in question has *'reasonable access to shops, schools, and other similar facilities that would not place undue reliance on the car.'* This decision is not analogous to the considerations of the appeal site and as such is given limited weight.
17. The Appellant's SoC outlines a number of benefits of the proposal which relate to socio-economic factors such as making available a family home, economic benefits in terms of short term employment opportunities from the construction of the scheme and expenditure locally from future occupants, increasing the vitality and vibrancy of nearby settlements and the local community. I also note other benefits such as contributing to the supply of housing; the deliverability of small sites; the development of underused or under-utilised plots and the delivery of self-build sites which improves the mix of housing. These benefits weigh moderately in favour of the development.
18. Despite these benefits, the impacts of the proposed development are significant when taking into account the housing strategy for the area, the character of the area and the sustainability credentials of the site. The lack of nearby services or facilities and large distances to cover would be unlikely to deter the use of the private car. Consequently, the appeal location is not very sustainable or well-connected to facilities to give an overriding social or environmental benefit in this countryside location.

19. Therefore, taking these findings as a whole, I conclude that the location for the proposed development would not be made in accordance with the housing strategy, and whilst there are benefits of the scheme in terms of its economic credentials, these benefits do not outweigh the harm caused to the social and environmental dimensions. The proposed scheme taken as a whole would therefore be contrary to LP Policies SS2 and LH5, and JCS Policy R1 as described previously.

Other Matters

20. I refer to comments from interested parties who raise objections to the scheme for reasons such as access arrangements of Denton Road, effect towards existing trees, impact towards living conditions, and utilities provision. These matters would relate to a Reserved Matters application and are not considered under an outline application with all matters reserved.

Conclusion

21. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR