



Appeal Decision

Site visit made on 5 March 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2024

Appeal Ref: APP/W2845/W/23/3330420

Land West of Prospect Court, Courteenhall Road, Blisworth NN7 3DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr J Wake – Courteenhall Farms against the decision of West Northamptonshire Council.
 - The application Ref is WNS/2022/2015/PIP.
 - The development proposed is described as 'Permission in Principle for the Residential Development of Land for five Self and Custom Build Dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if PiP is granted. I have determined the appeal accordingly.
3. An applicant can apply for PiP for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. However, the application forms in this instance indicate that PiP is sought for precisely 5 dwellings and I have determined the appeal on that basis.
4. The appellant agreed an alteration to the site address during the application process and I have used the revised address for the purposes of my banner heading. Furthermore, the postcode and grid references for the appeal site provided on the application form are incorrect. The postcode I have used more closely relates to the location of the appeal site which itself is identified by the red line on the location plan provided.
5. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version other than Paragraph 69 from the previous Framework is now paragraph 70. This confirms that opportunities should be sought through policies and decisions to support small sites to come forward for community-led development for housing and self-build and custom-build (SCB) housing and that tools such as PiP should be

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

used to help bring small and medium sites forward. The appellant has also referred to the statement of the Rt Hon Michael Gove MP of 19 December 2023 which refers to these changes.

6. Furthermore, on 25 January 2024, the Levelling-up and Regeneration Act 2023 (Commencement No.2 and Transitional Provisions) Regulations 2024 (LURA) amended the Self and Custom Build Act 2015 (SCB Act) to ensure that only land permitted explicitly for SCB housebuilding will qualify towards a relevant authority's statutory duty to meet demand for SCB housebuilding in the authority's area. In light of this, the appellant provided a revised analysis of SCB permissions in the district.
7. The Council have been provided with an opportunity to comment on the appellant's final comments with respect to these matters but has not responded.

Main Issue

8. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

9. Policy R1 of the West Northamptonshire Joint Core Strategy (2014) (WNJCS) confirms that development within the rural areas will be guided by a rural settlement hierarchy in the Part 2 Local Plans. It also confirms that residential development in rural areas will be required to amongst other things provide for an appropriate mix of dwelling types and not affect land which is of particular significance to the form and character of the village.
10. Policy SS1 in the South Northamptonshire Part 2 Local Plan 2011-2029 (P2LP) confirms that proposals for new development will be directed towards the most sustainable locations in line with the settlement hierarchy set out under this policy. It also confirms that new development should be within the defined settlement boundaries in accordance with their scale, role and function unless otherwise indicated.
11. Blisworth falls under 'Secondary Villages (A)' within the third category in the settlement hierarchy. There is no dispute that the site sits outside the settlement confines of Blisworth. Policy SS1 confirms that all areas outside defined confines are considered to be 'open countryside' for the purposes of this policy where the delivery of housing is supported where it would comply with specified housing policies including, amongst others, Policies LH1 (Residential Development Inside and Outside Settlement Confines) and LH5 (Self and Custom Built Homes) of the P2LP.
12. Policy LH1 confirms that development outside settlement confines is considered to be in the open countryside and will not be acceptable unless it meets one of specified criteria including '(e) is a self or custom build project in accordance with Policy LH5'. Policy LH5 confirms that proposals for two or more self or custom build sites immediately adjoining the confines of Secondary Villages (A) will normally be permitted where they help to meet demand as demonstrated by part 1 of the Council's SCB Register.

13. In line with the Corbett judgement² 'immediately adjoining' does not necessarily mean a site should be coterminous to the settlement boundary. I understand that the defined settlement confines boundary in this instance is close to the appeal site as it follows the front boundaries of the dwellings to the opposite side of Courteenhall Road. The appeal site is also within reasonable proximity to services and facilities in Blisworth.
14. However, the South Northamptonshire Housing Supplementary Planning Document (2021) (SPD) confirms that for a site to be considered 'immediately adjoining' the settlement confines, it must have a clear, physical and relatable connection with the settlement confines boundary, thereby appearing as a natural, contextually appropriate extension to it. In the absence of an alternative definition, such factors are also pertinent to my considerations.
15. Furthermore, an assessment of whether the development would appear contextually appropriate is also necessary as matters of land use, location and amount of development need to be considered against the requirements of the development plan as a whole which include the effect on the character of the area in line with the requirements of Policies R1 of the WNJCS and SS2 of the P2LP.
16. The respective northern section of Courteenhall Road has a sporadic development pattern where roadside hedgerows and the fields beyond dominate and make for a prevailing rural character. Even though the site is not designated as forming part of a 'Special Landscape Area', from my own observations, the clear visual distinction between the rural attributes of that side of the road and the consolidated footprint of development within the settlement confines boundary opposite makes a significant contribution to the form and character of Blisworth.
17. Moreover, the substantial mature planting along the appeal site's roadside boundary together with the location of the site within lower lying fields, visually segregates it from the ground level and built environment within the settlement confines. The levels of the three dwellings to the immediate west and development at Prospect Court to the east are also more consistent with the road level and this further distinguishes the appeal site as being distinctly part of the rural landscape. Consequently, development of the site would not appear as a natural, contextually appropriate extension to Blisworth.
18. Policy H1 of the WNJCS does not set a minimum density and requires that housing developments make the most efficient use of land having regard to contextual factors including character. Even so, the parameters of the site and the amount of development proposed indicate that the proposal would be below the general densities within the settlement confines boundary on Courteenhall Road. In addition, there is the potential that SCB housing would be bespoke in size and form. When these factors are combined with the site-specific characteristics described above, they would compound the visual disconnect between the development and that which sits within the settlement confines.
19. Even accounting for the mature vegetation along the boundary with Courteenhall Road, it is likely that the proposed houses would be visible over the hedge line and this would emphasise the contrasting levels in relation to

² Corbett v Cornwall Council [2022] EWCA Civ 1069

the settlement confines. The differential levels and the expansion of residential development outside the settlement confines and into the rural landscape would also be conspicuous from viewpoints 1 - 3 on Public Footpath RD1 as indicated on 'Plan 1' within the appellant's Landscape Technical Note (Report No 1064 R01a). Any structural planting to the northern boundary would take time to establish and, even then, would be unlikely to make the visual effects imperceptible.

20. Overall, I find that residential development of the site would not appear well-related to the existing development pattern on Courteenhall Road and would have a harmful effect on the character and appearance of the area. Taken together with the site's position not physically connected to the settlement confines boundary, I find that the proposal would not immediately adjoin Blisworth in the context of Policy LH5 and the SPD and therefore the principle of the proposed development at this location is not acceptable.
21. I conclude, the site is not suitable for residential development having regard to matters of location, land use and amount. In these respects, the proposal would conflict with the strategic and character requirements of Policies LH5 and SS2 of the P2LP and R1 of the WNJCS.

Other Matters

22. The Framework recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. The appellant contends that in light of the LURA and the amendment to the SCB Act, the LPA has a significant deficit in terms of land permissioned explicitly for self-build and custom housebuilding when compared with demand for self-build and custom housebuilding in the authority's area. In the absence of counter evidence from the LPA following this update to legislation, I have taken a precautionary approach and based my conclusion on the worst-case scenario advanced by the appellant.
23. Policy LH5 includes further requirements for SCB housing including that occupiers can demonstrate a local connection, the ongoing involvement of the intended occupier in the design and planning process and the marketing requirements. The appropriate way to ensure such detailed requirements would be met with certainty and precision would be through a legal obligation. However, a PiP does not enable me to secure such provisions.
24. Notwithstanding the above, the Planning Practice Guidance (PPG) confirms that following a grant of PiP, the granting of TDC has the effect of granting planning permission and that an application for TDC must be in accordance with the PiP. The PPG also states that LPAs may agree planning obligations at the TDC stage. The proposal expressly specifies that the type of development is for SCB housing. In these respects, I find the appellant's argument that the absence of a legal obligation need not be determinative is not without some merit. Given my conclusion, it has not been necessary to reach a definitive view. However, I have based my decision on a scenario that the development would be for SCB housing.
25. My attention has been drawn to a PiP for a site at Greens Norton³. From what I have seen, in that particular instance the settlement boundary extended to the

³ LPA Ref 2023/6144/PiP

same side of the road as that site. Furthermore, the LPA stated that the proposal would mirror the grain and densities of development within the settlement boundary. For the reasons, already outlined, that would not be the case in respect of the appeal proposal and so I do not find the Greens Norton case comparable.

26. My attention has been drawn to 'The Bacon Review' with the suggestion that SCB homes are more attractive and greener than speculative dwellings and are built by SME builders. However, the green, social and economic credentials of the proposal have not been quantified at this stage and given the scale of the development are unlikely to be of a substantial magnitude.

Conclusion

27. Applying the appellant's worst-case scenario, the Council has a significant deficit in serviced SCB housing plots relative to demand for such housing on its register. There is an urgent requirement to address this deficit and the proposal would make a limited but important contribution towards doing so. Consequently, I attach significant weight to this matter as a material consideration.
28. Even so, the Framework confirms that the planning system should be genuinely plan-led. The development plan is up-to-date and includes policy provisions to enable SCB housing outside settlement confines. However, for the reasons set out under the main issue, the appeal site would not comply with those provisions and residential development of the site would also conflict with the policies which seek to protect the character and appearance of the area. Consequently, the proposal would not be a sustainable form of development and the conflict with the development plan is of overriding concern.
29. For the reasons given above, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR