The Planning Inspectorate

Appeal Decision

Hearing held on 27 February 2024

Site visit made on 27 February 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2024

Appeal Ref: APP/W2845/W/23/3331742
Land to the east of Northampton Road, Roade, Northamptonshire

- 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 Snowdon Homes Ltd against the decision of West Northamptonshire Council.
- The application reference is Ref WNS/2022/2384/MAF.
- The development proposed is development of up to 24 First Homes.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Snowdon Homes Ltd against West Northamptonshire Council. This is the subject of a separate Decision.

Preliminary Matters

3. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and replaces the previous version. The parties were given the opportunity to make any comments at the Hearing. I have had regard to the latest version in reaching my decision.

4. At the Hearing the parties had agreed a final draft planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (the S106). However, it was not signed in case changes needed to be made in light of the Hearing. A date for the submission of the signed S106 was agreed and a duly signed and dated S106 has now been submitted.

5. The development plan includes the West Northamptonshire Joint Core Strategy Part 1 (hereafter the 'Core Strategy'), the South Northamptonshire Local Plan Part 2 (hereafter the 'Local Plan') and the Roade Neighbourhood Development Plan (hereafter the 'Neighbourhood Plan').

6. At the Hearing it was confirmed that the emerging West Northamptonshire Strategic Plan is at an early stage of preparation. I agree with the parties that it attracts limited weight.

7. During the course of the appeal the Council confirmed the proposal no longer conflicts with Local Plan Policies SS1, LH1 and LH3 – this will be discussed later.

Main Issues

8. The main issues in this appeal are:

- Whether the appeal site would be a suitable location for housing with regard to local and national policies,
- The effect of the proposed development on the setting of Roade Conservation Area, and
- The effect of the proposed development on the character and appearance of the area.

Reasons

Whether a suitable location for housing

9. The Local Plan, Core Strategy and Neighbourhood Plan contain a number of inter-related policies that provide a spatial strategy and guide the location of housing across the district. The settlement hierarchy in Local Plan Policy SS1 (The settlement hierarchy) focusses new housing on certain settlements, based on their size and range of services and facilities, in order to encourage sustainable patterns of development. The policy identifies Roade as a Primary Service Village Secondary Category with a high level of services and facilities capable of receiving new housing, in principle, within its defined settlement confines. Land outside settlement confines is defined as 'countryside' for policy purposes, where limited types of development will be permitted. There is no dispute between the parties that the appeal site lies outside, but contiguous with, the settlement confines of Roade, and hence lies in the countryside. The Council also has a number of policies that deal with affordable housing and other housing exceptions.

10. These policies are broadly in accordance with the Framework's aim of promoting sustainable patterns of development and identifying opportunities for villages and other settlements to grow, supported by infrastructure and facilities, and in rural areas and where it will enhance or maintain the vitality of communities. Core Strategy Policy SA is a broad brush policy that promotes the presumption in favour of sustainable development, echoing the aims of the Framework.

11. The proposal would be for 24 'First Homes' (comprising 11 x 2-bed and 13 x 3-bed dwellings) as a mix of semi-detached and detached properties on a 1 hectare parcel of land outside, but adjacent to, the settlement boundary of Roade.

12. First Homes is a new specific type of affordable housing product introduced and endorsed by the government in a Written Ministerial Statement[1] (the WMS) to replace the entry-level exception site policy, which has not delivered the amount of affordable housing originally envisaged. The WMS confirms that First Homes meets the definition of 'affordable housing' in the Framework for planning purposes. The Council's development plan was adopted before the WMS came out and took effect and hence the development plan does not contain any specific First Homes policies, although the Council does have some affordable housing policies. However, the Framework states that Written

[1] Issued 24 May 2021 and came into effect 28 June 2021

Ministerial Statements and other statements of government policy may be material when deciding applications. The First Homes WMS is therefore a material consideration, to which both parties give significant weight. I concur.

13. First Homes are the government's preferred discounted market tenure to provide homes for first-time buyers at a discount of a minimum of 30% against the market value. After the discount has been applied the first sale of the home must be at a price no higher than £250,000 (outside London). Councils can set deeper discounts and impose lower price caps if they can demonstrate an evidenced need for this. The same level of discount, as a percentage below market value, must apply to each home every time it is sold in perpetuity so that communities can continue to benefit. The continued provision of First Homes housing on the site into the future would be secured by a S106.

14. The WMS explains that First Homes can be delivered as part of a mix with market housing or can be delivered via exception sites. First Homes exception sites should be on land which is not already allocated for housing, be adjacent to an existing settlement, and comprise First Homes. Sites should also be proportionate in size to the settlement and not comprise protections given to areas or assets of importance in the Framework. They are expected to comply with any local design policies and standards.

15. It is not uncommon for existing development plans to be out of kilter with new government policy, bearing in mind the length of time it takes to produce a development plan. The WMS states that where local plans do not benefit from any transitional arrangements (as in this case) "*the local planning authority should make clear how existing policies should be interpreted in the light of the First Homes requirement using the most appropriate tool available to them*".

16. During the appeal, the Council has reflected on its position and now regards First Homes as being similar to Entry Level housing, as the product is targeted at first time buyers and offers discounted property. In doing so, the Council accepts that such sites can be located outside existing settlement confines as an exception. The appellant also drew my attention to the fact that Entry Level housing requires a 20% discount on the market value, whereas First Homes requires a 30% discount and hence would be a betterment in creating a more affordable product.

17. Local Plan Policies SS1 and LH1 allow entry level exception sites outside, but adjacent, to settlement confines for villages that meet the exception tests in Local Plan Policy LH3. Local Plan Policy LH3 expects [Entry level] exception sites to be adjacent to the boundaries of certain settlement types, including Primary Service villages such as Roade, which the proposal would be. The proposal would also need to meet three further criteria.

18. Firstly, the proposal would be for at least one type of affordable housing, which First Homes would be. Secondly, regard should be had to local income and house prices. At the Hearing interested parties expressed concerns at the affordability of the proposed dwellings, and that they would be too expensive even with the 30% discount. I heard that the average median wage for the area was £30,000 and even with the growth of the nearby new Rail Freight depot most jobs would be in warehousing (with typical salaries suggested as being in the region of £20,000 – £25,000). Even borrowing four times such a salary would still place the First Homes out of reach for many. In response, the Council advised that its Strategic Housing Officer was satisfied First Homes

housing would be appropriate taking into account local income, house prices and the in-built 30% discount. In the absence of substantive evidence to the contrary I am satisfied that this criteria would be fulfilled.

19. Thirdly, there needs to be arrangements in place to secure the housing remains at 30% discount for future eligible households. A S106 legal agreement has been prepared, using the government's suggested model agreement, which would ensure the houses remain discounted for eligible households in the future. Therefore there would be compliance with Local Plan Policy LH3 and by association compliance with Local Plan Policy SS1.

20. Local Plan Policy LH1 is also inter-linked with Core Strategy Policy R1 for the spatial strategy of the rural area. The parties agreed the proposal did not meet the limited exceptions for development outside the settlement confines. However, where the rural housing requirement is met, rural exception sites under Core Strategy Policy H3 will be permitted. Neighbourhood Plan Policy RNDP1 also requires compliance with Policy R1, and hence in turn Policy H3.

21. I am advised that the requirement for 2,360 rural dwellings has already been met and indeed exceeded. Policy RNDP1 of the Neighbourhood Plan states that Roade would take 17.5% of the rural housing figure between 2011 and 2029, which the parties agree is about 400 dwellings. Interested parties brought my attention to the 500 or so new houses that have already been built in Roade in recent years on a number of sites, and which include affordable homes. The effect has been to almost double the size of Roade since 2011.

22. That said, housing targets are not a cap on housing supply. I heard from the Council that there is a continuing district-wide need for new housing and an overall shortfall in affordable housing. The appellant had drawn attention to the evidence base to the Council's Housing Strategy that states there is a need for more than 1,200 new affordable homes every year until 2050. Therefore, it is appropriate to continue to allow housing development in appropriate locations, as this will contribute to the supply of housing as a whole, given the Government's aim to significantly boost the supply of homes.

23. Core Strategy Policy H3 sets out a number of criteria that rural exception sites should meet. In all cases, sites should immediately adjoin the main built-up area of a rural settlement, which the appeal proposal does, and there should be arrangements to ensure the housing remains available and affordable – the S106 would do this.

24. However, the main area of dispute is whether the proposal would meet an identified local need and the form and scale of the housing is justified by evidence of need through a local housing needs survey. As First Homes are a new housing product, demand for it has not been tested. The last local needs housing survey was undertaken in 2012 and both parties accept this is too old to be relied upon. Therefore, at face value there is no identified local need for affordable housing on the site.

25. As the Council relies on specific locally identified housing needs as part of Policy H3, the onus should be on the Council to undertake the necessary survey work. However, whilst local needs surveys are often undertaken by local planning authorities or Parish Councils, there is nothing to prevent the developer from undertaking a housing survey of their own to justify their development proposal. Neither party has undertaken fresh housing need survey work.

26. However, in the absence of an up-to-date local housing needs survey for Roade the Council sought to consider the local housing needs position using a number of tools at its disposal, and this is set out in the officer report to the Planning Committee. The SHMA[2] indicates a district-wide shortfall of affordable housing. At the Hearing I heard the shortfall continues to exist, despite the Council being able to demonstrate it has more than a 5-year supply of housing land. As of January 2023 the Council's Housing Register revealed a snapshot of current need for rented affordable housing, with 35 households willing to be housed in Roade.

27. In the absence of a Roade-specific local housing needs survey, I find there is satisfactory evidence to indicate there is a continuing need for affordable housing in the district and in Roade, despite the recent housing developments. There was no dispute that the site is located in a sustainable location with regard to access to services and facilities in Roade.

28. In the absence of specific First Homes affordable housing policies in the development plan, I find merit in the Council's revised position and its pragmatic approach at using its existing housing policies in this way in this instance. Furthermore, the WMS states that "*Under the new system, a policy compliant application would seek to capture the same amount of value as would be captured in the local authority's up-to-date published policy. In addition to capturing the same amount of value towards affordable housing as the existing policy, where an on-site affordable housing is required, a policy compliant application will have a minimum of 25% of affordable housing units on-site as First Homes*."

29. The proposed First Homes housing would be discounted in price and there would be 100% provision of affordable housing across the site, which exceeds the WMS minimum of 25%. It would be on a site adjacent to the boundary of a Primary Service Village. There would also be a S106 to ensure the housing is retained as affordable into the future. Hence the proposal would comply with the WMS policy for First Homes.

30. Therefore, for the reasons set out above I conclude that the proposal, would comply with Core Strategy Policies SA, H3 and R1, Local Plan Policies SS1, LH1 and LH3 and Neighbourhood Plan Policy RNDP1.

Effect on setting of Roade Conservation Area

31. The appeal site lies close to Roade Conservation Area (the CA), a designated heritage asset. The Conservation Area Appraisal (the CAA) states that Roade is recorded in the Doomsday Book, although evidence suggests it was occupied during prehistoric and Roman times. It describes the distinctive linear plan form set around the High Street and the Grade II listed St Mary's Church, with buildings of different styles and designs, including vernacular cottages and former farmsteads within the village. As the CAA states, these demonstrate the "*original agricultural nature of the settlement*" and that the "*village has grown with strong agricultural roots evident in the built form*", as part of Roade's historical evolution. Thus the historic significance of the CA, in so far as it relates to this appeal, is largely historic and architectural reflecting the village's evolution and agrarian past.

[2] Strategic Market Housing Assessment - 2010

32. The rural connection is still evident today as the village is surrounded by open fields and countryside. The appeal site forms part of one such large and open agricultural field that abuts the edge of the defined settlement confines and lies in close proximity to the CA boundary and also close to the 18th Century Grade II listed thatched cottage (4 Northampton Road).

33. The CAA goes on to describe that many of the large open fields surrounding the village were enclosed over time. However, the appeal site and the large, flat, open field in which it sits remain open and largely undeveloped today. The alignment of the field boundaries also remain virtually unaltered as does the bend in Northampton Road and its relatively undeveloped nature, as evidenced on the old maps of Roade in the CAA at figures 8, 12 and 13. Whilst the CA is largely inward looking, the CAA states the "*agricultural setting of Roade is particularly evident when approaching the village from Northampton Road*", itself an historic road. I saw that the appeal site and its much wider field parcel provide a dominant and open agricultural setting to the village along Northampton Road, with the water tower rising up above the relatively flat terrain.

34. The Council describe the appeal site as a link between the historic core of the village and the open countryside beyond and that the field is one of the few areas of open countryside around the village that lies in close proximity to the CA. I saw this to be the case. Notwithstanding that the view is not a protected one in the CAA, standing on The Green at the end of High Street the appeal site and wider field are clearly visible and provide a bucolic setting to the village edge. This is also the case approaching The Green and the site from the south along Hartwell Road.

35. Thus, the appeal site clearly forms part of a wider swathe of open countryside that forms part of the historic network of fields that provides Roade with its rural setting and links to its agricultural past. Hence the appeal site positively contributes to the rural setting of the CA and in turn to the significance of the CA.

36. The proposal would see 24 houses built on a corner of the field, closest to the rear of an existing modern housing development in Manor Close and the CA boundary. Building on the field would reduce the agricultural nature of the land. Views out of the CA towards the site and the open fields around and beyond from The Green, and from approaches along Hartwell Road, would be lost and the these visual agricultural links severed. The proposal would therefore diminish the rural setting to the village along Northampton Road, an historic road and route. As the rural setting is an integral part of the CA, it follows that the heritage significance of the CA would be eroded and harmed by the proposed housing development.

37. The Framework states that heritage assets are an irreplaceable resource[3] and that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation[4]. Any harm to, or loss of, the significance of a designed heritage asset, from its alterations or destruction or from development within its setting, should require clear and convincing justification[5].

[3] Paragraph 195
[4] Paragraph 205
[5] Paragraph 206

38. The Framework describes harm as being either substantial or less than substantial. There is no requirement for harm to be placed on a spectrum within those two categories. There is no dispute between the parties that the development would cause harm to the significance of the CA, but that the harm caused would be less than substantial. In such cases, the Framework requires[6] the harm to be weighed against the public benefits.

39. There would be significant public benefits arising from the provision of 24 affordable First Homes, when the Council has a shortfall of affordable housing. There would also be some associated socio-economic benefits during and after construction, including additional custom for local businesses from future occupants.

40. However, as heritage assets are irreplaceable resources and the appeal site is one of the few areas of countryside in close proximity to the CA boundary, I do not find the public benefits in this instance outweigh the harm caused to the significance of the CA. Accordingly, the proposal would be contrary to Local Plan Policy HE1 and Core Strategy Policy BN5. Collectively these seek to ensure that the setting of heritage assets is conserved or enhanced.

Character and appearance

41. The First Homes exception site policy in the WMS, and indeed the Council's various housing exception policies, implicitly acknowledge and accept that new housing will be on sites outside village confines or boundaries. This would likely impact on the setting of a settlement to some extent.

42. The appeal site lies on the edge of the village of Roade, outside the boundary and forms part of a large flat field that forms part of a wider swathe of gently undulating agricultural countryside to the north and west. As already described, the field that the appeal site forms part of, as well as Northampton Road, feature on old maps of Roade and have not significantly changed. There is a notable absence of built development along Northampton Road apart from a cul-du sac of houses some distance to the north of the site. The backs of housing in Manor Close and the adjacent roadside development marks the start of built development in Roade. There is no screening from the road, such that when traveling along Northampton Road, either into or out of the village, the existing field and appeal site are highly visible and form a striking open agricultural setting to the village and Northampton Road. Hence the appeal site positively contributes to the wider open, rural, spacious and undeveloped character and appearance of the area on this side of Roade.

43. The appeal site does not follow any existing field boundaries or features, apart from its western side facing Northampton Road and the rear of properties on Manor Close. Thus the proposal would appear as a somewhat arbitrary rectangle of houses set in an open field that would encroach into the surrounding countryside and extend along Northampton Road and employ artificial boundaries.

44. As agreed at the Hearing, I stood by the church and looked towards the site. Views of it were limited due to the intervening land, trees and hedges, although I could see vehicles passing along Northampton Road. I also walked part of the network of public footpaths in the vicinity of the site. From the water tower and

[6] Paragraph 208

cemetery I walked east across the large field of the appeal site forms part of. On looking back, I saw that the houses of Manor Close were largely hidden behind existing tree planting and the extension of the cemetery. I progressed along the northeastern field boundary and along the northern boundary with the cul-de-sac of housing off Northampton Road. As the housing in Manor Close was sited behind existing frontage development and did not extend along Northampton Road any further than the frontage development, it did not encroach into views and the surrounding fields. At all times, I found the existing open expanse of the field and appeal site was a striking feature that added to the enjoyment of using the footpath network.

45. The proposed development would be an obvious and incongruous encroachment of built development along Northampton Road and into the surrounding countryside. The proposal would reduce the rural, open and spacious character and appearance of the approaches to Roade and represent an unsympathetic encroachment into the surrounding countryside. The experience of the wide open space of the countryside from the public rights of way would also be diminished.

46. Some attempt has been made to create a varied street scene - the dwellings would be spaced out along the road and the heights of buildings would reduce a little as development progressed northwards along Northampton Road. The Council has not raised any concerns about the house designs and overall layout. I have no reason to take a different view and have no reason to doubt the dwellings would be of a high build quality and conditions could be imposed to control the use of building materials. There are also features such as good surveillance and adequate space for vehicles to manoeuvre and park. The public open space to the northern edge of the site might act as a softening buffer, but it would be enclosed by timber post and rail fencing creating an abrupt and artificial end to the development, another arbitrary feature that compounds the urbanised encroachment.

47. Whilst the site would abut the backs of housing in Manor Close, this relationship would have little significance once the proposed housing is built. The planting of a hedge along the site's eastern boundary with the remainder of the field would take time to grow and would do little to reduce the overall relationship of the site to the village and larger field which it forms part of, as well as enjoyment of the public rights of way in the vicinity.

48. Accordingly the proposal would be contrary to Local Plan Policy SS2 and Core Strategy Policy R1, which collectively seek to ensure that development in the rural area does not affect open land that is part of the form and character of the settlement.

Planning Balance

49. A decision on whether to grant permission must be made in accordance with the relevant policies in the development plan, unless there are material considerations, such as those in the Framework or a WMS that indicate otherwise.

50. The proposal is for a specific type of affordable housing and the development plan has a spatial strategy and policies that guide the location of new housing, including affordable housing and development on exception sites, in a way that will secure sustainable patterns of development in a manner broadly consistent

with the Framework. The development plan is not time expired as the plan-period is current and runs until 2029. The Council can also demonstrate it has more than a 5-year supply of housing land. Furthermore, there are other relevant policies at play in the appeal relating to designated heritage assets and character and appearance that make a 'basket' of relevant policies. Therefore, read as whole the development plan is not out-of-date just because it has no specific First Homes policies. Framework paragraph 11d) is not therefore engaged.

51. The provision of 24 First Homes would help reduce the district-wide shortfall of affordable housing. This would comply with the Framework's aim of providing housing for the needs of different groups in the community and the WMS that expects local authorities to support the development of First Homes exceptions sites, suitable for first-time buyers, unless the need for such homes is already met with the local authority's area. The S106 mechanism would secure the First Homes affordable housing provision for future eligible occupants.

52. There would also be some modest socio-economic benefits during construction and local after-spend from future residents. There would be some environmental benefits from additional landscaping and the location being close to a Primary Service Village to help reduce the dependency on the private car. The financial contributions that would come from the S106 are required to mitigate potential adverse impacts effects from the development and additional population and are therefore not a benefit**.**

53. That said, the proposal would cause harm to the setting and hence significance of Roade Conservation Area, a designated heritage asset to which I give great weight, which I have found would not be outweighed by the public benefits. There would also be harm to the character and appearance of the area. These are serious planning objections.

54. Drawing all the above points together, I have found the proposal would conflict with the development plan as a whole. The material considerations I outline above are not sufficient to outweigh this conflict. Even if Framework paragraph 11d) was engaged, in accordance with paragraph 11(d)(i) the application of policies relating to designated heritage assets in the Framework provides a reason to refuse permission.

Conclusion

55. For the reasons given above the appeal should be dismissed.

K Stephens
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Gray	Associate Director Aitchinson Rafferty
Jane Burgess	Solicitor Advark Planning Law
Laura Spriggs	Development Manager Snowdon Homes
Charles Wynne-Williams	Technical Director Snowdon Homes

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Murphy	Director Stansgate Planning
James Patterson	Principal Planning Officer
Amanda Jacobs	Principal Planning Officer Policy

INTERESTED PARTIES:

Michael Davies	Roade Parish Council
Stuart Shrub	Roade Parish Council

DOCUMENTS

1. Copy of speech read out by Micheal Davies
2. Agreed Planning Obligation (unsigned)

PLANS

Full set of agreed plans