



Appeal Decision

Site visit made on 4 June 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/W2845/W/24/3336290

Land between 28-32 Brackley Road , Silverstone , Northants , NN12 8UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for Permission in Principle.
 - The appeal is made by Dacastello Limited against West Northamptonshire Council.
 - The application Ref is 2023/6839/PIP.
 - The development proposed is residential development of the land for custom/self-build houses.
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Decision

1. The appeal is dismissed.

Preliminary 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 permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The appeal is against 'non-determination', however, the Council has now been able to set out in its representations why permission should be refused. Within this assessment the Council concludes that on balance the housing *land use* is acceptable as the proposal accords with the relevant policies SS1, LH1 and LH5 of the Local Plan Part 2. Further, the Council judges that the *amount* of development (of between 2 and 4 units) could reasonably be accommodated on the site subject to detailed matters being assessed at the Technical Details stage.
5. Therefore the main issues are:
 - Whether the location of the development would maintain the historical, physical and visual gap between Silverstone and Cattle End or lead to its coalescence.

- Whether custom-self build units provide over-riding justification for the development.

Reasons

Background

6. The appeal site comprises a mostly rectangular area of land which lies to the north of Brackley Road on the western fringe of the village of Silverstone. The site is rough grassland at the moment and surrounded by high hedges with occasional mature trees and also contains some ponds although not in the location or extent shown on the submitted location plan. There is housing development to the east of the site where the adjacent properties No. 26 and 28 lie set back from the frontage. There is also a relatively new housing development to the west of the site, known as The Elms, alongside Silverstone Manor and other residential properties which the Council says form part of the distinct settlement of Cattle End. To the rear of the appeal site is Olney Meadow Pocket Park with a public footpath and green lane.
7. The appeal site has a complex planning history. From the representations made by the local community it appears that the appeal site was intended to be part of a green space linked to residential development at The Elms and there was a legal agreement for the land to be transferred to the local council. However, the Council confirms that this requirement has not continued and the covenants within the agreement have been discharged.

Policy context

8. The development plan includes the Joint Core Strategy (JCS) Local Plan Part 1 and the Local Plan (SNLP) Part 2. The Council is also producing a new local plan but this is at a very early stage in the formal process and its provisions can only be afforded very limited weight.
9. The appellant says that the Council cannot demonstrate a five-year supply of housing land, however, the appeal decision mentioned in evidence¹ relates to a site in Braintree District Council area rather than West Northamptonshire. This Council says that it can demonstrate a 8.65 year supply of housing land in the legacy South Northamptonshire area and there is no other evidence submitted to challenge this. Therefore, the provisions of paragraph 11(d) of the National Planning Policy Framework (the Framework) are not engaged in this case.

Effect of the location of the proposal on the gap

10. The Council advises that SNLP Policy SS2, which relates to general development principles, indicates in Part (a) that new development should maintain the individual identity of towns and villages and their distinct parts and not result in physical coalescence which would harm this identity. Moreover, I note that in Policy SS1 Silverstone is regarded as a Secondary Village (a), and therefore is a settlement, although there is no separate mention of Cattle End as a distinct settlement. However, the settlement boundary set out on Insert Map 68 of the SNLP shows the defined boundary or confine as not including the appeal site and depicting the Cattle End area as a separate 'island' confine of the settlement. In adopted policy terms the appeal site should therefore be regarded as being in the 'open countryside, by virtue

¹ APP/Z1510/W/23?3314549

of part (3) of the Policy SS1. The Council says that this policy stance is continued in the emerging Silverstone Neighbourhood Development Plan (SNDP) where Policy SNDP1 part (b) emphasises the need to avoid the loss of separation of the separate village confines of Silverstone village, Cattle End and West End.

11. From the above there is a clear policy stance to avoid development on the appeal site if it would erode the gap and result in coalescence. although the weight that can be given to the emerging SNDP is very limited as it appears not to have been subject to examination yet.
12. In terms of the location of the development there is no detailed plan before me and a range of development is also proposed. I have therefore considered the likely effect of the potential for at least 2 dwellings and a maximum of 4 on the site taken as a whole together with the incidental normal trappings of such development.
13. At the site visit it appeared to me that the site makes an important contribution to the separation of the two elements of the village and visually links with the open space of Olney Meadow. From this open area and local footpaths there are views into the rear (northern area) of the appeal site through the boundary hedge and new dwellings in this area of the site would be noticeable especially in the winter time. When viewed from Brackley Road the mature trees on the appeal site frontage are prominent features in the street scene and help break up the developed frontage to the east from that and around The Elms. Moreover, the presence of dwellings within the landscaping would materially change the character of the site. Further, the present set back of the adjoining properties No's 28 and 32 mean that dwellings on the appeal site, along with the ancillary access parking and manoeuvring space, are likely to be more prominent in views from both east and west along this principal road.
14. A development of between 2 and 4 dwellings would therefore be prominent in views from both the north and south of the site and would be unlikely to maintain the open and verdant gap that exists at the moment and would result primarily in a residential and suburban character.
15. I note that the Silverstone Design Guide (VDG) does not show the appeal site as forming part of the important open space between Cattle End and Silverstone. However, in addition to the settlement boundaries depicted in the local plan I have made my own judgement on the contribution that the appeal site makes to the gap from my observations at the site visit.
16. Overall on this issue I find that the appeal site lies outside of the confines of the separate entities of Silverstone and its development for housing (of two to four units) would be in conflict with the relevant part of the development plan. Such development would be likely to erode and substantially remove the present open gap in both visual and physical terms in the individual identities of the main part of Silverstone and Cattle End and contribute to their coalescence.

Whether custom/self-build overriding justification

17. In general terms there is a duty on a council to ensure that there are sufficient self and custom build sites available to meet the local demand. The Council says that the monitoring report upto 2022 indicated that there was a significant

number of permissions for self-build and custom plots to keep pace with the interest on the Register.

18. However the Council also reports an appeal decision² where the inspector concluded that the Council's monitoring could not be relied on and that there was likely to be a shortfall in the delivery of self-build permissions. The Council officers advise in this case that in the absence of more up to date monitoring it is accepted that the proposal would help meet a need for self- build dwellings that would otherwise go unmet. This position is consistent with the appellant's contention that the demand (for self and custom build) is now outstripping supply. This is a material consideration to which substantial weight has to be attached.

Planning balance

19. On the main issues I have found that the appeal site lies outside of the recognised confines of Silverstone and Cattle End and in the countryside. The location of development of between 2 and 4 dwellings would be prominent locally and would materially erode the gap in both visual and physical terms and lead to the coalescence of neighbouring parts of the settlement. This would not maintain the identity of the individual parts of the confines and would conflict with the provisions of Policy SNLP Policy SS2(a).
20. This policy conflict has to be balanced with other considerations and in particular the finding on the second issue that the demand for self and custom-built homes is outstripping supply at the moment. However, even if substantial weight is given to this deficiency it does not outweigh the local harm that the proposal would be likely to cause to the form of Silverstone in the long term.
21. I also acknowledge that the proposal would make a modest contribution to housing land supply in general but it has not been shown that the Council is deficient in this regard. The construction of the houses and their subsequent occupation would also be likely to make a small economic contribution to the area and it is agreed that the site lies in an accessible location and in general terms these factors are supported by the Framework.
22. Nevertheless, the environmental harm that would arise over the location of the site mean that it would not be 'sustainable development' as set out in the Framework. The other considerations do not outweigh the conflict with the development plan over the *location* of the development and this indicates that the appeal should not be allowed.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

² APP/W2845/W/23/3323851