
Appeal Decision

Site visit made on 26 November 2024

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th February 2025

Appeal Ref: APP/W2845/W/24/3340192

Land to the west of BP Garage, Brackley Road, Towcester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Harrison of Construction Consultancy Service, ASH Planning Ltd against the decision of West Northamptonshire Council.
 - The application Ref is 2023/5461/FULL.
 - The development proposed is development of site to provide swimming pool with associated landscape access, and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal.
3. The application form gives only the forename of the appellant. For clarity I have used the full name which has been provided on the appeal form in the banner heading.
4. The application form does not give an address for the appeal site. Therefore, I have used the address contained within the decision notice in the banner heading above.
5. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

Main Issues

6. The main issues are:
 - whether the appeal site is in a suitable location for the proposed development, having regard to local and national policy;

- the effect of the proposed development on highway safety;
- the consequences of a refusal of permission for disabled people in the surrounding area.

Reasons

Suitable Location

7. Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 (SNLP) and Policy S1 of the West Northamptonshire Joint Core Strategy Local Plan Part 1 2014 (WNLP1) are strategic policies which direct development towards sustainable locations in accordance with the District's settlement hierarchy. This is further supported by Policy R1 of the WNLP1 which outlines the spatial strategy for rural areas including a rural settlement hierarchy.
8. The appeal site is sited close to an existing service area located off the A43. It is on the outskirts of Towcester, which is a first category Rural Service Centre and at the top of the hierarchy of settlements set out in Policy SS1. The service area consists of a BP petrol garage, a hotel, coffee shop and fast-food outlet. Despite this, the site is defined as being located in the open countryside by Policy SS1. It is currently verdant in character.
9. The appeal scheme would provide a swimming pool that would facilitate a new swim school. The school would run on an appointment basis providing specialised sessions and lessons as well as hydrotherapy facilities. Whilst the proposal would differ to the Council's leisure centre considering it would, for example, focus upon private sessions including hydrotherapy facilities, it would still constitute a leisure use. The appeal scheme is therefore for a town centre use as defined in the glossary of the Framework.
10. Policy EMP3 of the SNLP outlines that new employment and commercial development should be directed towards sustainable locations established in the settlement hierarchy in Policy SS1 of the SNLP. The supporting text to Policy EMP3 confirms the policy applies to rural economic development such as the conversion of agricultural buildings to employment uses, or proposals for Use Class: B1, B2 or B8. Since the adoption of the policy, the Use Classes Order was updated in September 2020 and the appeal proposal is now categorised as Class F2(d) which relates specifically to indoor or outdoor swimming pools. Consequently, it does not relate to the aforementioned Use Classes. Therefore, the exceptions outlined in Policy EMP3 do not relate to the appeal.
11. Despite being defined as a town centre use in the Framework, the proposed leisure facilities, in particular the hydrotherapy facilities, also constitute a community facility as outlined in paragraph 8.3.2 of the reasoned justification of Policy INF2. Furthermore, Policy INF2 of the SNLP supports the provision of community facilities in the open countryside. Policy INF2 of the SNLP establishes support subject to specific criterion. 3(b) requires development to be appropriately located and designed. The appeal site is sited in the context of the nearby services off the A43. Consequently, future users of the facility would need to navigate across the busy A43 which has limited dedicated footpaths for pedestrians as well as through the service station from the closest settlement boundary of Towcester. Whilst the appellant proposes a footpath to the existing bridleway this would not

prevent pedestrians having to navigate the busy nature of the surrounding area. Therefore, it is not appropriately located.

12. Additionally, 3(c) seeks to ensure community facilities are accessible by public transport, walking and cycling. There is a bus stop close to the site and consequently future users would be able to use this method of transport to reach the facility. The proposed footway could also be used by cyclists. Consequently, it would be possible for the development to be accessed by bicycle and on foot. I have identified above the busy nature of the site along with the limited footpaths from Towcester and whilst I cannot be certain that as a consequence pedestrians or cyclists would elect to travel to the facility by these methods, the opportunity for sustainable travel methods is available and it would comply with 3(c). Nevertheless, the appeal scheme does not comply with 3(b) and therefore conflicts with Policy INF2 when read as a whole.
13. Regarding an unmet demand for swimming facilities in the area the Sports Facilities Strategy Report April 2024 identified a high demand in the West Northamptonshire area and suggests that there is a need for increased water space in the area. However, the report is clear that given the high demand, focus should be placed upon increasing programmed peak time availability and the expansion of existing ageing facilities. Nevertheless, whilst there is an existing leisure centre in Towcester, the addition of another swimming pool with hydrotherapy facilities would provide valuable opportunities for customers with specific needs.
14. The sequential test provided by the appellant focuses upon sites around Towcester. The appellant has not provided adequate justification for why sites located in Towcester South or within an existing settlement would not be appropriate for the development. Consequently, it has not been demonstrated that the appeal site is the only feasible site for the proposed development.
15. The appeal site is adjacent to a large agricultural field which is laid to crops. In combination the field and the open nature of the appeal site which are bounded by mature hedgerows, contribute positively to the rural character of the area. Policy R2 of the WNLP1 establishes support for proposals which sustain and enhance the rural economy whilst ensuring that they respect the environmental quality and character of the rural area.
16. Whilst the proposal would provide job opportunities, the introduction of a town centre use to an area used as roadside services would be incongruous and result in an urban sprawl effect. Moreover, although the appeal site may not be used as agricultural farming land nor be particularly visible from the A43, the urbanised nature of the built form close to the appeal site does not justify a development that would result in the loss of open countryside.
17. In conclusion, the appellant has not adequately demonstrated that the appeal site is a suitable location for the proposed development. The proposal therefore conflicts with Policies S1, R1 and R2 of the WNLP1 and Policies SS1, SS2, INF2, and EMP3 of the SNLP insofar as they seek to ensure development, including community facilities, are sited in a suitable location and prevent the erosion of the open countryside and its character.

18. The Council has referred to Policy EMP2 of the SNLP in its decision notice. However, this is not determinative for this appeal given that the proposal is not an existing commercial site.

Highway Safety

19. I have identified above the busy nature of both the A43 and the existing garage service near to the appeal site. Future customers may wish to access the proposal via foot or bicycle. Given that the surrounding area of the proposed development is heavily trafficked, the lack of pedestrian footpaths, cycleways and crossings leading to the site would result in both pedestrians and cyclists having to navigate a hazardous area.
20. The Highway Authority has no objections to the proposed development and is satisfied with the access and parking provided by the appellant. The appellant has also provided a designated minibus parking bay. Therefore, the appeal scheme provides adequate vehicular access for the proposal.
21. The appellant has indicated that they would be willing to improve the existing bridleway and provide signage to provide a higher level of safety for those who choose to actively travel to the site. There is very limited information before me regarding the details of these improvements and there is limited evidence that such improvements would be sufficient to ensure the safety of pedestrians and cyclists accessing the swimming pool. The Council require a Unilateral Undertaking to secure these works, but such a document is not before me. Whilst this would be one way in which to secure the works, as the appellant suggests a Grampian condition might be an appropriate alternative. However, in the absence of information regarding the works proposed, such a condition would be neither reasonable, necessary or precise.
22. Consequently, whilst the appeal site is deemed to be safe for vehicle users, the appellant has failed to adequately demonstrate that it would not result in harm to the highway safety of pedestrians and cyclists.
23. In conclusion, the proposal would result in harm to highway safety and conflict with Policy SS2 of the SNLP insofar as it seeks to ensure safe and suitable means of access including for pedestrians and cyclists.

Consequences of a refusal of permission for disabled people in the surrounding area

24. I have carefully considered the reasons why interested parties have provided letters of support for the proposed development. The warm water temperature and consequent hydrotherapy facility proposed as part of the appeal scheme would enable disabled people to have an inclusive and accessible pool in the locality. These facilities are not offered by the leisure pool which is run by the Council. Consequently, there is the potential for my decision to affect people with a protected characteristic.

Planning Balance

25. The appeal scheme would provide a range of facilities for the surrounding area including swim classes and hydrotherapy facilities. It would offer social and economic benefits associated with increasing consumer choice and providing hydrotherapy facilities not readily available in the area. It would also provide economic benefits relative to the construction phase and operation in relation to

employment opportunities. Moreover, the appeal scheme would be beneficial for disabled people in the surrounding area and prevent them from having to travel further to access similar facilities such as those at Moulton College. Having regard for the PSED I find that the development would provide the opportunity to advance its aims. However, set against the harm I have identified above regarding conflict with the development plan and harm to highway safety, dismissing the appeal is a necessary and proportionate response in this case.

Conclusion

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR