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## Appeal Decision

Site visit made on 4 February 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> June 2025

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**Appeal Ref: APP/W2845/W/24/3345571**

**Poundfield Equestrian, Poundfield Road, Potterspury, Towcester, Northamptonshire NN12 7QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr Jim Rawlings (Roebuck Land and Planning Ltd) against the decision of West Northamptonshire Council.
  - The application Ref is 2023/5711/PIP.
  - The development proposed is permission in principle for development of 8-9 custom/self-build dwellings.
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### Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 8 and a maximum of 9 custom/self-build dwellings at Poundfield Equestrian, Poundfield Road, Potterspury, Towcester, Northamptonshire, NN12 7QB in accordance with the terms of the application, Ref 2023/5711/PIP, dated 21 June 2023.

### Preliminary Matters

2. The proposal is for permission in principle. 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<sup>1</sup>. 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.
4. There is a previous permission in principle (PiP) for between 5 and 6 custom and self-build dwellings on a portion of the site (Ref: WNS/2022/0148/PIP), which was granted in March 2022. Although this previous permission has now lapsed, it nevertheless establishes the principle of custom/self-build housing on part of the appeal site and is a material consideration. There is also an extant outline permission for 6 self and custom build units on the same site as the 2022 PiP, approved at Planning Committee in December 2024 which is also a material

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<sup>1</sup> PPG Paragraph: 012 Reference ID: 58-012-20180615

consideration. The current appeal seeks consent for 8-9 custom/self-build dwellings on a larger site area of around 0.73ha.

5. During the appeal, the Council submitted an updated Self and Custom Build Annual Monitoring Report for the period 31 October 2023 to 30 October 2024 (2024 Report). The appellant and interested parties were given the opportunity to comment on this updated document during the appeal. Therefore, my acceptance of this updated document would not prejudice any parties.
6. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.

### **Main Issue**

7. 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, with particular regard to self-build and custom build development.

### **Reasons**

8. The appeal site comprises a parcel of land located on the south-eastern edge of Potterspurty. The site consists of paddock areas, an area for allotments, and a small gravel car park with access off Poundfield Road.
9. Policy SA of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (P1LP) sets out that when considering development proposals, a positive approach will be taken which reflects the presumption in favour of sustainable development contained in the Framework. Policy S1 of the P1LP deals with the distribution of development and the settlement hierarchy within the district.
10. Policy R1 of the P1LP permits development outside the existing confines “in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy.”
11. Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 (P2LP) states that proposals for new development will be directed towards the most sustainable locations in accordance with the district’s settlement hierarchy. It also states that new development should be within the settlement boundaries of first, second, third and fourth category settlements, as defined on the proposal’s maps, in accordance with their scale, role and function unless otherwise indicated in the local plan.
12. The appeal site is located adjacent to, but outside the settlement confines of Potterspurty, which is a Secondary Village (Category A) in the third tier of the settlement hierarchy established by Policy SS1 of the P2LP. Policy SS1 confirms that all areas outside defined confines are open countryside. The site is therefore within open countryside and in conflict with the aims of Policies SA, S1, R1 and SS1, which seek to direct development towards the most sustainable locations within the district and the need for travel is reduced.
13. The Officer’s report states that the appeal site immediately adjoins Potterspurty and the site is contiguous with the settlement boundary and would appear as a clear extension to the village. Based on the evidence before me and my observations on site, I see no reason to disagree. The site would be well-related to the existing

housing development immediately to the north of the site and would respond positively to the pattern of development in the village. It would not represent a disproportionate increase to the village itself nor would it unacceptably impact its pastoral setting. The established hedge on the site's eastern perimeter would create a natural, logical boundary. The site does not have any protected landscape designation, and the proposal would not be dominant when viewed from Poundfield Road. The proposal is not so substantial so as to harm the village character or create any adverse impacts on wider views from the southerly approach along the A5.

14. The appeal site is within walking distance of services and facilities within the village, including a village hall, village shop, primary school, nursery, public house and a sports club. The site therefore offers reasonable access to local services and facilities to meet day-to-day needs of future occupants, with some employment opportunities. The site is also within walking distance of bus stops offering services to Milton Keynes, Towcester and Silverstone. Thus, there are public transport links to larger settlements with more facilities, services and employment opportunities. As such, the appeal site is within reasonable proximity to services and facilities and future occupiers would have a genuine choice of transport modes rather than an over-reliance on private vehicles.
15. Consequently, while the proposal is contrary to the spatial strategy, any harm caused by its location would be minimal in terms of reducing the need to travel and protection of the countryside.
16. Policy SS1 goes on to say that the Local Plan supports the delivery of housing beyond settlement confines where it could comply with housing policies LH1 and LH5 of the P2LP.
17. Policy LH1 confirms that development outside settlement confines is considered to be in open countryside and will not be acceptable unless it meets specific criteria including 'e) is a self or custom build project in accordance with Policy LH5'. Policy LH5 confirms that proposals for single self or custom build sites immediately adjoining the confines of a Secondary Village (A) as defined in Policy SS1 of the P2LP will normally be permitted where they help to meet demand as demonstrated by part 1 of the Council's Self and Custom Housebuilding Register and is compliant with other policies in the plan.
18. As of October 2024 (the close of self-build Base Period 9), the published Self and Custom Build Annual Monitoring Report for the period 31 October 2023 to 30 October 2024 (2024 Report), states that in 2023-2024 there were 42 entrants registered and 72 plots granted planning permission for custom and self-build. The published shortened Self-Build Register has around 62 entrants on Part 1 of the Council's register.
19. The appellant has submitted evidence which shows errors and discrepancies in the Council's self-build/custom monitoring data and indicates that there are differences between the Council's 2024 Report figures and those submitted to the Ministry for Housing Communities and Local Government (MHCLG).
20. There is also disagreement between the parties as to whether the Council's approach to measuring delivery of self-build and custom build should relate to the sub-regional areas or to the wider West Northamptonshire area.

21. Nevertheless, the Council consider that the demand for self-build/custom dwellings is being met for the South Northamptonshire area. Meeting the demand simply means the Council has fulfilled its statutory requirements under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), which obliges Councils to ensure enough permissions are granted to match demand for self-build and custom housebuilding, as evidenced by entries on their register.
22. Being located within open countryside, the proposal would fail to comply with the strategic Policies SA, S1 and R1 of the P1LP, and Policy SS1 of the P2LP. Furthermore, based on the Council's case, the proposal would be in conflict with Policies LH1 and LH5 of the P2LP.

### **Other Matters**

23. An interested party has suggested potential conflicts with Policy LH5 part 3, which states that householders occupying a self or custom build dwelling will be required to demonstrate a local connection, and Policy LH5 part 4 requiring proposals to demonstrate the ongoing involvement of the intended occupier in the design and planning process. However, the PPG is clear that at the permission in principle stage it is not possible to secure a planning obligation or to impose conditions. Nonetheless, these matters could be secured, by legal agreement, at the technical details consent stage.
24. The Parish Council and other interested parties have raised concerns about highway safety. However, the local highways officer did not object to the scheme, although they would seek improved visibility splays and details regarding the proposed access arrangements. These matters are issues which would be considered as part of the technical details stage of the permission in principle process, and conditions could be secured at this second stage if found necessary.
25. Concern has been raised regarding new infrastructure and services. Nevertheless, a proposal for 8-9 dwellings would not be of a significant enough size that substantial new infrastructure would be required to support them.
26. Although third parties are alarmed by the proposal's lack of affordable housing, the Council accepts that self/custom build can be a route to home ownership that is more affordable. Given the wording of Policy LH5, I am not persuaded that there is a separate requirement to apply a tenure mix for affordable housing.
27. There is unease about whether there would be sufficient capacity at the local schools and doctors' surgery. However, there is no substantive evidence before me to substantiate these claims.
28. My attention has been drawn to a previous refusal (Ref: S/2014/0390/MAO), but this was for a bigger scheme of 65 homes on a larger area of land. It is therefore significantly different to the proposal before me. The scale and location of the proposed site for this current appeal does not have the same impacts on the rural setting of Potterspury as this other case.
29. My attention has also been drawn to other appeal decisions<sup>2</sup>. Whilst I do not know the full circumstances that led to these decisions, they do not appear to support the Council's claim that the demand for custom and self-build dwellings is being

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<sup>2</sup> Appeal decisions 3280200, 3323851.

met. Although two of the appeal decisions<sup>3</sup> were dismissed, they related to sites that were not considered to be well-related to the existing development or within an accessible location, which is different to the case before me.

## Conclusion

30. The proposal would result in harm to the Council's spatial strategy and therefore conflicts with Policies SA, S1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), and Policies SS1, LH1, LH5 of the South Northamptonshire Local Plan (Part 2).
31. However, the proposal would contribute towards the Government's objective of significantly boosting the supply of housing contributing 3 houses to the Council's housing land supply. Even though the Council can demonstrate a five-year housing land supply, this does not preclude the provision of further housing, and I give this significant weight given it is located within an accessible location with sustainable travel options. There would be economic benefits from the construction of jobs created during the construction phase and the ongoing expenditure in the local area from the new residents. The proposal would deliver self/custom build housing in accordance with the Framework.
32. Even if I accept that the Council's approach and figures are correct, the number of provisions given for self/custom builds is currently only marginally above the level of demand. It is also acknowledged that not all consented plots will be occupied by those on the register. Moreover, there is no substantial evidence before me that the permissions would all be built out. Furthermore, the proposal is a unique situation as there is already a previous permission for 6 units which is a material consideration attracting great weight. An additional 3 dwellings on site, in an accessible location and not harmful to character and appearance would not be materially harmful.
33. In addition, Paragraph 73(b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements. The benefits of self-build and custom housing are recognised by the Planning Practice Guidance (PPG) finding that it helps to diversify the housing market and increase customer choice. In this respect the appellant has demonstrated that demand in Potterspury remains high, and this has not been disputed by the Council. These matters weigh considerably in favour of the proposal.
34. As such, I am satisfied that when taken together, the matters above, with particular merit afforded to boosting the supply of housing, would outweigh the conflict with the development plan in this particular instance.
35. For the reasons set out above, I conclude that the appeal is allowed.

*H Smith*

INSPECTOR

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<sup>3</sup> Appeal decisions 3330420, 3321621.