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## Appeal Decision

Inquiry opened on 4 November 2025

Accompanied Site visit made on 13 November 2025

by **Philip Major BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 7<sup>th</sup> January 2026

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**Appeal Ref: APP/M2840/W/25/3368839**

**Land at Barton Road, Barton Seagrave, NN15 6SW**

- 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 Manor Oak Homes and Bletsoes against the decision of North Northamptonshire Council.
  - The application Ref is NK/2024/0338.
  - The development proposed is the erection of up to 58 dwellings, including affordable housing, together with associated public open space, landscaping, vehicle access, highway and engineering works. All matters reserved apart from access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As noted in the above headings this proposal was made in outline, but with all matters reserved except the means of access to the site. The access proposed would require the demolition of one dwelling, so the net increase in houses would be likely to be 57.
3. The application and subsequent appeal generated substantial local interest and I held an evening session at the inquiry for local people to make their views known in person. The main issues below reflect, in part, the concerns of the local community.
4. The Council refused planning permission in part because of the lack of a planning obligation dealing with various matters. I deal with this later in the decision.
5. Since the close of the inquiry consultation on a revised National Planning Policy Framework (NPPF) has been issued. There is nothing within the consultation which suggests policy might change in a manner which would require revisiting any of the issues set out below. In any event the consultation is at an early stage and any proposed changes to the NPPF can carry little or no weight at this stage.

### Main Issues

6. The main issues in the appeal are:
  - a) Whether the Council is able to demonstrate a 5 year supply of deliverable housing land;

- b) The effect of the proposed development on the character and appearance of the surrounding area;
- c) The impact of the proposal on highway safety;
- d) The impact of the proposal on the living conditions of nearby residents and the general amenity of resident within the wider community;
- e) The impact of the proposal on heritage assets.

## Reasons

### **Background**

7. The development plan here comprises the North Northamptonshire Joint Core Strategy 2011 – 2031 (JCS) adopted July 2016, and the Kettering Site Specific Part 2 Local Plan (LP), adopted December 2021. I deal with specific policies in each of the main issues as necessary.
8. The Council and the Appellant are agreed that this site should be treated as a windfall site. The Rule 6 Party – Save Barton Seagrave’s Spinneys (SBSS) – disagrees. Windfall is a common descriptor used in the planning field for sites which come forward for development which have not been allocated and become ‘unexpectedly’ available. Although it appears that this site has been ‘on the radar’ as a potential site for some time, it is my understanding that it has not been allocated. Windfall sites can be of varying size, and this one, at up to 57 (net) dwellings, should not be ruled out on that basis. I am content, in this case, to accept that the site can be accepted as a windfall site to which LP Policy HOU1 applies. Development of such sites is acceptable in principle, subject to meeting the provisos set out in the policy.

### Policy HOU1

9. Before embarking on the main issues I should refer in greater detail to LP Policy HOU1, which was the subject of much debate at the inquiry. There is no agreement about how the policy should be interpreted, albeit that it is agreed as very important in this case. The policy is in 2 parts and it is agreed that only the first part is engaged (part 2 deals with specific locations not in play here).
10. The policy is entitled Windfall and Infill Development: Principles of Delivery, and states in part 1:  
  
*“Windfall and infill development within settlement boundaries, including the complete or partial redevelopment of residential garden land, will generally be accepted in principle providing there is no erosion to the character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents.”*
11. This case is dealing with windfall development within a settlement boundary, so the policy is engaged. The Appellant asserts that the requirement to provide **no** erosion to character and appearance, and **no** detrimental effects to environmental quality, amenity and privacy sets the bar too high (my emphasis). The NPPF does not require development to cause no harm, even in areas with extra protections such as national parks and national landscapes. It is therefore argued that the

policy should be applied flexibly, and that the 'test' should in effect be the avoidance of unacceptable harm.

12. I am of course conscious of the fact that this policy was considered at the Local Plan Examination, and was subject to modification. I have read the relevant section of the Inspector's report but I cannot reconcile the report with the policy. The report refers to windfalls being generally acceptable in the first part of the policy, but more strictly controlled in the second part. But the policy itself is highly restrictive in the first part (which applies to the appeal site) and equally restrictive in the second part (though using different words). Furthermore the monitoring and review section of the LP also makes it clear that Policy HOU1 is seeking to avoid any harm.
13. I am informed that the Council has received legal advice (not submitted to me) that the policy should be interpreted and applied in line with the written words. I do not doubt that there may be locations where windfall development could be provided with no harm at all, but that would surely reduce the number of potential windfall sites, which the Council relies upon to supply some of its housing requirement. The NPPF requires a realistic allowance for windfall development, which may be difficult if the relevant policy is too restrictive. It has been commonplace in my experience since the first introduction of the NPPF in 2012 that judgements should be balanced. The Appellant makes the point that the Council itself has interpreted Policy HOU1 in a pragmatic manner until recently.
14. In my view that has to be the right approach. It would be illogical to apply higher standards to urban areas in North Northamptonshire than to windfall development in nationally important locations. Ultimately the matter of policy interpretation is for the courts to decide, but here I consider that a balanced judgement is required. For this reason I do not consider that Policy HOU1 is fully consistent with the NPPF and should be afforded reduced weight as a result.

### ***Housing Land Supply***

15. The Council claims a housing land supply of some 5.24 years. The Appellant's calculation is 3.94 years. It is important to note that these calculations can never be expected to be 100% accurate since they are predicting future supply, which is inherently uncertain in some respects. Nevertheless I am grateful to the main parties for their agreement on the correct method of calculation, agreement on the contribution of many sites, and the distillation of where they disagree<sup>1</sup>. In total there is a dispute about the projected delivery on 20 sites. These vary in size, from 2 dwellings to over 800 dwellings.
16. The annual requirement is agreed at 2002 dwellings per annum and that a 5% buffer should be added in accordance with the NPPF. The total 5 year requirement is therefore 10511 (including buffer). The Council's calculation is that the supply amounts to 11016 dwellings, which is 505 above the requirement. Hence, if I were minded to agree that 506 or more dwellings should be removed from the Council's predicted supply the 5 Year requirement would not be met. In this regard it is crucial that the question of deliverability is carefully examined.
17. Annex 2 of the NPPF is clear on what defines a deliverable site. There must be a realistic prospect that housing will be delivered on the site within 5 years. Planning

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<sup>1</sup> Statement of Common Ground on 5 year housing land supply

Practice Guidance (PPG) indicates the type of sites which would require further evidence to be considered deliverable. Evidence of deliverability may include current planning status or progress towards submission of an application. In each of these cases it would be expected that there is evidence of future progress to support the intended delivery of homes.

18. Given some of the larger schemes which are 'in the pipeline' it is sensible to consider those first. At this point I acknowledge the close proximity of Hanwood Park (disputed site B2) to the east, which is a large part of the East Kettering sustainable urban extension (expected to provide 5500 homes in total). This is within a few hundred metres of the appeal site and is delivering homes now. The rate of delivery there is not agreed. I heard from both the Council and a local resident who is closely involved with the delivery of Hanwood Park. It is here that the Appellant asserts that housing supply should be reduced by 828 dwellings.
19. It is important to note that an outline planning application was submitted in March 2021, but has still not been finally determined as it is waiting for a planning obligation to be agreed. Although the Council indicated that the obligation may be signed during the inquiry sitting period no change in circumstances was notified to me. It has been suggested that 158 dwellings would be provided in the 2026/7 year, but there is not yet any indication of when outline planning permission will finally be granted, or when reserved matters approvals might be dealt with. I agree with the Appellant that the suggested delivery is overly optimistic and in my judgement the first 2 years of delivery should be discounted on a precautionary basis. This amounts to a deduction of 320 dwellings.
20. The site at Wellinborough North Phase 2 – Glenwood Park (Site B1), still has no outline planning permission. The Council indicates that it has taken a conservative approach, and pushed back first deliveries until 2027/8. There is no information on when a reserved matters application might come forward after the eventual grant of outline permission. The information provided to the Council suggests a start on site in February 2026, but that is wholly inconceivable. Information also indicates that the site has challenging topography. Phase 1 of this development was 10 years in gestation, and whilst phase 2 may be quicker I see no reason to expect that delivery will commence for some time. In my judgement years 3 and 4 should be discounted, leading to a reduction in supply of 200 homes.
21. The site at Rushden East, Liberty Way (Site B3), has an undetermined outline application for up to 2200 dwellings which was submitted in 2020. Although the Council expects determination in early 2026 I have little evidence to indicate that this aspiration will be met. There is even some concern that planning permission may not be forthcoming because of comments made by National Highways and the Lead Local Flood Authority. It seems to me that this site, albeit that some delivery is likely at some point, cannot be currently relied upon. I agree that 180 dwellings should be discounted.
22. Site B4 (also Rushden East, Liberty Way, phase 4) has an undetermined planning application. Information before me indicates that there are agreements required dealing with highway matters and mitigation to a Special Protection Area. Reserved matters application(s) are expected by the Council in 2027. That being the case, given the lack of agreements above, and issues raised in relation to drainage, it is far from clear that this site meets the definition of deliverability over

the 5 year period. I discount the dwellings in the year 2028/9, 75 units, from the supply.

23. Site D1 – Stanton Cross. The Council indicate that this site is delivering well (there is detailed permission for over 2000 dwellings). The primary dispute here is build rates – the Council offer 300+ but the Appellant suggests the current average of 194 should be used. Taking a pragmatic view I do not have enough information to support build rates of 300 across the whole site, but I do accept that delivery may be closer to that figure than the Appellant suggests. I will allow a build rate of 250 per annum in years 2 to 5, thereby discounting some 200 dwellings.
24. It seems unnecessary for me to address the submissions on all 20 sites. The Appellant's case is well made that the delivery anticipated in the Council's evidence simply does not meet the definition of deliverability set out in the NPPF as assessed by reference to the PPG in all cases. I deal with some of those sites below.
25. My brief assessment of some of the remaining sites in the light of the discussions at the inquiry is as follows:
  - Site A1 – in light of information given at the inquiry no reduction in supply is appropriate.
  - Site A2 – The delivery information here is sketchy and it would be difficult to rely on the supply assumed by the Council starting in 2028/9. I reduce supply by 30 homes here.
  - Site A3 – There is no clear evidence of progress on this allocated site and it is unclear how many homes are intended. I agree 50 homes should be discounted.
  - Site A4 - This is another allocated site with no planning permission and scant information on likely progress. 40 dwellings should be discounted.
  - Site A5 – Although there has, as yet, been no planning application submitted, the likelihood of some development on this site in year 3 (2027/8) is not an unreasonable expectation. There is a question mark over site capacity, but I do not discount any dwellings here.
  - There is some uncertainty surrounding Site C1, land east of the A6 bypass/Bedford Road. Although there is an outline planning permission information on the submission of reserved matters is not clear cut, and site assessment work is 'to be confirmed'. It seems to me that delivery on site would be more likely in the year 2028/9 than the previous year. I discount 26 dwellings from that year and 4 from 2027/28 a total of 30.
  - A similar situation is seen at Site C2 – Land between Old Railway Line and John Clack Way. The Council's expectation of dwellings being provided in 2028/9 is likely to be too optimistic. I discount 9 dwellings.
  - Site C3 – Corby West SUE has an outline permission for 4500 dwellings. Reserved matters have been submitted for different parcels of land but are undetermined. There is no clear evidence of likely delivery from prospective developers and I agree that 87 Dwellings should be discounted.

- Site C4 – land south of Brooke Weston – Oakley Vale phase 8 & 9. This is a site which had an unusually long period for the submission of reserved matters, which are not yet submitted. Information is not clear and appears aspirational rather than being based on firm evidence. I agree that 75 dwellings should be discounted.
26. There are smaller sites in the disputed list which would make little difference to the overall calculation of 5 year supply. I make no adjustment to those sites.
  27. Taking this together it is my judgement that the total supply, based on the evidence submitted and discussed at the inquiry, should be discounted by 1296 dwellings.
  28. This judgement bears in mind that the prediction of supply is not a precise science and I accept that each party has produced its best evidence on a difficult topic. But the Appellant's evidence is to be preferred here in the main, especially in light of the stringent requirements set out to demonstrate deliverability, and the lack of evidence which the Council was able to produce on specific sites.
  29. In my judgement, therefore, the Council is able to demonstrate a supply of deliverable housing land of about 4.6 years. This of course engages the 'tilted' balance set out in paragraph 11d) of the NPPF. In reaching this conclusion I am aware that the Council has a successful record of delivery in recent years, as indicated by its housing delivery test results.

### ***Character and Appearance***

30. The appeal site forms part of a larger area of open land set entirely within the boundaries of the Kettering urban area. The appeal site is fenced and has no public access, whereas the majority of the remainder of the open land is enjoyed by local residents, including woodland to the east (Big Spinney and Wallis's Spinney). The open area in its entirety has been described as a green wedge, though it has no formal designation as such. Neither does this open area have any designation or qualities which would raise it to the level of being a valued landscape in the terms set out in the NPPF.
31. But I do acknowledge that the land is of value to local residents who use it for recreational purposes including dog walking and simply enjoying being in an open space. It also contains the Barton Seagrave cricket club.
32. The entire open land including the appeal site has not been subject to a detailed assessment in the context of landscape character areas because it lies entirely within the defined urban area. But the studies carried out in relation to this proposal and submitted to me are informative.
33. The character of the land forming the open area, including the appeal site, is principally that of unmanaged grassland, with vegetated margins of hedgerows (some outgrown) and trees. The cricket club ground stands out in contrast as a manicured area of grass. There is broad agreement that the land is semi-rural in character. That said, there are detractors from the semi-rural character, notably the noise from the nearby A14. In addition, the floodlights at the adjacent Latimer Arts College bring a significant level of intrusion when they are in use, though of course this is intermittent. When close to the northern part of the land the intrusion of Barton Road itself can be intrusive. Despite these intrusions the location of the open land as an important (albeit undistinguished) component of Barton Seagrave

- village, including the appeal site, makes it susceptible to development at the higher end of the scale.
34. There are formal and informal footpaths which cross the land which are well used. Depending on the location within the land it is possible to experience a degree of tranquillity which is unusual in such an urban setting. Although the appeal site is not open to the public it does add to the feeling of tranquillity and the experience of being within a semi-rural space. Views to the west across the Ise valley increase the intensity of these experiences, and the eastwards view towards the spinneys blocks out urban influence from that direction.
35. The proposed development would intrude into the current pleasant but unremarkable character of the locality, and it is not disputed that whenever green field land is developed it will have an impact on character, most likely detrimental. In place of small grass paddocks with minor associated rural buildings there would be a housing estate of over 50 dwellings (subject to later reserved matters approval of details). I regard this as a significant matter in the context of this locality. Although there would be an opportunity to introduce publicly accessible land to the south of the site, which would link to Big Spinney and the existing open area, this would do little to mitigate the change in character of the northern part of the appeal site. Having considered the various landscape studies submitted it is my judgement that this proposal would have a major adverse effect on landscape character in year 1 of development, and that the effect would continue to be moderately adverse even after mitigation had been introduced and established.
36. It is suggested that the proposed development would enable Big Spinney to be retained and improved for public benefit. But I have seen nothing to suggest that current arrangement would change. Hence this is a point of little substance.
37. Visually the appeal site is prominent from the paths which cross the open area. However the mitigation proposed would reduce the impact from the south, where new planting would be likely to be introduced. From the west the opportunity for mitigation would be reduced, and I consider that the proposed dwellings would be of significant prominence long into the future. Many of the users of the entirety of the open space are recreational, and they are the most susceptible to the introduction of new development when so using the land. The presence of a housing estate here would undoubtedly, in my judgement, detract from the enjoyment of the open area enjoyed by its recreational users. Much was made of the fact that the appeal site is not open to the public, but this does not prevent it contributing significantly to the experience of users of the wider area. A view over undeveloped land can be valuable even if not physically accessible.
38. In summary I am satisfied that it has been demonstrated that the proposed development would be harmful to the character and appearance of the area, that harm falling in the moderately adverse category in the long term. As such it would conflict the objectives of JCS Policy 3a) which seeks to ensure that development conserves and, where possible, enhances the character and qualities of the local landscape. That said, JCS3 is aimed at areas which have been assessed for landscape qualities, which this urban area has not. The weight to be attributed to any conflict with JCS3a is therefore limited and restricted to the generic assessment of landscape in all areas. So whilst JCS3 is of limited assistance it does not preclude the judgement I make that this proposal would be harmful to the character and appearance of this urban landscape.

39. On a strict reding of Policy HOU1 (as discussed above) it could not be claimed that this proposal would result in no harm. The policy would thus be breached in those circumstances. But the preferred pragmatic approach here would be to assess whether there would be unacceptable harm. In this case I have found harm at a moderate level in the long term, which would also lead to the proposal being in breach of HOU1, notwithstanding the generally positive approach of that policy to windfall development.
40. The NPPF, at paragraph 135c) expects that development would be sympathetic to local character, including the surrounding built environment and landscape setting. This proposal would fall foul of that advice.

### **Highway Safety**

41. Access to the development would involve the creation of a new T junction with Barton Road. The junction would not be signal controlled. Barton Road has been classified by the Council as a red route because of the number of injury accidents occurring over a given time period and location. But, as explained at the inquiry, designation as a red route does not mean that new junctions are not possible.
42. My own observations over several visits and during peak and off-peak times accords with the information I heard at the inquiry. Barton Road is a busy route at times, notably the expected peak times in the morning, afternoon and evening. There are a number of signal-controlled junctions along its length and I observed for myself some of the congestion highlighted by local residents. It is clear that any further traffic added to the network would have the potential to add to congestion.
43. However, as has been identified in the transport evidence and elsewhere the numbers of vehicles associated with this proposal would be unlikely to make a material difference to traffic flows in the locality, especially if potential alterations to signal timings and junction configurations are enacted. So, in technical terms, the access could be created, and it could accommodate the traffic associated with a development of 57 (net) houses.
44. That, though, is not the end of the narrative here. This proposed junction has a number of unusual complexities. These are the proximity of the access to Barton Seagrave cricket club, the proximity of direct residential access points from Barton Road, the positioning of an existing refuge island, and the gradient and alignment of Barton Road itself.
45. Although the expert evidence at the inquiry, and in writing leading up to the inquiry, expressed confidence that the scheme would operate satisfactorily, I was struck by the degree to which that view was led by overwhelmingly technical matters. Road safety audits have been carried out, and recommendations taken into account. But it acknowledged that there are matters which would not be fully resolved until later, such as the positioning of proposed signs. As the access to the site is not a reserved matter I would need to be sure that its design was such that it would not have an unacceptable impact. Paragraph 116 of the NPPF was referenced at the inquiry, and I am content to accept that residual cumulative effects of the development would not have a severe impact on the road network in relation to traffic flows. But I must also be satisfied that, on the balance of probabilities, there would be no unacceptable impact on highway safety.

46. It is this latter point which causes me concern. Technical details can only take a scheme so far, but technical details cannot make balanced judgements based on the real world, common sense, and lived experience. I therefore deal with some of the complexities at the access point mentioned above.
47. First, there is the nearby access to Barton Seagrave cricket club. This is close to the site boundary, and although there would be some separation between the access to the cricket club and the appeal site, they would share a right turn lane ghost island for vehicles wishing to turn into either site when travelling eastwards. In my judgement there is scope for confusion for drivers here. It is also the case that the right turn lane would have a very short stretch 'dedicated' to the cricket club access, restricted by the proposed repositioned pedestrian refuge. Any more than 2 normal size vehicles waiting at the same time would block the eastbound carriageway of Barton Road, risking rear end collisions. It is also possible that some drivers seeking the appeal site would inadvertently end up in the cricket club section of the access lane, and in rectifying that would run into conflict with traffic passing on their left but wishing to turn into the appeal site. The relative configurations of these 2 junctions seems to me to be an example of where technical detail acceptability needs to be further considered in order to reach a realistic judgement of safety acceptability.
48. It is suggested that appropriate signage could be incorporated to indicate that the 2 junctions are separate. That may be so, but there is no detail before me of the accurate positioning and content of signs – that is assumed at a later stage. In any event I am sceptical that such signs on this busy stretch of road would be effective given that drivers would be concentrating on road conditions. Finally, it has been made clear that the cricket club can host some large gatherings – car boot sales were mentioned. These, and indeed important cricket matches, may well attract a number of vehicles which would lead to the ghost island for the club being overloaded.
49. The access points themselves would be located towards the top of the rise of Barton Road from the Ise valley. Driving uphill should not cause undue difficulty for those approaching the junctions. But crossing the westbound carriageway would inevitably lead to waits whilst that traffic passes. The traffic lights at Barton Road/Warkton Lane to the east release traffic at regular intervals, and that traffic approaches the appeal site and cricket club access points at a point where the road curves left and dips away into the valley. Traffic emerging from the appeal site may be perceived relatively late by drivers after the acceleration from the traffic lights.
50. Direct residential access points are located to both north and south of Barton Road in the vicinity of proposed access to the appeal site. I have some concerns that the alterations to the road layout would make it more hazardous for the users of some of those junctions. For example, No 62 immediately to the east. Here there would be potential conflict between drivers leaving the appeal site and No 62 simultaneously. Similarly drivers leaving Nos 51, 57 and 59 Barton Road would be faced with the crossing of the right turn lane if heading west. The potential for conflict is obvious.
51. The existing pedestrian crossing point of Barton Road would require moving to accommodate the proposed site access. It would move to the west. The crossing is no more than a pedestrian refuge between kerbs. There are no formal pedestrian crossing markings and it is not light controlled, though it incorporates

lighting and bollards which would be incorporated at the new position. This new refuge would be located on the downslope of Barton Road, and because of the topography would be less visible from the east. This is a point where drivers may also be accelerating because of the downslope, even if not intentionally. In my judgement this proposed crossing point would be inferior to that existing.

52. The crossing point is utilised by pupils and students at local schools, as I observed during my various unaccompanied site visits. It would not be in the best interests of their safety, or indeed any other pedestrian, to provide a crossing point in an inferior location.
53. Local residents have made a compelling case that queueing traffic for the Warkton Lane traffic lights sometimes extends across the position of the site access. That is in contrast to the survey conducted on behalf of the Appellant. It simply indicates that conditions vary and that a realistic judgement is required.
54. Taking all of these matters into account I am not satisfied that it has been demonstrated that the proposed access to the appeal site could be introduced without unacceptable harm to highway safety. I recognise that the highway authority has not objected to the scheme and that a condition has been suggested which would require off-site highway improvements to be agreed and implemented. But on the basis of the evidence before me I am not persuaded that the highway improvements likely to be required would achieve the desired outcome.
55. For these reasons I find that the proposed access road would conflict with the advice of paragraph 116 of the NPPF in relation to highway safety. There would also be conflict with the intentions of Policy 8 of the JCS.

### ***Living Conditions and Amenity***

56. This issue concerns both the living conditions of individual residents and the amenity enjoyed by the community in a collective way.
57. There are several houses which back on to the northern site boundary. These gain access directly from Barton Road or from a short private access way. I was grateful to be given the opportunity of visiting 2 of those dwellings. All of these dwellings, to a greater or lesser degree, enjoy open views across the appeal site.
58. It is acknowledged by all parties that there is no right to a view, and that impact on individual living conditions have to be measured by reference to their effect of the living environment at any property. It has long been accepted that outlook can be affected in such a way that new development on adjacent land is so oppressive or overbearing that the affected dwelling becomes an unpleasant place to live.
59. It is abundantly clear that the outlook from the dwellings numbered 62 to 92 Barton Road would be significantly changed. In the case of some of these dwellings the change would be detrimental because of the likely proximity of new development (though details are as yet unknown) and the low nature of some of the current dividing boundary structures.
60. That said, the change to the living conditions of residents in these properties through the change in outlook, though significant, would not reach the threshold of making any of them unpleasant places to live. They would be different, and the existing residents would no doubt lose some enjoyment from the use of their properties, from the outlook being less pleasant and from the introduction of some

noise and disturbance associated with a housing development. But I must bear in mind that the appeal site lies within a defined urban area where residential development in relatively close proximity to other dwellings is commonplace.

61. No 62 Barton Road has a particular issue in that it would become the dwelling closest to the access road into the site. There is acknowledgement that this would increase noise levels at the rear of the property and for that reason a noise barrier is suggested as mitigation. Subject to the details of that barrier being agreed, implemented, retained and maintained I am satisfied that the noise environment for the occupants of No 62 would not be made unacceptable.
62. In a wider sense the community is concerned that the proposal would reduce their enjoyment of the amenities available to them in using the open area generally. This is a slightly different point to the impact on character and appearance I have dealt with above, but with a similar judgement in relation to recreational users of the open land. Anyone walking along the informal path close to the western boundary of the appeal site would be well aware of the presence of a housing estate, as would those walking up the hill from the village centre. For these people the enjoyment of the amenity of the area would be likely to be negatively affected.
63. On the other hand the proposal would include an open area on the southern side of the appeal site which it is proposed to open up for public use. Later details of the landscaping of the area would need to be approved, but I do not doubt that it would be possible to introduce a naturalistic scheme commensurate with its location adjacent to woodland and open grassland. Local residents have suggested that this would not in any way mitigate for the loss of the fields which would be built on, but I fail to see how it would not lead to some benefit for users of the open space. It would, after all, give public access to land which has hitherto been private.
64. Taking these matters into account I am not persuaded that the impact on the residential amenity of individual householders would be sufficient to weigh against the development. The impact on the wider appreciation of the amenity offered by the whole of the open land would be likely to be negative, but with some mitigation offered by the new public open space proposed. Taken in the round I do not consider that the effect on the amenities of residents (as opposed to the effect on character and appearance) should attract material weight against the proposal.

### ***Heritage***

65. Barton Seagrave is an interesting village with an ancient core around St Botolph's church. The church itself is a Grade I listed building and there are a number of other listed buildings in the village core. Wicksteed Park, to the west, is a Grade II registered park and garden. There is also a scheduled monument in the Ise valley where Barton Castle once stood. Much of this area is, not surprisingly, contained within a designated conservation area (CA). The CA stretches as far as the western site boundary, encompassing the cricket field, the village core, part of the scheduled monument and Barton Hall with some of its grounds.
66. There is no statutory test applicable to the setting of a CA. But it is a material consideration as a matter of policy, not statute. In this case the CA adjacent to the appeal site is largely unmanaged grassland, with a swathe of manicured grass forming the cricket ground. It serves as a backdrop to the core of the CA, especially when seen from the west, and this is the essence of its significance. The appeal site, being somewhat remote from the village core and heritage assets

there, plays a relatively insignificant role the appreciation of the CA. I agree with the various assessments submitted that the effect of the proposed development on the significance of the CA would be minimal at worst (at the lower end of less than substantial harm) but more realistically neutral.

67. St Botolph's church does not have a spire and its prominence on the local landscape is therefore somewhat limited. Its setting, as a result, is constricted in part. It does not waymark or indicate its presence to the same extent as some churches. Clearly the churchyard, the small village green and listed buildings surrounding the green are important elements of the setting. But so too is the open land to the east which includes the cricket field and the backdrop of Big Spinney. Here the setting of the church opens up. There are 2 ancient PROWs crossing the field. These waymark the eastern approach to the church. This gives the church and the cricket field an important two way visual relationship which is an important element of the significance of this part of the setting.
68. The Appellant has sought to minimise the intrusion of development into the setting of the church by proposing to restrict development to the northern part of the site, and to include single storey buildings close to the western boundary. To some extent I agree that this would be helpful, but I do not consider that it would wholly remove the influence of development in the setting of the church. For a church in an urban area the setting of St Botolph's is unusually free of intrusive modern development. It is no exaggeration to say that the most intrusive perceived development within its setting, aside from the older buildings associated with the village core, is the cricket pavilion to the east.
69. Although the Appellant seeks to minimise impact on setting I am not satisfied that this would be successful. The very fact that the Appellant has suggested that development in the south-west part of the site should be single storey seems to indicate an acknowledgement that there could be an intrusive impact there. Landscaping could no doubt assist to some degree, but is unlikely to be able to obscure the views of modern development from the churchyard. The views would be some distance away and this would reduce the impact on the significance of the church and its setting. But in my judgement there would be a less than substantial harmful effect on the setting of the church if the development were to proceed.
70. I can deal briefly with other heritage concerns. Listed buildings in and around the village, including those fronting Barton Road, have a very different relationship with the appeal site. In my judgement the settings of none of these buildings would be affected by the development proposed. The same applies to the scheduled monument which lies in the valley bottom. As for Wicksteed Park this land is far enough away that any perception of the development would be minor. There would be little if any appreciation of the scheme in the same arc of view as the church or other listed buildings.
71. To sum up on this issue it is my judgement that the proposed development would have a less than substantial impact on the setting of St Botolph's church. I am required under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This carries considerable importance and weight and forms part of the overall planning balance.

## **Other Matters**

### *Ecology*

72. Many local residents have made much of the likely impact on the ecology of the locality. I acknowledge that there are sightings of various creature on the appeal site, and that bats, badgers, grass snakes and others have been identified. Expert evidence before me indicates that the appeal site exhibits the presence of species which are likely to occur on any suburban or agricultural land. The application included an ecological assessment which recognised that there are no ecological designations covering the land, and that there would be no predicted adverse impact on any ecological designations beyond the appeal site. The grassland is species poor and of limited botanical interest. Its loss would be compensated for in the enhancement of the wider locality controlled by the Appellant.
73. There have been concerns that the development would be harmful to ecological linkages from east to west. However there is no substantive evidence that any such linkages would be put at risk by this development.
74. Conditions attached to any planning permission could control and secure safeguards and enhancements for protected species. In addition it has been demonstrated that the site could deliver significant biodiversity net gain. I agree, therefore, that there would be no material adverse impact upon the ecological resource. Hence ecological matters do not weigh against the proposal.

### *Self-Build Housing*

75. The Council has been falling behind with its provision of serviced plots to facilitate self-build housing. This scheme would aim to provide such plots. This would accord with the requirements of the development plan and can be secured through planning obligation. This has a limited positive weight in favour of the proposal.

### *Historically and Visually Important Green Space (HVI)*

76. It has been brought to my attention that the appeal site and its open surroundings have been proposed for designation in the past as HVI space. But that designation was not accepted by the Local Plan Inspector. Local residents have expressed dissatisfaction of that finding, but it is not my role to question it.
77. In a similar vein I am aware that the land including the appeal site has been put forward for registration as town or village green. An inquiry into that application has been held but to date no outcome has been received. In any event this is another matter which is not before me.

### *Parking*

78. I note here one particular area of concern for a local resident. Part of the scheme would involve the use of part of an existing layby on the north side of Barton Road in order to facilitate the new pedestrian crossing point. This would involve a build out of the footway in a location where a resident with a disabled relative routinely parks. A disabled space has been authorised, but the build out would preclude its provision in the agreed location. The alternative location, a few metres to the west, would be less convenient because of mobility issues for the person concerned. I share the concerns of the people concerned but the weight I can give to that matter is limited because of the localised and specific nature of the concern.

79. I make no comment on the provision of layby parking in the access to the site as currently proposed, but it seems unlikely that residents who live on the north side of Barton Road would find that an attractive option.

### **The Planning Balance**

80. As a result of the Council being unable to demonstrate an adequate supply of housing land the tilted balance pursuant to paragraph 11d of the NPPF is engaged. Development plan policies of greatest importance in this case are deemed to be out of date, but are still material. The weight attaching to those policies is a matter for me. In this case, in view of the moderate shortfall of land supply and the recent progress shown by delivery test results I am satisfied that policies retain significant weight.

81. Turning to the benefits of the proposal in my judgement the following matters are important.

- The provision of market housing and affordable housing are of significant importance and weight, especially given the current imperative to drive housing delivery. Self-build provision would be of more limited weight.
- Economic benefits from the proposal are of moderate weight as these benefits would be expected to be provided with any housing development and are not specific to this site.
- There would be some benefit from the provision of public access to the southern part of the appeal site, and the improvement of the footpath across the wider area. However in the context of this case these are not major advantages and attract only limited positive weight.
- Biodiversity net gain attracts some weight, but as such gain would be expected on any development site that benefit is limited.

82. Turning to the harm identified the following matters are important.

- Harm to the character and appearance of the locality attracts moderate adverse weight for the reasons given above.
- The likely harm to highway safety, for the reasons I have set out, attracts very significant weight against the proposed development.
- There would be some harm to the amenity of local residents, but this would not be sufficient to be determinative in the appeal, especially as potential harm can be controlled to a large extent at reserved matters stage.
- Similarly the less than substantial harm to heritage assets, although important, would not be of sufficient magnitude to justify refusal of the proposal on its own, but this harm adds to the negative balance in this case.

83. As I have noted above I give significant weight to development plan policies notwithstanding that they are deemed to be out of date. There is conflict with LP Policy HOU1 and JCS Policy 8 as set out above, and also with JCS Policy 3a) to a limited degree. There would be conflict with the advice of the NPPF in relation to the impact on character and appearance and highway safety.

84. This is a finely balanced case and I do not seek to underestimate the importance of the provision of housing. However, my judgement is that the harm I have identified (especially in relation to matters of highway safety) together with the conflict with the development plan, and the NPPF in relation to highway safety, results in a level of harm which significantly and demonstrably outweighs the identified benefits.

### **Conditions**

85. I have considered whether the agreed and discussed list of conditions would address the matters which have led to my conclusion that the proposal would be unacceptable. I do not consider that that would be the case.

86. The obligations submitted pursuant to S106 of the 1990 Act provide for specific contributions and provisions to be made in the event of planning permission being granted. In light of my overall conclusion of the proposal these provisions are moot. However, for clarity, had I been minded to allow the appeal and grant planning permission I would have accepted that the measures included in the main obligation (dealing with affordable housing, education contributions etc) would meet the tests set out in the Community Infrastructure Regulations and would deal with that part of the Council's refusal. The second obligation (the Unilateral Obligation) I do not find would meet those tests. In particular I would not have found that the obligation was necessary to make the development acceptable in planning terms.

### **Conclusion**

87. For the reasons given above, and having regard to all other matters raised at the inquiry and in writing, it is my judgement that the appeal should be dismissed.

*Philip Major*

INSPECTOR

## **APPEARANCES (note – some appearances were at round table sessions)**

### **FOR THE APPELLANT:**

Ms S Davies	Counsel
She Called:	
Mr G Holliday BA(Hons) MPhil FLI	FPCR Environment & Design
Mr M Doughty Beng(Hons) CEng FICE FCIHT MAPM	Director, Richard Jackson Ltd
Mr B Pycroft BA(Hons) DipTP MRTPI	Director, Emery Planning
Mr J Woollam BSc (Hons) MCIEEM CEcol	FPCR Environmental
Miss S Watt PGDipArchaeol DipEnvPol PGCertArt Hist MCIFA	Asset Heritage Consulting
Mr G Armstrong BA MRTPI	Armstrong Rigg Planning

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr G Grant	Counsel
He called:	
Ms A Priscott BA(Hons) CMLI	Chartered Landscape Architect
Mrs S Bateman BA(Hons) DipTP MRTPI	North Northamptonshire Council
Mr W Nichols MTCP(Hons) MRTPI	Lanpro Services Ltd

### **SAVE BARTON SEAGRAVE SPINNEYS – SBSS (RULE 6 PARTY)**

Mr P Stinchcombe	King's Counsel
He Called:	
Mr J Pegg CMLI	Landscape Architect
Mr A Bradley	Local resident obo SBSS
Mrs S Raku	Local resident obo SBSS
Mr R Heaney	Local resident obo SBSS
Mr P Marsh	Local resident obo SBSS
Mrs M Stock	Local resident obo SBSS
Ms F Kennedy	Local resident obo SBSS
Mrs T Murphy	Local Councillor, resident obo SBSS
Mr J Hunter	Co-Founder SBSS
Mr C Langdon	Chartered surveyor obo SBSS

### **INTERESTED PARTIES:**

A great many local residents attended the inquiry, largely at the evening session held on 6 November. I am grateful to the members of SBSS who collated attendees. They are recorded in the document listed below.

## **DOCUMENTS SUBMITTED AT THE INQUIRY OR SUBSEQUENTLY BY AGREEMENT**

- 1 Opening statement for the Appellant
- 2 Opening statement for the Council
- 3 Opening submissions for SBSS
- 4 Appellant's response to representations of R Evans
- 5 Green Space Plan (FPCR)
- 6 Plan of nearby development areas
- 7 Dimensioned plan of house rear gardens along Barton Road
- 8 Statement from Mr M Toms
- 9 Draft S106 Agreement
- 10 CIL compliance schedule
- 11 Northamptonshire County Council Planning Obligation Framework
- 12 Draft Unilateral Undertaking
- 13 List of SBSS evening speakers with speaking notes
- 14 Letter of objection and attachments from Mrs A Pegg
- 15 List of suggested conditions
- 16 Disabled parking bay note
- 17 Closing submissions on behalf of SBSS
- 18 Closing submissions on behalf of the Council
- 19 Closing submissions and addendum on behalf of the Appellant
- 20 Signed and dated S106 Agreement received on 5 December 2025
- 21 Signed and dated Unilateral Undertaking received on 5 December 2025