



Appeal Decision

Site visit made on 21 January 2026

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 March 2026

Appeal Ref: APP/W2845/W/25/3375972

Pury Hill Business Park, Alderton Road, Paulerspury NN12 7LS

- 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 G Taylor / Pury Hill Business Park against the decision of West Northamptonshire Council.
 - The application Ref. is 2025/0285/FULL.
 - The proposed development is removal of stone cutting building and proposed padel court building and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for removal of stone cutting building and proposed padel court building and associated parking at Pury Hill Business Park, Alderton Road, Paulerspury NN12 7LS in accordance with the terms of application ref: 2025/0285/FULL and subject to the conditions listed in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by G Taylor / Pury Hill Business Park against West Northamptonshire Council and this is the subject of a separate Decision.

Main Issues

3. The main issues are whether the location of the site is suitable having regard to:
 - the spatial strategy
 - whether there are sequentially preferable sites.
 - the accessibility of the site

Reasons

4. The appeal site comprises a relatively flat area of land located on the north-eastern edge of the Pury Hill Business Park. It is mainly used for open storage but there is an existing portal framed storage building with adjoining portacabin building located in the southern part of the site. The boundaries are marked by a number of trees beyond which lies open farmland.
5. The business park covers an area of over 4 hectares and comprises of single and two storey buildings mainly of stone construction set within a series of courtyards interspersed by a number of parking areas. The buildings are mainly used as offices and ancillary uses. There are also a number of 'on-site' facilities including

café, gym, tennis court, nursery, beauty / health therapists, outdoor event and sports areas and a network of countryside walks and running tracks. The appellant has clarified that there are currently 30 tenants with a total of 600 employees.

6. The site lies within open countryside just under 1km from the village of Alderton, 2km from the village of Paulersbury and around 4km from Towcester.

Spatial strategy

7. Policies S1, S2 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (WNJCS) seek to ensure that the distribution of development generally follows the settlement hierarchy with development in the rural areas limited to that which, amongst other things, shortens journeys and facilitates access to jobs and services and strengthens rural enterprise. Policy R1 allows for development outside the settlement confines where it will enhance or maintain the vitality of rural communities or contribute to and improve the local economy.
8. Policy INF2 of the South Northamptonshire Part 2 Local Plan (2011-2029) (2020) (SNLP2) which relates to community facilities, seeks, amongst other things, to direct them towards settlements; it also states in relation to new recreational facilities in open countryside, that these will only be permitted where of appropriate scale to the locality, are appropriately located and designed and they are or can be made accessible by public transport, walking and cycling to the community they are intended to serve.
9. Whilst originally it was proposed that the padel courts would be made available for public use by the wider community, during the course of the determination of the application, the appellant confirmed that their use would be restricted to those working at and the tenants of the business park. The appellant referred to conditions imposed on the planning permissions for the gym and café and clarified that a similar condition would be acceptable. Given the large size of the existing business park, it seems to me that it would be reasonable to consider the existing tenants and employees as the 'community' in the context of SNLP2 Policy INF2. Therefore, the facility would be readily accessible to the 'community' it is intended to serve.
10. In terms of scale, the proposed 2 padel courts would not seem excessive given the size of the business park, the number of employees present and having regard to the range of ancillary facilities currently on site. The building would be sited within the established park area, occupying a location where it would, in part, replace an existing building and would not appear out of scale with other buildings nearby nor in the context of the wider countryside beyond. Its design of brick and stone elevations, with some timber boarding, would match that of the existing buildings and would be entirely appropriate in this countryside location. Thus, the other criteria of Policy INF2 would be satisfied.
11. Overall, I find that the proposal would comply with the spatial strategy as set out within WNJCS Policies S1 and S2 and SNLP2 Policy INF2.

Sequential test

12. SNLP2 Policy INF2 implies that in principle such uses can be acceptable in the open countryside subject to the criteria set out. As set out above, I have found that the proposal would comply with this policy.

13. Whilst paragraph 91 of the National Planning Policy Framework (the Framework) states that a sequential test should be applied to planning applications for main town centre uses, Framework paragraph 93 states that this sequential approach should not be applied to applications for small scale offices or “*other small-scale rural development*”. Neither the Framework nor the Planning Practice Guidance (NPPG) define ‘small scale’ in this context but having regard to the nature of the proposal and its scale in the context of the established wider rural business park, it would be reasonable to do so in this instance.
14. Having regard to the above and given the intended users of the facility, the need for a sequential test would be unnecessary.

Accessibility of the site

15. As explained above, the appellant has confirmed that the facility is intended to serve only tenants / employees of the business park itself. Thus, its users would already be on site and, notwithstanding that it would include parking provision, the users would nevertheless be within walking distance of the facility. It would thus be highly accessible to its users and the community it is intended to serve. In these circumstances, it would comply with WNJCS Policies S1, S2 and C2 and SNLP2 Policy INF2. It would also satisfy paragraphs 109-111 of the Framework which seek to promote sustainable transport, in particular walking and cycling, and support an appropriate mix of uses to minimise the number and length of journeys.

Overall conclusion

16. Having regard to the above, I find that, subject to the imposition of an appropriate condition, the proposal would be acceptable in this location.

Conditions

17. As noted above, there is a need for a condition to restrict the users of the proposed development to those on the business park. This is necessary as the site is not well located to serve the wider community due to its distance from and lack of sustainable means of transport to the nearest settlements. Whilst the appellant has indicated a willingness to accept such a condition, and suggested wording similar to that which has been imposed on previous permissions for on-site facilities, it must nevertheless satisfy the ‘tests’ set out in Framework paragraph 57.
18. In this regard, the Council contends that any such condition would be unenforceable, thus failing to meet one of the above tests. The Council expands on this concern by contending that it would have no practical or effective means of monitoring or enforcing such a condition though does not elaborate on this in any detail. It is also contended that any such condition would lack precision.
19. I disagree. As noted by the appellant, there are already facilities on the business park that are subject to a similar condition, including sports facilities, and I see no reason in principle why a similar condition would not be enforceable in this instance. The Council would be able to make on site ‘spot checks’ when they would be able to relatively easily check the users of the facilities. In practical terms, the appellant would still need a booking system, which the Council would be able to periodically review.

20. In addition, the site is well-contained and entry controlled by security gate thus providing additional physical controls over access to the use of the facilities. It could thus effectively operate as a self-contained use ancillary to the business park. I acknowledge that the existing sports facilities are somewhat different in that they are used by individuals whereas the proposed padel facilities would be used by teams of players. However, given the number of employees on the site and the interest shown through the survey undertaken, it seems to me that it would be a viable use and would not require nor rely on external use.
21. I have sought the comments of the parties on a slight change to the wording of the suggested condition to ensure that a booking system, recording users, is maintained and made available on request to the Council. The wording of the condition is clear and the appellant would be in no doubt that only tenants and employees of the business park could use the facilities, which could also be made clear to its users. I conclude that the suggested condition, as amended, would meet the tests.
22. I have reviewed the other conditions suggested by the Council in the light of the above Framework paragraph and re-worded some in the interests of precision. A condition to refer to the approved plans is necessary in the interests of clarity and a condition to require approval of the external materials is necessary to ensure they are appropriate to the countryside location of the appeal site. Conditions to ensure any works avoid bird nesting season and to secure a strategy to minimise impacts on protected species and biodiversity enhancements are necessary to protect and enhance biodiversity. A precautionary condition to deal with any contamination identified during construction is necessary given the previous use of the site. A condition to control any external lighting is also necessary in the interests of protecting the rural character of the area.
23. The Council also suggests a condition to restrict the use to padel courts only and no other indoor sports use. Given the nature of the proposal and that it has been in part justified having regard to the demand for the specific sports use sought, I agree that such a condition is necessary.
24. However, a condition to control hours of construction seems unnecessary given the distance from the site of the nearest residential property and that the site itself is well located away from the public road and not readily visible in the wider area.

Conclusion

25. I therefore conclude that the appeal should be allowed.

P B Jarvis

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing.no. 2418.10 (proposed location plan), drawing.no. 2418.11 (proposed site plan), drawing.no. 2418.12 (proposed floor plan), drawing.no. 2418.15 (proposed elevation plan) and drawing.no. 2418.16 (proposed elevation plan).
- 3) No development above ground shall take place until samples / details of the materials to be used in the external construction of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development hereby permitted.
- 4) All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March to August inclusive.
- 5) No development, including any demolition, and any works of site clearance, shall commence until a Reasonable Avoidance Measures Strategy (RAMS) for reptiles and amphibians has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved RAMS.
- 6) A method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to first use of the development hereby permitted and thereafter retained in accordance with the approved details.
- 7) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
- 8) There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the level of illumination, angling and cowlings of the light sources, an assessment of the impact of the lighting on any sensitive properties and the surrounding environment and the measures necessary to reduce the impact in accordance with The Institution of Lighting Professionals Guidance Note GN01/21 The Reduction of Obtrusive Light. Any lighting shall thereafter be operated and maintained in accordance with the approved details at all times.
- 9) The buildings hereby permitted shall only be used as an indoor sports facility for padel and for no other purpose falling within Class E (d) as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking, amending, or re-enacting that Order.

- 10) The padel facilities hereby permitted shall only be used by tenants and employees of the Pury Hill Business Park and shall not be made available for use by the general public nor shall their use be promoted outside the site. An up to date register of all bookings shall be kept at the premises and/or an online booking system maintained and made available for inspection by the local planning authority upon request. The register shall contain details of the names of all users and name and address of their employers within the Pury Hill Business Park.